



TRAFFICKING IN PERSONS REPORT 20TH EDITION

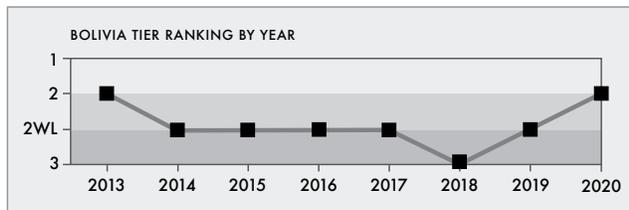


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BOLIVIA: TIER 2

The Government of Bolivia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bolivia was upgraded to Tier 2. These efforts included investigating and convicting more traffickers, identifying and referring more victims, increasing capacity building opportunities for law enforcement officials, increasing cooperation with civil society organizations, and conducting labor inspections in areas of high-risk for forced labor. However, the government did not meet the minimum standards in several key areas. It did not prosecute any traffickers, care provided to victims was inconsistent, cases involving complicit officials remained open, and for the second year in a row, it did not report identifying any victims of forced labor exploited within the country.



PRIORITIZED RECOMMENDATIONS:

Prosecute and convict traffickers, including perpetrators of labor trafficking and complicit officials. • Fund and collaborate with civil society organizations to provide specialized services and to increase the availability of services nationwide. • Identify victims of forced labor and criminality and refer them to services. • Expand training of officials on the use of established protocols for the proactive identification of trafficking victims among vulnerable populations and for the referral of victims to care services. • Improve interagency coordination, including data sharing and data collection of all anti-trafficking efforts, distinguishing human trafficking from other crimes. • Screen displaced Venezuelan migrants for trafficking indicators, including individuals in commercial sex and those working in high-risk sectors. • Direct Ministry of Health staff to screen vulnerable populations for trafficking indicators when conducting medical screenings. • Provide interpreters to assist law enforcement officials in the investigation of child sex tourism cases in popular tourist locations.

- Adopt a database to monitor and disaggregate trafficking cases nationwide.
- Increase the time law enforcement officials serve in anti-trafficking units to preserve institutional knowledge.
- Amend the anti-trafficking law to ensure that a demonstration of force, fraud, or coercion is not required to constitute a child sex trafficking offense.
- Expedite the issuance of humanitarian visas for victims of trafficking.
- Increase awareness of “Triple Seal” certification among businesses to reduce the demand for forced labor.
- Train officials on the difference between human smuggling and human trafficking.

PROSECUTION

The government increased overall law enforcement efforts but did not prosecute any traffickers in 2019. Law 263 of 2012—the Comprehensive Law against Trafficking and Smuggling of Persons—criminalized sex trafficking and labor 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 eight 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. In addition, Article 321 of Law 2033, which criminalized pimping using force, fraud, or coercion, was used to prosecute sex trafficking crimes. The law prescribed significantly lower penalties of three to seven years’ imprisonment for adults, and four to 10 years’ imprisonment for offenses involving children. 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 reported investigating 393 cases of trafficking, involving 422 victims, but did not indicate how many of those cases led to prosecutions in 2019, compared with the prosecution of 55 trafficking cases, including nine for pimping in 2018. Authorities did not specify how many of these cases were labor or sex trafficking, and these cases likely included other crimes not considered trafficking under international law. Authorities convicted five sex traffickers in 2019, compared with two in 2018. While authorities charged all traffickers with trafficking crimes, four pled guilty to lesser offenses and only one trafficker was convicted under the anti-trafficking law, receiving a punishment of 18 years in prison. The other four traffickers received sentences ranging from eight months to three years’ imprisonment. Historically, observers have noted that the vast majority of arrested suspects, including traffickers, served time in pre-trial detention without ever receiving a final sentence and often avoiding justice by paying bribes to corrupt officials to avoid prosecution. General backlogs in the judiciary, insufficient resources and personnel, and poor training of law enforcement officials impeded law enforcement efforts. Observers reported each prosecutor was responsible for 800 to 1,000 cases, leading to a slow administration of justice. In November, a transitional government was appointed, and some judicial reforms were immediately adopted; however, it was unclear if these provisions changed any of the observations noted. Corruption and official complicity in trafficking crimes

remained significant concerns, inhibiting law enforcement action during the year. The government did not report investigating, prosecuting, or convicting any new cases of official complicity. In the notable 2016 case involving sex trafficking allegations and official complicity at two popular nightclubs, authorities either postponed or adjourned multiple hearings during 2019; however, civil society contacts expressed confidence that authorities would make progress in the case in the coming year.

In January, the Ministry of Justice (MOJ) trained 350 officials from the judicial sector, including judges and prosecutors, on specialized techniques to investigate and prosecute trafficking crimes. Separately, authorities trained law enforcement officials, including highway patrol, community police, rural and border police, the special force against violence, and transit police on victim identification, investigative techniques, and to recognize the difference between human trafficking crimes and migrant smuggling. The La Paz police department's anti-trafficking unit maintained 18 police investigators and other departments' anti-trafficking units allotted three to five investigators. Police officials rotated into new positions every three months to one year, resulting in a cyclical loss of institutional knowledge and impeding specialization in trafficking crimes. The Ministry of Labor (MOL) provided basic training to newly hired labor inspectors on child labor, including indicators of forced labor. In 2019, authorities reported labor inspectors conducted 145 inspections in areas of high-risk for forced labor, including the Amazon region, areas in the northern Santa Cruz Department, and the Chaco, compared with zero inspections specifically for trafficking in 2018. Officials did not report the outcome of those inspections. In June, authorities signed a bilateral cooperation agreement with Paraguay to increase cooperation in cases of trafficking. Civil society organizations indicated that government authorities coordinated with the governments of Paraguay and Peru on cases involving victims from those countries.

PROTECTION

The government increased protection efforts. Authorities reported identifying 422 victims (compared with 15 in 2018), of which 289 were female, 113 were male, and 20 unknown; 250 were underage, 121 were adults, and 51 unknown. Separately, the Office of the Ombudsman identified and referred 63 victims, including 44 from La Paz department, to shelters around the country (compared with 15 referred to shelters in 2018). Authorities did not indicate why there was such a significant increase in the number of victims identified; however, given Bolivia's overlapping legal framework and understanding of human trafficking and related crimes, it was possible that these cases included individuals who were subjected to other offenses often confused with human trafficking, such as child pornography, general labor exploitation, sexual abuse, and migrant smuggling. Authorities used the newly adopted victim identification handbook for law enforcement and the victim identification referral mechanism. In 2019, the national police organized eight training sessions reaching more than 400 police officers from around the country on the use of the police victim identification manual (compared with 74 in 2018). The Ministry of Health continued to administer periodic medical tests to individuals in commercial sex, but it did not screen for trafficking indicators. In August, authorities trained 35 health officials on trafficking indicators. The MOL employed 14 labor inspectors charged explicitly with investigating cases of child labor and forced labor and an additional 102 labor inspectors, who had the authority to investigate potential forced labor cases. In 2019, authorities conducted 145 inspections in areas with a high prevalence of trafficking but did not report identifying any victims.

Authorities used a referral mechanism to route victims to care; however, due to the small number of shelters available, police

were often unable to secure safe accommodation for trafficking victims. While the government provided in-kind support and relied on private organizations, faith-based groups, foreign donors, and NGOs to fund and provide victim services, in some cases police officers gave victims money for hotel rooms for the night in the hope that victims could seek greater support from local government authorities or get back in touch with family members. The government did not provide specialized shelters for victims; however, six out of nine department governments had multi-use shelters for victims of domestic violence that accepted female trafficking victims, each reportedly underfunded. The government did not provide any specialized services to adult male victims but could provide basic assistance at migrant shelters. Authorities referred underage male trafficking victims to NGOs, private shelters, and religious organizations for assistance.

Foreign victims who assisted in the case against their traffickers could receive a humanitarian visa, but the process often took years and victims were unable to work during that time. While authorities did not report how many victims of trafficking received humanitarian visas, NGOs reported authorities treated foreign victims of trafficking fairly, following legal standards, and that government officials worked with their foreign counterparts to facilitate repatriation in a timely fashion when victims sought that remedy. The government had a protocol for the repatriation of victims identified abroad, and in 2019, authorities provided consular assistance, repatriation, and protection services for 22 victims, compared with 20 in 2018. Of those identified abroad, 13 were female, nine were male; 18 were victims of forced labor, and four unknown. The government allowed the use of Gesell chambers in every department (compared to seven out of nine departments in 2018), and in lieu of testifying in person, victims could provide recorded testimony or submit a written statement to the court. The government did not report using these provisions to encourage victims to cooperate in the case against their traffickers. Under Bolivian law, victims and their prosecutors could request restitution for damages from the sentencing judge. When victims did not participate in the case against their traffickers, they or their prosecutors could still file restitution claims within three months of sentencing. The government did not report whether any victim or prosecutor sought restitution in trafficking cases.

PREVENTION

The government maintained prevention efforts. The Plurinational Council against Human Trafficking and Smuggling, chaired by the MOJ, was the entity responsible for coordinating anti-trafficking efforts at the national level. Two sub-ministerial units were responsible for coordinating anti-trafficking efforts at the technical level. Observers noted a lack of interagency coordination, in part due to overlapping mandates. In 2019, authorities used the 2016-2020 national action plan and began a needs assessment for the development of the 2021-2025 national action plan. In 2018, the government, jointly with an international organization, began the development of a database to consolidate trafficking cases. Authorities did not report if any progress was made in 2019. Under the transitional government, civil society organizations noted increased cooperation with government officials on trafficking issues.

In previous years, traffickers exploited the absence of a national registry of employment agencies to establish or abuse existing informal temporary employment agencies, through which they identified and recruited potential victims. In 2018, the government adopted a federal registry requiring all employment agencies to register and provide the MOL all recruitment and job placement records. During the reporting period, the MOL reviewed 42 applications, granted five permits, and denied 37 requests. While not all applications were denied due to trafficking concerns,

authorities reported that one of the main considerations when making a final decision for approval was limiting employment opportunities that increased vulnerability to trafficking.

pattern of exploitation in which older trafficking victims became recruiters of younger victims.

Authorities conducted numerous awareness-raising campaigns during the year. The Human Rights Ombudsman's Office launched an awareness campaign focused on educating students nationwide on trafficking; it conducted seminars, workshops, and held discussion groups in five cities, including in El Alto where there are vulnerable communities and a high prevalence of trafficking. In addition, it trained 40 percent of its staff on trafficking prevention, and facilitated 21 awareness workshops for drivers and bus terminal employees, reaching more than 9,600 individuals. The national police organized a march for World Day Against Trafficking raising awareness in four departments around the country where 27,000 students participated. In addition, it conducted courses on trafficking awareness targeting students, parents, school administrators, and teachers. However, officials did not report how many people they reached. The MOJ and the MOL also conducted campaigns reaching 3,000 students around the La Paz department and 588 university students around the country, respectively. One of the sub-ministerial entities charged with combating trafficking conducted mandatory training for 5,000 small-business operators that sought to participate in a month-long public cultural fair. The government did not make efforts to reduce the demand for commercial sex acts. 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. Officials did not report how many new companies obtained the seal in 2019. In 2019, civil society organizations noted an increase in child sex tourism near tourist areas of the La Paz and Beni Departments. Despite the concerns and willingness of the tourism police to investigate, authorities were allegedly limited in their ability to do so given language barriers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Bolivia. Traffickers exploit Bolivian men, women, and children in sex trafficking and forced labor within the country and abroad. To a more limited extent, traffickers exploited women from neighboring countries, including Brazil, Colombia, and Paraguay, in sex trafficking in Bolivia. Traffickers exploited an increased number of Venezuelan victims in sex trafficking and forced labor within the country. Traffickers subject some migrants from Africa, Chile, and the Caribbean traveling to or through Bolivia to sex trafficking and forced labor. Traffickers exploited children in sex tourism in the departments of La Paz and Beni, openly advertising to tourists speaking Hebrew and Arabic. Rural and poor Bolivians, most of whom are indigenous, and LGBTI youth are particularly at risk for sex and labor trafficking. Bolivian women and girls are exploited in sex trafficking within Bolivia and neighboring countries such as Argentina, Brazil, Chile, Panama, and Peru. Within the country, traffickers exploit Bolivian men, women, and children in forced labor in domestic work, mining, ranching, and agriculture. Forced criminality continues to be a problem; media outlets report cases of children forced to commit crimes, such as robbery and drug production, and others exploited in forced begging. In 2019, traffickers forced a Bolivian victim into criminality by compelling her to smuggle drugs into Malaysia. Traffickers exploit a significant number of Bolivians in forced labor in Argentina, Brazil, and Chile in sweatshops, agriculture, brick-making, domestic work, textile factories, and the informal sector. Traffickers continued to use social media as the primary recruitment tool, luring vulnerable individuals with fraudulent employment opportunities later to exploit them in forced labor or sex trafficking. Civil society organizations noted a