

BOLIVIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Bolivia is a constitutional, multiparty republic with an elected president and a bicameral legislature. In October 2020 Luis Alberto Arce Catacora, candidate for the Movement Towards Socialism party, won the presidential election with 55 percent of the vote. International electoral observation missions and domestic electoral observation organizations characterized the national elections and the subsequent subnational elections in March and April as free, fair, and transparent.

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

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

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

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 law stipulates that persons with “serious and severe” disabilities are entitled to government payments of 250 bolivianos (\$36) per month. The law requires both public and private institutions to employ a certain percentage of workers with disabilities. The government issued registration cards to persons with disabilities so they could collect benefits, including free access to health services.

The government did not effectively enforce these provisions. Architectural and infrastructure barriers prohibited access in most urban areas for individuals with physical disabilities. Official action was rarely taken to investigate, prosecute, and punish those responsible for violence against persons with disabilities.

In January the human rights ombudswoman filed a complaint with the national police authority after police used pepper spray on persons with disabilities who were protesting COVID-19 pandemic restrictions. According to the complaint, the officers prevented the delivery of blankets, clothing, water, diapers, and other items that were essential to the protesters.

Secondary schools reported that many students with disabilities stopped attending classes during the COVID-19 pandemic because they could not attend virtual classes. They either lacked internet access or their disability prevented them from following lessons on a computer.

In April the ombudswoman reported 13 universities did not comply with disability laws. More than 100 persons reported they were unable to complete their undergraduate studies because colleges failed to provide accommodations required by law.

HIV and AIDS Social Stigma

Although the law prohibits discrimination against persons with HIV or AIDS, pervasive discrimination persisted. Ministry of Health authorities reported discrimination against persons with HIV or AIDS was most severe in indigenous communities, where the government was less able to diagnose cases, either because persons were less willing to be tested or the government lacked the resources to reach individuals in remote areas.

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

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

On February 6, a 19-year-old transgender woman, Alessandra (last name withheld by authorities), was found strangled to death in the city of Cochabamba in a boarding house where she worked as a sex worker. On May 5, police reported they had arrested a suspect in the case. Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) activists in Cochabamba reported that criminal proceedings were underway. Andres Mallo, spokesman for the LGBTQI+ NGO Diverse Organization, reported that in the past five years there had been 60 criminal cases involving violence against LGBTQI+ persons but only one conviction. LGBTQI+ activists pointed to a persistent failure by local authorities to investigate killings and other crimes perpetrated against the LGBTQI+ community.

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. Nonetheless, transgender activists stated most of the transgender community was forced to turn to commercial sex to earn a living due to 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.

LGBTQI+ persons faced overt discrimination in the workplace, at school, and

when seeking to access government services, especially in health care, despite laws that prohibit discrimination based on sexual orientation and gender identity. Transgender individuals remained particularly vulnerable to abuse and violence. Older LGBTQI+ 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.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law 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 strikes and solidarity strikes and for the right of any working individual to join a union. The law protects the right to strike but stipulates that a strike may not be indefinite. According to legal experts, this stipulation was in reaction to health-care workers threatening to strike for an indefinite amount of time. As a result of the ruling, health-care workers may strike but must organize themselves in shifts to avoid putting the general population at risk.

Workers may form a union in any private company of 20 or more employees, but the law requires that at least 50 percent of the workforce be in favor. The law requires that trade unions register as legal entities, obtain prior government authorization to establish a union, and confirm its elected leadership. The law 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 citizens. The labor code prohibits most public employees from forming unions, including the military, police, and other public security forces. Some public-sector workers (including teachers, transportation workers, and health-care workers) were legally unionized and actively participated without penalty as members of the Bolivian Workers' Confederation, the country's chief trade union federation.

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

The ineffectiveness of labor courts and the lengthy time to resolve cases and complaints limited freedom of association. Moreover, the 20-worker threshold for forming a union proved an onerous restriction, since an estimated 72 percent of enterprises had fewer than 20 employees.

On July 11, the Departmental Federation of Oil Workers of Santa Cruz brought a freedom of association complaint to the International Labor Organization (ILO). The ILO did not make further details on the case publicly available.

Labor inspectors may attend union meetings and monitor union activities. Collective bargaining and voluntary direct negotiations between employers and workers without government participation were common. Most collective bargaining agreements were restricted to addressing wages.

On September 22, Armin Lluta, a vocal government critic and the leader of the coca growers' union known as Adecococa, disappeared and was found the next day, bloody and beaten but alive on the side of a road. During his disappearance a rival coca growers leader, Arnold Alanez, took over the union's facilities with public support from Minister of Government Eduardo del Castillo and Minister of Rural Development Remmy Gonzalez, although the government lacked an official role in

the union's organization, as experts noted. Lluta publicly held the government responsible for his ordeal.

b. Prohibition of Forced or Compulsory Labor

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

Men, women, and children were victims of sex trafficking and forced labor in domestic servitude, mining, ranching, and agriculture. Forced criminality continued to be a problem; media outlets reported cases of children forced to commit crimes such as robbery and drug production, and others were exploited in forced begging. 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 the worst forms of child labor. Ministry of Labor inspectors were responsible for identifying situations of child labor and human trafficking for the purposes of forced child labor. When inspectors suspected such situations, they referred the cases to the municipal offices of the child and adolescent advocate for further investigation in coordination with the Public Prosecutor's Office. The law states that work should not interfere with a child's right to education and should not be dangerous or unhealthy. By law dangerous and unhealthy work includes work in sugarcane and Brazil nut harvesting, mining, brickmaking, hospital cleaning, selling alcoholic beverages, and working after 10 p.m., among other conditions.

The Ministry of Labor is responsible for authorizing work activity for adolescents older than 14 who work for a third-party employer. The ministry is responsible for identifying such cases through inspections and referring them to the offices of the child and adolescent advocates.

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 municipal offices of the child and adolescent advocate must answer a request for an underage work permit within 72 hours. Reports indicated that up to 15 percent of municipalities lacked an Office of the Child Advocate, and many more were reported to lack sufficient resources and the capacity to perform their mandate and raise awareness of children's rights and parents' obligations under the law.

The government did not effectively enforce the law, and penalties were not commensurate with those for analogous crimes, such as kidnapping. In 2020 the country made moderate advancement in efforts to eliminate the worst forms of child labor. The number of inspectors was insufficient to deter violations, although Labor Ministry officials stated inspectors conducted investigations throughout the year and referred cases for prosecution. Ministry officials did not have statistics on the number of children they had removed from hazardous situations, nor did they provide detailed information on the penalties for violation of child labor laws or the effectiveness of such penalties.

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 were subjected 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.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor*

at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation based on race, sex, gender, disability, religion, political opinion, national origin or citizenship, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. Penalties were not commensurate with analogous laws related to civil rights, such as election interference. The government did not effectively enforce the law in all sectors, and discrimination with respect to employment and occupation occurred. Women in governmental positions and female politicians faced high levels of political violence and harassment, according to Coordinadora de la Mujer, a network of domestic nonprofit organizations that advocated for women's rights. Civil society leaders reported credible instances of employment discrimination against indigenous peoples, women, Afro-Bolivians, persons with disabilities, and members of the LGBTQI+ community. By law employers found using discriminatory practices must offer restitution to affected employees, but no cases were reported.

Formal-sector labor laws provide women with maternity benefits, breastfeeding hours, permission to work fewer hours, and more holidays than their male counterparts. Critics contended these gender-based laws encouraged companies to give preference to men in hiring.

While the minimum wage law treats men and women equally, women generally earned less than men for equal work. Antidiscrimination laws were not uniformly or effectively implemented to protect women from harassment and political violence (see also section 3, Participation of Women and Members of Minority Groups). The law stipulates the official workweek for women is eight hours shorter than it is for men, prohibits women from working at night (with exceptions), and prohibits women from performing tasks that are “dangerous, unhealthy, heavy, or that harm their morals or good customs.” Low-wage workers engaged in domestic service were predominantly women. Approximately 40 percent of them received a salary below the national minimum wage and worked without a contract, health insurance, or other relevant benefits. A July 2020 report

by UN Women highlighted the increased vulnerability of domestic workers due to the COVID-19 pandemic, both in terms of economic vulnerability from quarantine measures and wage loss, and to health vulnerabilities if they commuted to work.

e. Acceptable Conditions of Work

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

The law mandates rest periods and requires premium pay for work beyond a standard workweek. For men the official workweek is 48 hours, and the workday is eight hours. For women the law sets a 40-hour workweek and prohibits women from working at night. The law stipulates a minimum of 15 days of annual leave. Penalties for violating wage and hour laws were not commensurate with those for similar crimes such as fraud. The Ministry of Labor is responsible for enforcement of wage and hour laws. The law mandates that the standards apply uniformly to all industries and sectors. Inspectors have the authority to make unannounced inspections and may initiate sanctions. The government did not effectively enforce the law.

Occupational Safety and Health: The Ministry of Labor's Bureau of Occupational Safety has responsibility for the protection of workers' health and safety, but penalties for violations of occupational safety and health (OSH) laws were not commensurate with those for similar crimes such as negligence. The law mandates that the standards apply uniformly to all industries and sectors. Inspections for OSH were conducted by the same inspectors under the same authorities as wage and hour laws. The number of inspectors was insufficient to provide effective workplace inspection.

A national tripartite committee of business, labor, and government representatives was responsible for monitoring and improving OSH standards and enforcement. The Ministry of Labor maintained offices for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions, but it was unclear if the offices were effective in regulating working conditions.

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

Informal Sector: 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 constituted approximately 65 to 75 percent of the economy. These experts claimed labor regulations meant to protect employees in effect promoted the large informal sector, because the regulations reportedly resulted in employers not hiring full-time employees due to the higher costs their employment entailed.

Civil society leaders and media reported Chinese companies employed workers in substandard conditions. NGOs documented the growing role of Chinese companies, which expanded their presence in the mining, hydrocarbon, and infrastructure sectors since 2010. There were also allegations that Chinese companies brought in prisoners from China to work in exchange for their eventual freedom.

On September 7, a total of 250 employees of the China State Construction Engineering Corporation working on the San Jose de Chiquitos-San Ignacio de Velasco road project went on strike because they alleged the company abused many of their rights. The strikers claimed the company failed to provide adequate medical attention and overtime and transportation pay, as required by law. Strikers also protested “deplorable” housing conditions at construction sites. They alleged the company crammed employees into small, tin facilities that were hot and lacked ventilation. Those who lived offsite claimed they were ferried to the campsite in crammed trucks, “worse than animals.” Conditions described by the workers could amount to forced labor.