

BOLIVIA

EXECUTIVE SUMMARY

Bolivia is a constitutional, multiparty republic. In December 2009, in a process deemed free and fair by international observers, citizens reelected Evo Morales Ayma, leader of the Movement toward Socialism (MAS) party, as president. Security forces reported to civilian authorities.

The principal human rights problems reported were arbitrary or unlawful deprivation of life, arbitrary arrest or detention, and denial of fair public trial.

Other human rights problems included harsh prison conditions, official corruption, lack of government transparency, violence and discrimination against women, and trafficking in persons.

The government took steps in some cases to prosecute officials who committed abuses, whether in the security services or elsewhere in the government.

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

a. Arbitrary or Unlawful Deprivation of Life

There was one report that the government or its agents committed arbitrary or unlawful killings during the year. On February 11, Sublieutenant Grover Poma Guanto died two days after being beaten at the Condores of Bolivia School in Sanandita. Sublieutenants Jorge Castro Urena, Rudy Gerardo Flores Herrera, Franz Eduardo Garcia, and Roberto Royá Velasquez were charged with the killing. Initially the case was heard by military courts, but it was transferred to the ordinary justice system for trial. The military courts appealed to the constitutional tribunal to maintain jurisdiction, but the case had not been heard by year's end.

In the May 2010 case of Bolivian National Police (BNP) officers who allegedly killed two youths and injured 29 in the La Paz departmental town of Caranavi, the Prosecutor's Office presented charges against five officers: Colonel Roberto Torrez, Colonel Carlos Saravia, Commander Julio Cruz, Commander Americo Romero, and Commander Rolando Ramos. The lawyer for the victims, Jorge Quiroz, attempted to charge an additional eight officers in the case; he complained that, while the cases against the protesters were moving swiftly, the charges against the police were progressing very slowly and continued under investigation. After

Quiroz accepted the case, the government charged him with defamation after raising other potential charges (pimping and drug trafficking) in 2010.

The May 2010 case involving community members who captured and then reportedly tortured and executed four police officers in the town of Uncia, Potosi Department, was moved to the city of Potosi for trial. Five suspects were accused of the killing, although at year's end only three had been arrested. The investigation phase of the case was completed.

In connection with the July 2010 case in which El Alto resident David Olorio Apaza was allegedly tortured and killed while in BNP custody, police lieutenants Ronald Saravia and Cristian Vargas were being held in preventive detention. The case was under investigation at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

In the February 2010 case in which the Armed Forces commander in chief denied a civilian investigator access to archived reports of approximately 150 persons "disappeared" during the 1970s and 1980s, the Supreme Court ordered the documents declassified in April 2010. By year's end they had not been released.

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

The constitution and laws prohibit such practices, but there was one report that government officials employed them during the year.

On August 5, Jose Cantoral and three other Peruvians were arrested on terrorism charges. Cantoral was held in detention for 22 days without due process or access to a lawyer while the government determined his refugee status. The three others were extradited to Peru. According to the country's Permanent Assembly of Human Rights and the UN high commissioner for refugees, Cantoral was subjected to psychological and physical torture. On December 6, he was released from house arrest while the investigation continued.

The March 2010 case in which six police officers of the Special Tactical Crime Investigation Group in Cochabamba reportedly tortured a Colombian citizen was closed without a trial, and the charges dropped in January.

In the April 2010 case of Justo Romero Limon, who alleged he was tortured for four hours by persons who he claimed were BNP members, the Prosecutor's Office was unable to identify the police officers allegedly involved, and at year's end the case remained open.

Prison and Detention Center Conditions

Prison conditions were harsh. Prisons and detention centers were overcrowded and in poor condition. There were 9,130 inmates in facilities designed to hold 4,700. Pretrial detainees were often held in the same areas as convicted criminals. Corruption was a problem among low-ranking and poorly paid guards and prison wardens. Prisoners had access to potable water, but the standard prison diet was insufficient, and prisoners who could afford to do so supplemented rations by buying food. The law provides that prisoners have access to medical care, but care was inadequate, and it was difficult for prisoners to obtain permission for outside medical treatment. A prisoner's wealth often determined cell size, visiting privileges, day-pass eligibility, and place and length of confinement.

Violence among prisoners remained a problem. According to the Therapy and Research Institute, there were many claims of abuse within detention centers before arrestees were sent to prisons. According to the ombudsman, in some prisons inmates were forced to pay other inmates a "life insurance" fee of 3,500 to 10,500 bolivianos (approximately \$500 to \$1,500). Until they paid this fee, they were often beaten and tortured by other inmates.

There were separate prisons for women, except for Morros Blancos Prison in Tarija, where men and women shared facilities. Sleeping quarters were segregated, but the population mingled daily. Conditions for female inmates were similar to those for men; however, overcrowding at the San Sebastian women's prison in Cochabamba was worse than in most prisons for men.

According to Ministry of Government officials, 1,000 convicted juveniles (ages 16 to 21) were not segregated from adult prisoners in jails. Adult inmates reportedly abused juvenile prisoners. Four convicted female juveniles were serving their sentences in the Center for Women's Therapy Counseling, a women's shelter in La Paz, partially segregated from the abuse victims. Rehabilitation programs for juveniles or other prisoners were scarce. Pretrial detainees were held with convicted prisoners.

Although the law permits children up to the age of six to live with an incarcerated parent, children as old as 12 lived with their parents in prisons. According to the human rights ombudsman, 1,487 children lived with a parent in prison, usually their mother. The number sometimes doubled during school vacations.

Prison detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners to submit complaints periodically to a commission of district judges to investigate. However, inmates frequently did not submit complaints of abuses because they feared retaliation by prison authorities.

The government generally permitted prison visits by independent nongovernmental observers, judges, and media representatives, and such visits took place during the year.

On February 22, a prison for juveniles designed to hold up to 150 detainees was opened with financing from a foreign nongovernmental organization (NGO).

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but in some cases security forces seized and held individuals under legally questionable circumstances.

On September 7, former Central Bank president (1995-2006) Juan Antonio Morales was arrested for illicit enrichment based on bonuses that he received and provided to bank employees in 1995-97. The practice was legal at the time, and bonuses were considered part of employees' salaries. The case was widely criticized as politically motivated. Morales was released to house arrest, and the case remained under investigation at year's end.

The case of former president of the Chamber of Industry and Commerce Eduardo Paz, arrested in 2010 without a warrant for alleged connection to terrorism, was closed early in the year and charges were dropped.

Jorge Melgar Quete, leader of the National Revolutionary Movement (MNR) party, remained in detention awaiting trial after his 2008 arrest for publicly calling for the "liquidation" of President Morales. On June 23, the court denied Melgar's request for release from preventive custody.

Role of the Police and Security Apparatus

The national police have primary responsibility in law and in practice for law enforcement and maintenance of order within the country, but military forces may be called to help in critical situations. The police report to the Ministry of Government. The government has mechanisms to investigate and punish abuse and corruption. There were no reports of impunity.

Arrest Procedures and Treatment While in Detention

The law requires an arrest warrant, and police must inform the prosecutor of an arrest within eight hours. The law requires that a detainee see a judge within 24 hours (except under a declared state of siege, in 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 must order the detainee's release if the prosecutor fails to show sufficient grounds for arrest. Credible reports indicated that in some cases detainees were held for more than 24 hours without court approval.

Pretrial Detention: Judges have the authority to order preventive detention for suspects deemed a flight risk. If a suspect is not detained, a judge may order significant restrictions on the suspect's movements. Detainees generally had prompt access to their families and were allowed access to lawyers, but approximately 70 percent could not afford legal counsel, and public defenders were scarce and overburdened. Suspects were not detained incommunicado.

Denial of justice due to prolonged detention remained a problem. Although the law establishes that neither the investigatory phase nor the trial phase of a case can exceed 36 months combined, the NGO Construir estimated that in general 75 percent of suspects were held in preventive detention longer than the legal limits. If the investigatory process is not completed in 18 months, the detainee may request release by a judge. However, judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures kept some persons detained for more than 18 months before trial. According to Construir, more than 80 percent of detainees were awaiting sentencing. Courts provided release on bail for some detainees.

Children from 11 to 16 years of age may be detained indefinitely in children's centers for known or suspected offenses or for their protection on the orders of a social worker. There is no judicial review of such orders.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary was widely considered corrupt, overburdened, and weakened by vacancies at its highest levels. Authorities generally respected court orders, although charges were sometimes levied against judges to pressure them to change their verdicts.

Trial Procedures

The constitution and law provide for the right to a fair trial. Defendants enjoy the right to presumption of innocence and to trial by jury. They also have the right to consult an attorney, confront witnesses against them, present witnesses and evidence, access government-held evidence, and file an appeal. Defendants who cannot afford an attorney have the right to a public defender or private attorney at public expense.

There was at least one abuse during the year. On September 18, the detention of former Pando governor Leopoldo Fernandez of the Democratic and Social Power (PODEMOS) party on charges of assault and homicide exceeded the three year limit on detention without a conviction. By law authorities should have released him from prison while awaiting trial, but he was kept in prison on new, separate charges of corruption. On February 25, Fernandez was transferred from the San Pedro prison to the maximum-security Chonchocoro prison without a conviction. He was returned to San Pedro prison on September 28. Because the trial was moved to a different jurisdiction, his lawyers claimed there was an additional human rights violation, since a case must be tried in either the region of the supposed violation or the Supreme Court. The trial began in June 2010, but as of year's end fewer than 20 of the 500 witnesses in the case had testified.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees. However, opposition members alleged that charges against some elected officials were politically motivated. On December 18, the UN expressed concern about the growing number of judicial cases against political figures, particularly those in the opposition.

On December 19, an arrest warrant was issued for Santa Cruz governor Ruben Costas of the Truth and Social Democracy (VERDES) party for contempt of court, but the charges were later suspended. On December 16, PODEMOS party Beni governor Ernesto Suarez was suspended from office due to charges of corruption.

On February 17, former Pailon mayor Marlene Jaldin Padilla of the MNR party was jailed on money laundering and other charges, and on July 20, former Cotoca mayor Estanislao Arauz of the regional Citizen Association “Tiluchi” party was jailed on corruption charges. In November 2010 former Sucre mayor Jaime Barron from the Social Integration Pact (PAIS) party was jailed for harassing farmers and later placed under house arrest.

Since 2010 at least 30 elected officials were accused of crimes, an action that by law obliges representatives to step down from their positions during the investigation. These persons received the same protection as other detainees and had the same access to humanitarian organizations.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters. The law provides for criminal remedies for human rights violations. At the conclusion of a criminal trial, the complainant can initiate a civil trial to seek damages. The ombudsman for human rights can issue administrative resolutions on specific human rights cases, which the government may enforce.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions.

In the case of raids by authorities on the homes of the lawyers for the victims of the May 2010 alleged police killings in Caranavi (see section 1.a.), the Ministry of Government claimed contempt of court by the lawyers. The lawyers declared themselves victims of persecution, and an investigation continued at year’s end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The law provides for freedom of speech and press. Although the government generally respected these rights, it initiated some restrictions on press freedom. There were also some instances of violence or harassment.

Freedom of Press: The law provides for freedom of the press. Although the government generally respected this right, it maintained an antagonistic relationship with the press.

The July 4 electoral law introduced restrictions on publicizing information about candidates in the October 16 judicial elections. The regulations prohibited candidates from campaigning and restricted the press from reporting unauthorized coverage of, or support for, individual candidates. Several main media organizations criticized the restrictions, stating they violated “the constitution that provides for freedom of expression, opinion, and information of both journalists and ordinary citizens.”

The August 8 Telecommunications Law calls for the redistribution of broadcasting licenses and provides the government with 33 percent of them. The Bolivian Broadcasting Association complained the law would “restrict the liberty of expression” and stated it could lose 400 broadcasters to the government when their licenses expire in 2017.

Violence and Harassment: There were some reports of violence against the press and harassment by the government. On April 15, police attacked Red Uno camera operator Israel Gutierrez, Bolivision camera operator Carlos Saavedra, and *Pagina Siete* photographer Henry Ponce during a confrontation between police and a workers’ union outside La Paz. Police broke the cameras of Gutierrez and Saavedra and seized the memory cards of Ponce’s camera. Civilians attacked two other reporters. As of year’s end the government had not opened an investigation.

On July 11, the editor of *El Sol de Pando* newspaper, Wilson Garcia Merida, accused the MAS governor of Pando Department, Luis Flores Roberts, of having ordered the seizure of 2,000 copies of an issue of the newspaper to prevent the dissemination of a report alleging irregularities in the management of the regional authority (see section 4). On July 28, Ricardo Torres, legal affairs clerk of the state government, rejected the charge.

In September journalist Monica Oblitas reported receiving anonymous threatening telephone calls and e-mails since April 4, when La Paz newspaper *La Prensa* published her report about medical forensics doctor Erika Hinojosa, who allegedly produced false medical documents in exchange for money. Oblitas stated that her son had left the country due to safety concerns.

In September, during a confrontation between protesters in Beni, residents attacked Samy Schwartz, a photojournalist for several newspapers, after he took pictures of the protesters' blockade. Radio Fides reporter Cesar Tamayo suffered injuries and had his equipment destroyed when blockade participants beat him for reporting on the situation. Police were present at the time and did not defend Schwartz or the other reporters. Authorities did not investigate the incident (see section 2.b.).

Censorship or Content Restrictions: The law provides that a person found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be detained from one month to two years. The sentence is doubled for insults directed against the president, vice president, or a minister. Journalists accused of violating the constitution or law are referred to the Press Tribunal, an independent body authorized to evaluate journalists' practices and apply sanctions.

On July 18, journalist Richard Romero was detained for distributing a documentary that allegedly defamed President Morales. Romero was released after 48 hours, but the case remained open.

The October 2010 Law against Racism and All Forms of Discrimination empowers the government to shut news outlets and arrest journalists for publishing content it deems racist. No one was arrested under this law during the year.

Libel Laws/National Security: Some national and local authorities occasionally used libel laws to suppress criticism. In March journalist Mario Caro of Radio Kollasuyo in Potosi was accused of libel after making various accusations of irregularities against authorities in the Office of the Secretary of the Environment in Potosi. Investigation of the case continued at year's end.

In September Prosecutor Marcelo Soza accused VERDES party Santa Cruz governor Ruben Costas of slander after Costas made comments about him in a case. On December 19, a court issued an arrest warrant for Costas for failure to appear in court. At year's end Costas had not been arrested.

During the year the September 2010 sentence against former president Jorge "Tuto" Quiroga of the National Democratic Action (AND) party for defamation was commuted, and he did not serve time in jail.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of peaceful assembly, and authorities generally respected this right in practice. Although the law requires a permit for most demonstrations, the government rarely enforced the law, and most protesters demonstrated without obtaining permits, frequently blocking major thoroughfares and highways.

While most demonstrations were peaceful, occasionally demonstrators carried weapons, including clubs, machetes, firearms, and dynamite. Security forces (police and on occasion the military) at times dispersed protest groups carrying weapons or threatening government and private facilities.

On September 25, police forces in Yucumo, Beni, used tear gas and other methods to disband a march by indigenous leaders protesting the construction of a highway through their land. Police temporarily detained dozens of marchers, and some were injured in the incident. The government ombudsman claimed there was no justification for the “violent intervention” by police. The government announced it would investigate the intervention and asked international organizations to assist. Minister of Government Sacha Lorenti and his deputy, Marcos Farfan, were forced to resign, and Police Commander Oscar Munoz was arrested over the incident. At year’s end the ombudsman found the police used unnecessary force and committed other human rights violations. Other investigations into the incident continued at year’s end.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. However, the law prohibits travel 24 hours before elections and restricts foreign and domestic travel for up to three months as a penalty for persons who do not vote.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws provide 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.

Refugee Abuse: On August 5, Jose Cantoral, a Peruvian, was arrested on terrorism charges and held in detention for 22 days without due process or access to a lawyer while the government determined his refugee status. He was released from house arrest on December 6, although the investigation against him continued (see section 1.c.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Many citizens of voting age, particularly in rural areas, lacked the identity documents necessary to vote. A broad spectrum of

political parties and citizens' groups functioned openly. Elections for national offices and municipal governments are scheduled every five years.

Elections and Political Participation

Recent Elections: Monitoring groups from the Organization of American States, the EU, and the Carter center considered the 2009 national presidential and legislative elections peaceful, free, and fair.

The nation's first judicial elections, held on October 16, were deemed free and fair by observers from the Organization of American States and the Union of South American States. However, electoral laws prohibited media access to the candidates prior to the elections (see section 2.a.), and opposition leaders claimed the preselection of candidates by congress rendered the vote "legal but not legitimate."

Participation of Women and Minorities: Half the candidates on municipal election ballots must be women, a requirement that increased female representation to approximately 30 percent of municipal council positions. However, credible NGOs reported that women participating in politics sometimes faced challenges to running for municipal offices in the form of violence. There were 52 women among the 166 congressional deputies and senators and 10 women in the 21-member cabinet. In the October 16 judicial elections, the candidates for Supreme Court were categorized by gender to encourage equal representation in the court.

The constitution and electoral law set aside seven special indigenous districts to increase indigenous political participation in congress.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, the government did not implement the law effectively, and officials in the executive, legislative, and judicial branches of government often engaged in corrupt practices with impunity.

According to the World Bank's 2010 worldwide governance indicators, government corruption and lack of transparency remained a serious problem. A 2010 Transparency International study showed that 23 percent of citizens reported paying at least one bribe within the previous 12 months.

In April the government passed a law aimed at reducing corruption in the police force. Police corruption was a significant problem, partially due to low salaries and lack of training, although no reliable statistics existed to quantify its extent.

During the year Pando Governor Flores Roberts was accused of corruption for creating front companies. Former employee Claudia Silvana Salas reported the front companies to the police and was subsequently arrested after being charged by the Flores Roberts family for extortion. At year's end Salas was in detention, and her family reported receiving anonymous threats.

The law requires public officials to report potential personal and financial conflicts of interest. Likewise, public officials must declare their assets. Cases involving allegations of corruption against the president and vice president require congressional approval before prosecutors may initiate legal proceedings. The Ministry of Anticorruption and Transparency and the Prosecutor's Office are responsible for combating corruption.

No laws provide for access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. However, NGOs and the human rights ombudsman complained that government security forces and ministries occasionally refused to cooperate with their investigations.

Government Human Rights Bodies: The constitution establishes a human rights ombudsman with a six-year term. Congress chooses the ombudsman by a two-thirds majority vote. The ombudsman is charged with overseeing the defense and promotion of human rights, specifically defending citizens against government abuses. The ombudsman operated without party influence and with adequate resources from the government and foreign NGOs. The ombudsman issued annual reports, and the government usually accepted his recommendations.

The lower house of congress includes a permanent commission on human rights, which proposes laws and policies to promote human rights. Congressional deputies sit on the commission for one-year terms.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution explicitly prohibits discrimination based on race, gender, disability, language, or social status.

Women

Rape and Domestic Violence: Rape was a serious and underreported problem. Forcible rape of an adult is punishable by sentences ranging from four- to 10-years' imprisonment. Spousal rape is not a crime. The Santa Cruz prosecutor's office reported 700 cases of rape and trafficking in persons during the year, although none went to trial. National statistics were not available.

Violence against women was also a pervasive and underreported problem. According to the NGO Center for the Information and Development of Women (CIDEM), 70 percent of women had suffered physical, sexual, or psychological abuse during their lifetime. The center noted that such abuse was likely underreported. CIDEM also reported that 43 women were killed by their partners during the year. The Women's Federation of El Alto estimated that only one in seven victims reported abuse to the police.

Family laws prohibiting mental, physical, and sexual violence provide for fines or up to four days in jail unless the case involves a crime subject to the penal code. However, these laws were enforced irregularly. The government took few meaningful or concrete steps to combat domestic violence.

In 2010 police registered 56,143 cases of family violence in which the vast majority of victims were women. The police Family Protection Brigade is responsible for combating domestic abuse but lacked financial and structural support and personnel to pursue all reported cases. In November the government and private organizations launched a public awareness campaign focused on violence against women.

Sexual Harassment: The law considers sexual harassment a civil offense. There were no statistics on the incidence of sexual harassment, but it generally was acknowledged to be widespread.

Reproductive Rights: The government recognizes the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of

their children. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Health and Sports. According to the 2008 *Demographic and Health Survey*, the maternal mortality rate was estimated to be 310 per 100,000 live births and the reported contraceptive prevalence rate among married women was 34.6 percent. However, only 24 percent of the women surveyed reported they were using modern contraceptive methods.

The 2008 survey reported that 90 and 71 percent of women received prenatal care and services of skilled birth attendants, respectively, and that 85 percent of mothers and infants received postnatal care. Improvement in these indicators was attributed to the Health Ministry's policy of providing conditional cash transfers to women who register at a health center and return for their prenatal visits, delivery, and postpartum care. Legal services offices devoted to family and women's rights operated throughout the country. The Maternal and Infant Health Insurance Program provided health services to women of reproductive age and to children under age five.

Discrimination: Women are entitled to the same legal rights as men, but many women were unaware of their rights. Women generally did not enjoy a social status equal to that of men. Traditional prejudices and social conditions remained obstacles to advancement. The minimum wage law treats men and women equally; however, women generally earned less than men for equal work. Women sometimes complained that employers were reluctant to hire them because of the additional costs (mainly maternity leave) in a woman's benefits package. The gender gap in hiring appeared widest for positions requiring a higher education. Most women in urban areas worked in the informal economy and the services and trade sectors, including domestic service and microbusiness, whereas in rural areas the majority of economically active women worked in agriculture. Young girls often left school early to work at home or in the informal economy. According to the armed forces, the percentage of women entering the military had increased from 0.4 percent to 3 percent in the previous six years.

Children

Birth Registration: Citizenship is derived both through birth within the country's territory (unless on diplomatic status) and from one's Bolivian parent(s). Birth certificates are registered either by a notary's affirmation of the certificate or through testimony of two adults regarding a child's parentage. Registered birth certificates are necessary to obtain national identification cards.

Child Abuse: Sexual crimes against minors are automatically considered crimes. The law criminalizes statutory rape, with prison terms of 15 to 20 years for the rape of a child under the age of 14. In cases involving consensual sex with an adolescent who is 14 to 18 years of age, the penalty is two to six years' imprisonment. According to the human rights ombudsman, during the year seven of 10 children were physically or psychologically abused in their homes or at school. Corporal punishment and verbal abuse were common in schools.

Child Marriage: According to the Population Reference Bureau, 26 percent of women of the ages 20 to 24 were married by age 18. There is no minimum age of consent.

Sexual Exploitation of Children: Commercial sexual exploitation of children, including child prostitution, was a problem, particularly in the Chapare region and in urban areas, including Santa Cruz, La Paz, El Alto, and Cochabamba. Several NGOs had active programs to combat child prostitution. According to the human rights ombudsman, many children living in the streets were exploited sexually.

The law criminalizes the commercial sexual exploitation of children with penalties between 10 and 15 years in prison. The penalty for child pornography involving children under 14 years of age is three to six years in prison. The International Organization for Migration estimated that there were 2,000 girls involved in prostitution.

Displaced Children: According to the human rights ombudsman, 6,000 children lived in the streets of major cities, and 1,487 lived with their parents in prison.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community numbered approximately 650 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. The law requires wheelchair access to all public and private buildings, duty-free import of orthopedic devices, a 50 percent reduction in public transportation fares for persons with disabilities, and expanded teaching of sign language and Braille. However, the government did not effectively enforce these provisions. In addition societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society.

The National Committee for Persons with Disabilities is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

There were some instances of racial discrimination by police. According to the Public Ministry, during the year there were 139 registered cases of discrimination or racism, mostly in the provision of health and education services (other government sectors did not report). Of these cases, 18 percent involved verbal abuse, 15 percent were based on indigenous character or culture, and 10.8 percent involved sexual discrimination against women. None of the allegations resulted in more than administrative punishment.

Indigenous People

In the 2001 census, approximately 62 percent of the population over the age of 15 identified themselves as indigenous, primarily from the Quechua and Aymara groups. The Inter-American Commission on Human Rights reported that 70 percent of indigenous persons lived in poverty or extreme poverty with little access to education or minimal services to support human health, such as clean drinking water and sanitation systems. The government carried out some programs to increase access to potable water and sanitation in rural areas where indigenous people predominated. The governmental Indigenous Fund initiated support in 2010 for development projects designed to primarily benefit indigenous communities. The fund had a budget of more than 900 million bolivianos (\$129 million) but allotted only 70 million bolivianos (\$10 million) for 82 projects in the year.

Indigenous lands were not fully demarcated, and land reform remained a central political issue. Historically, some indigenous persons shared lands collectively under the “ayllu” system, which was not legally recognized during the transition to private property laws. Despite laws mandating reallocation and titling of lands, recognition and demarcation of indigenous lands were not fully accomplished.

The law states that indigenous peoples have the right to control natural resources in their territories, but indigenous people protested outside exploitation of their resources and sometimes complained that authorities did not properly consult them. In August and September indigenous leaders marched to protest the construction of a highway through indigenous lands without prior consultation required by the constitution and international conventions (see section 2.b.).

Indigenous persons were well represented in government and politics, but they bore a disproportionate share of poverty and unemployment. Government educational and health services remained unavailable to many indigenous groups living in remote areas. The government continued to try to improve individual and family situations through the delivery of cash conditional transfers and retirement payments to low-income persons and the elderly. For example, under the cash conditional transfer program, pregnant women and children under the age of two receive money if they undergo medical checkups.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation, including by police, and citizens are allowed to change their name and gender on their official identity cards. However, societal discrimination against gay, lesbian, bisexual, and transgender persons was common and noted in local media editorials.

Other Societal Violence or Discrimination

The human rights ombudsman reported that persons with HIV/AIDS faced pervasive discrimination. There were few if any registered acts of violence against persons with HIV/AIDS. No formal government programs existed to combat HIV/AIDS discrimination, although such discrimination is illegal.

The September 2010 case in which community members buried alive three brothers in the Cochabamba town of Tapacari was in the trial phase at year’s end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers freedom of association and the right to strike with some exceptions, protects the right to organize and bargain collectively, and prohibits antiunion discrimination. The 2009 constitution allows any working individual to join a union and provides for the right to strike, although an older labor code provided exceptions to this and was used as the regulatory base. 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 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. According to the older regulatory code still in use, public employees are expressly prohibited from forming unions. Unions are permitted to affiliate with international organizations.

The law provides most workers with the right to strike, but it requires unions to seek prior government mediation; the law has the same requirement for employers before they initiate a lockout. A legal strike requires the support of 75 percent of union workers. Workers who participate in an unlawful strike may be sentenced to prison terms of one to five years. The government may initiate compulsory arbitration to end a strike or collective dispute in nonessential sectors. Employees of government ministries are prohibited from striking. Although excluded from the law, agricultural workers are permitted to organize unions and strike. Employees serving in the public service sector are prohibited from striking, specifically those in the public administrative posts; the water, light, and energy sectors; communications and banking; sanitary services; and public food-market employment. The law prohibits antiunion discrimination and requires reinstatement of employees illegally fired for engaging in union activity.

The government effectively enforced applicable laws, but it was slow to do so and continued to use a labor code that was superseded by the constitution. The National Labor Court handles complaints of antiunion discrimination, but rulings took a year or more. The court ruled in favor of discharged workers in some cases and required their reinstatement. However, union leaders stated that problems often had been resolved or were no longer relevant by the time the court ruled.

In practice freedom of association was limited by government regulations and overburdened labor courts. Moreover, the minimum requirement of 20 workers proved an onerous restriction, as an estimated 72 percent of enterprises had fewer than 20 employees. The government had close ties with some umbrella labor organizations, such as the Bolivian Workers' Union (Central Obrera Boliviana) and the Confederation of Farm Workers. Labor inspectors are allowed to attend union meetings and monitor union activities.

Public sector workers (including teachers, transportation workers, and health-care workers) frequently went on strike, despite prohibitions against strikes, and were not penalized for such actions. These groups were also unionized and actively participated as members of the Bolivian Workers' Union without penalty. General and solidarity strikes are protected by the constitution but technically illegal based on a 1951 Supreme Court decree; the government neither prosecuted nor imposed penalties in such cases. Collective bargaining and voluntary direct negotiations between employers and workers without government participation was limited. 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. The government partially enforced these laws. There were isolated cases of mostly indigenous persons who incurred debts to their employers and were obligated to work until the debt was repaid.

The government and private sector made significant strides to eliminate forced labor in two historically troubled industries, Brazil nuts and sugar. The government assigned extra labor inspectors to these areas, and the local human rights ombudsman, with cooperation from the private sector, created a plan to reduce the risks of forced and child labor from reemerging in the industries.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all paid work by children under the age of 14. The law prohibits a range of dangerous, immoral, and unhealthy types of work for minors under 18. Labor law permits apprenticeship for 12- to 14-year-old children with various formal but poorly enforced restrictions that were criticized by the International

Labor Organization (ILO). Children under 14 worked in a variety of industries, including historically dangerous sectors such as mining.

The Ministry of Labor is responsible for enforcing child labor laws but in general did not do so effectively, 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 Bolivian Institute for International Trade, with support from the government, worked with the sugar association to eliminate child labor throughout the sugar production chain. The institute created a triple seal to certify that companies were free of child labor, forced labor, and discrimination. Up to 500 sugar manufacturers participated in the program, but none had received the triple seal by year's end.

Child labor remained a serious problem. According to the ILO, in 2008 an estimated 848,000 children between the ages of five to 17 worked at least one hour a week. Approximately 800,000 children were under the age of 14 and working in risky labor conditions--354,000 in urban areas and 446,000 in rural areas. The human rights ombudsman estimated that more than 100,000 children worked eight to 12 hours a day.

Urban children sold goods, shined shoes, and assisted transport operators. Rural children often worked with parents from an early age, generally in subsistence agriculture. Children generally were not employed in factories or formal businesses, but when employed in such situations, they often worked the same hours as adults. Children worked as domestic servants and also in dangerous occupations such as gold, silver, tin, and zinc mining as well as other areas in the informal sector.

There were reports of Bolivian children subjected to forced labor in neighboring countries.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

During the year the government raised the minimum monthly wage to 815 bolivianos (\$117) for the public and private sectors. The official estimate of the

poverty income level in 2005 was 336 bolivianos (\$48) per month. Labor laws establish a maximum workweek of 48 hours and limit the workday to eight hours for men. The laws also set a 40-hour workweek for women, prohibit women from working at night, mandate rest periods, and require premium pay for work above a standard workweek. The law provides for a minimum of 15 days' annual leave and grants workers the right to remove themselves from dangerous situations without fear of losing their jobs.

In practice the government did not effectively enforce these laws. The Ministry of Labor's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but the relevant standards were poorly enforced. There were fewer than 55 inspectors in the entire country to enforce health, safety, and regulatory compliance. Five of these inspectors were dedicated specifically to child labor. The law provides for penalties for noncompliance, but enforcement was not effective, and the penalties 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 whether the offices were effective in regulating working conditions. While the government did not keep official statistics, there were reports that workers died due to unsafe conditions, particularly in the mining and construction sectors. There were no significant government efforts to improve conditions in these sectors.

An estimated two-thirds of workers were part of the informal economy. There was no significant government effort to formalize or enforce labor laws in this portion of the economy.

Working conditions in cooperative-operated mines remained poor. Miners were self-employed and continued to work with no scheduled rest for long periods in dangerous, unhealthy conditions.