

# **BOLIVIA 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bolivia is a constitutional, multiparty republic with an elected president and a bicameral legislature. In 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 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 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 and media, including violence against journalists by state security forces and censorship; substantial interference with the freedom of assembly; serious government corruption; lack of investigation of and accountability for gender-based violence; and existence 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.

## **Section 1. Respect for the Integrity of the Person**

### **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 during the year.

### **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, and Other Related Abuses**

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.

Nongovernmental organizations (NGOs) charged that the Ministry of Justice failed to denounce torture by police and military personnel, who employed it frequently, according to Ombudswoman Nadia Cruz. NGOs reported police investigations relied heavily on torture to procure information and extract confessions. Most abuses reportedly occurred while officials were transferring detainees to police facilities or holding persons in detention. According to reports from NGOs engaged with prison populations, the most common forms of torture for male and female detainees included rape, gang rape by guards, sensory deprivation, use of improvised tear gas chambers, tasers, asphyxiation, verbal abuse, and threats of violence.

On August 10, the Ombudswoman's Office reported that police beat 11 coca farmers arrested for protesting a rival coca market and that the detainees suffered contusions. A lawyer for the farmers added that they were deprived of food and prevented from meeting their lawyers while in detention. The ombudswoman also criticized the police's use of gas against civilians during the protests.

Authorities arrested whistleblower Marco Antonio Aramayo in 2015 after he accused government officials of stealing 1.26 billion bolivianos (\$182.7 million) from the Indigenous Fund he directed. Following his complaint, he faced more than 250 criminal proceedings, only three of which resulted in a sentence, for a total of five years in prison. Aramayo died in April after spending seven years in preventive detention in 56 different prisons. In September an NGO published a report concluding Aramayo had been attacked 88 times in prison and tortured. The report held numerous police officers, judges, and government officials responsible for these attacks. Various Movement Towards Socialism (MAS) political party officials embroiled in the case were charged, but none had been convicted as of year's end.

Police impunity remained a significant problem due to corruption and politicization of the judicial system. Mechanisms to investigate abuse were rarely utilized or enforced. The Ombudswoman's Office received 110 complaints of torture from 2019 to March 2022, but none resulted in a prison sentence. Complex legal procedures, large numbers of detainees, judicial inefficiency, executive interference, corruption, and inadequate case-tracking mechanisms contributed to police impunity. Investigations frequently were not completed due to payoffs to investigators from the parties being investigated.

### **Prison and Detention Center Conditions**

Prisons were overcrowded and lacked adequate medical services, resulting in harsh and life-threatening conditions. Violence was pervasive due to inadequate internal security.

**Abusive Physical Conditions:** According to the government's penitentiary agency, prison facilities had a combined capacity for 6,765 persons, but as of March, the prison population was 20,864 inmates. The problem was most acute in the 20 urban prisons. 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. Women inmates experienced sexual harassment and assault on a regular basis, and some were forced to pay extortion fees to avoid being raped. Observers noted rampant rape and other forms of

gender-based violence and a culture of silence that suppressed reporting gender-based violence due to fear of retaliation.

The law permits children younger than age six to live with an incarcerated mother – but not an incarcerated father – under “safe and regulated conditions.” Older children sometimes resided in detention centers with incarcerated mothers, despite unsafe conditions.

The law sets juvenile detention ages from 14 to 16 and requires that juvenile offenders be held in facilities separate from the general prison population to facilitate rehabilitation; however, many offenders remained in juvenile facilities long after they reached adulthood. Adult inmates and police reportedly abused juvenile prisoners. Rehabilitation programs for juveniles or other prisoners were scarce.

One medical doctor attended to prisoners in each prison twice a month. Although medical services were free, prisons rarely had medications on hand. Dermatoses and tuberculosis were prevalent due to the cramped sleeping quarters and lack of medicine. Incarcerated pregnant women lacked access to obstetric services.

Violence in prisons and detention centers was ubiquitous due to inadequate internal security. Abuses perpetrated by penitentiary officials included systematic intimidation, rape, psychological mistreatment, extortion, torture, sex trafficking, and threats of death. There were reports of rape and sexual assault committed by authorities and by other inmates.

Corruption was pervasive. A prisoner’s ability to pay bribes often determined physical security, cell size, visiting privileges, ability to attend court hearings, day-pass eligibility, and place and length of confinement. Prisoners could purchase a transfer to the rehabilitation center, a newly built detention facility with better living conditions. Inmates and NGOs both alleged the number of police officers was insufficient to escort inmates to their hearings. Prison directors often did not take action to transfer inmates to their hearings, 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 were common. Inmates stated guards extorted money to let inmates receive

goods.

**Administration:** Authorities generally did not investigate 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, they frequently did not do so. The general directorate of the penitentiary system installed complaint boxes and created a WhatsApp Messenger group to report complaints, but it was unclear whether authorities acted on any complaints.

**Independent Monitoring:** The government generally permitted monitoring by independent observers such as the International Committee of the Red Cross, local NGOs, judges, faith-based organizations, 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 provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court.

##### **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 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; it 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. International human rights groups noted several potentially politically motivated cases initiated by the government that resulted in arbitrary arrest, all against opponents of the government or members of the previous government.

Police officers engaged in extortion. In May five police were accused of kidnapping, assaulting, and extorting a man for 69,000 bolivianos (\$10,000). According to the alleged victim, police officers stopped the man and accused him of illicit drug possession without any evidence. The officers then took him to a police station, where they handcuffed him to a fence and beat him. One of the officers offered to release him in exchange for 138,000 bolivianos (\$20,000). He was released after one of his relatives deposited 69,000 bolivianos (\$10,000) in an account allegedly belonging to the sister of one of the officers. In September authorities arrested four of the five officers and charged them with battery and kidnapping. The director of the counternarcotics police affirmed there was no evidence the alleged victim ever possessed illicit drugs.

**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, and women remained in pretrial detention at higher rates than men. 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 to delay trial proceedings and ultimately avoid a final sentencing, either at the request of their clients or due to high caseloads. According to the penitentiary agency, approximately 66 percent of the inmate population consisted of persons in pretrial detention, like 2021 but less than in previous years, when 70-85 percent of the prison population was in pretrial detention.

In May UN Special Rapporteur on the Independence of Judges and Lawyers Diego García-Saván highlighted the *Áñez* case (see Political Prisoners and Detainees below) as an example of the “structural problems” in the administration of justice, such as the generalized use of preventive detention. Following the trial, the Office of the UN High Commissioner for Human Rights highlighted several concerns, including the “excessively broad and ambiguous” charges against *Áñez* as well as the excessive use of preventive detention.

On December 28, police arrested Santa Cruz Governor Luis Fernando Camacho and transferred him to a maximum-security prison in La Paz. Authorities offered various justifications for Camacho’s arrest but ultimately stated he was detained because of his role in the 2019 political crisis, which the government described as a “coup.” On December 30, a judge ordered Camacho be held in preventive detention for four months under terrorism charges. In response to the Camacho arrest and subsequent unrest, the UN Secretary-General issued a statement stressing the importance of adhering to the rule of law and assuring due process and transparency in all legal proceedings. Human Rights Watch stated the justification for Camacho’s preventive detention was “very fragile.”

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the judiciary remained overburdened, and vulnerable to undue influence by the executive and legislative branches. The judiciary was also plagued with allegations of corruption.

Authorities 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.

The judiciary faced numerous problems. NGOs asserted the funds budgeted for the judiciary were insufficient to assure equal and efficient justice, in addition to the reliance on underpaid, overburdened public prosecutors, led to serious judicial backlogs. Justice officials were vulnerable to bribery and corruption, according to credible observers, including legal experts. In July an NGO's *Report on the State of Justice in Bolivia* highlighted problems in the judicial system, including political pressure, lack of resources, and lack of judicial access, especially in rural areas.

Lawsuits were frequently used to intimidate opposition lawmakers. Observers noted there was a clear pattern between opposition figures speaking out against the government and shortly thereafter being pressed with charges or called to testify in court. Once tensions between the government and the opposition figure subsided, legal proceedings became dormant until the next clash. Cochabamba Mayor and key opposition figure Manfred Reyes Villa, for example, faced 18 lawsuits, some tied to events that transpired more than 20 years ago. The government claimed to have a warrant for his arrest, which it had refrained from executing "pending review." The Mayor of La Paz, Iván Arias, faced 13 lawsuits, with 10 dating to his time as minister of public works under former interim President Áñez. By contrast, few if any prominent MAS leaders faced criminal charges despite well-documented evidence of wrongdoing reported by investigative journalists. Observers described this discrepancy as another example of the politicization of the judicial system by the government.

### **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.

As a COVID-19 pandemic safety precaution and cost-saving measure, some hearings were scheduled on virtual platforms, but on many occasions, inmates did not have access to reliable equipment or an internet connection.



Officials did not always comply with the law. In May the UN special rapporteur on the independence of judges and lawyers reported that public defenders were present in less than one-third of the country. Observers also highlighted the perennially poor retention of public defenders due to the large workload and poor compensation. One observer noted many defendants paid bribes for their public defenders to attend court hearings.

### **Political Prisoners and Detainees**

There were reports of political prisoners.

On June 10, former interim President Jeanine Áñez Chávez was found guilty and sentenced to 10 years in prison for “resolutions against the constitution” and “breach of duties” related to her assumption of the presidency in 2019. She had been held in pretrial detention since March 2021. The constitution states that sitting and former presidents are entitled to an impeachment trial – versus a regular criminal trial – for acts committed in office. The government, however, pursued regular criminal proceedings against Áñez, a member of the Social Democratic Movement, instead of trying her in the National Assembly, where the ruling MAS party lacked a two-thirds majority necessary to impeach her.

Human rights groups expressed concern that the arrests of Áñez and members of her administration were politically motivated. In June Human Rights Watch reported it saw no evidence to support the vague charges of terrorism, sedition, and conspiracy. The Human Rights Watch report also noted that Áñez was not allowed to be physically present at her trial.

### **Civil Judicial Procedures and Remedies**

The law permits individuals and organizations to seek criminal remedies through domestic courts for human rights violations. At the conclusion of a criminal trial, the complainant may initiate a civil trial to seek damages. The human rights ombudsman may issue nonbinding, administrative resolutions on specific human rights cases.

### **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

### a. Freedom of Expression, Including for Members of the Press and Other Media

While the constitution provides for freedom of expression, including for members of the press and other media, the government retaliated against media outlets that expressed dissenting opinions. Some media outlets reported the government pressured and intimidated them to report favorably regarding government policies by withholding government advertising and imposing steep taxes. An NGO recorded 61 violations of press freedom from January to April, many of which were instigated by the government.

**Violence and Harassment:** Journalists faced threats and harassment. On November 2, the National Association of Journalists of Bolivia and the Association of Journalists of La Paz condemned the attack on a journalist covering the strike in Santa Cruz regarding the date of the national census. Marco Rocabado, a journalist with television network UNITEL, was beaten with stones and sticks and had his cell phones and microphone stolen by a mob. The associations blamed MAS-supported groups for the attack.

On September 17, the same associations denounced an attempt by a prosecutor to uncover a journalist's source. They said a prosecutor from the Chuquisaca Department issued an order for a journalist from *Culpina Digital* to reveal the source of an August 5 article regarding an inmate who died in prison.

On September 20, the two associations denounced “judicial harassment” of journalists by the Prosecutor's Office. The organizations accused the government of threatening excessive criminal penalties against journalists for alleged “administrative failures” that took place during the tenure of former interim President Áñez.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** In addition to fear of prosecution and harassment, journalists sometimes practiced self-censorship due to fear of losing their jobs or losing access to government sources.

According to the law, the government should provide goods and services to all media outlets in a nondiscriminatory manner, but at times the government did not purchase advertisements in certain media outlets because those media were considered opposed to the government's policy positions.

Media outlets alleged the government pressured news organizations to report favorably on government policies. Media outlets also alleged the government retaliated against news organizations that did not comply with that pressure. In August the Inter American Press Association (IAPA) expressed its concern regarding an alleged campaign of "economic suffocation" and "political pressure" against the *Los Tiempos* newspaper in Cochabamba. The parent company of *Los Tiempos* accused the government of excessive audits and pressuring investors not to buy real estate being sold by *Los Tiempos*. Directors of *Los Tiempos* also accused the government of attempting to force the owners to sell the paper. IAPA expressed alarm at the government efforts to turn *Los Tiempos* into a "propaganda vehicle."

**Libel/Slander Laws:** Defamation is a criminal offense and punishable with a monetary fine. As of December, there were no reports defamation laws were used to restrict public discussion or retaliate against journalists.

### **Internet Freedom**

There was no evidence the government restricted or disrupted access to the internet or censored online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association. The government generally respected the right of freedom of association.

## **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 who were carrying weapons or threatening government and private facilities.

Government opposition groups accused the government of restricting protesters' freedom of peaceful assembly during the October through November general labor strike in Santa Cruz by instigating, condoning, and participating in violence and harassment against protesters. Civil society representatives cited high level officials repeated characterization of the strike as a "coup attempt" that government supporters would defend against "on the streets." They noted government supporters heeded those statements by encircling Santa Cruz with blockades to punish protesters and force their strike to end. Santa Cruz's Medical Workers' Union blamed the blockades for limiting the delivery of oxygen supplies to hospitals, while media reported blockade-induced fuel shortages. One high-ranking official publicly justified the blockades, calling them "logical." Media also reported police stood by as government supporters clashed with strikers as the former tried to forcefully remove the latter's blockades, occasionally joining in the beating of protesters and journalists and firing tear gas. Authorities claimed that protesters on strike also engaged in violence.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related 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.

### **e. Protection of Refugees**

The government cooperated with the International Organization for Migration and the Office of the UN High Commissioner for Refugees, and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern.

**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.

## **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:** National elections took place in 2020. MAS candidate Luis Arce won the presidency with 55 percent of the vote. International electoral observation missions and domestic electoral observation organizations characterized the elections as free, fair, and transparent.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate.

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.

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

The law provides criminal penalties for conviction of corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption.

**Corruption:** On September 1, prosecutors raided the Bolivian Road Administrator's office (ABC) in La Paz for allegedly receiving a 17.9 million bolivianos (\$2.6 million) bribe from the China Harbor Engineering Company (CHEC) to approve a contract for a highway project. The raid followed a criminal lawsuit filed the same day against several officials, including ABC president Henry Nina and CHEC's Bolivian representative, Jin Zhengyuan, a People's Republic of China national.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, with some exceptions.

In 2021 the Interdisciplinary Group of Independent Experts (GIEI), created under an agreement between the government and the Inter-American Commission on Human Rights, released its report on the 2019 postelection violence that left 37 persons dead. The report blamed the government in power at the time for failing to prevent acts of violence and committing acts of violence itself. The GIEI report was generally well received by the government, the opposition, NGOs, and independent experts, who stated the report contained a credible, independent analysis.

**Retribution against Human Rights Defenders (HRDs):** On August 13, the government used its tax authority to remove Amparo Carvajal as the leader of the

Permanent Human Rights Assembly of Bolivia, the country's largest human rights organization. The national tax office transferred control of the organization's tax identification number from government critic Carvajal to government loyalist Édgar Salazar Limachi. The move effectively disabled Carvajal's ability to manage the organization she cofounded in 1974.

**Government Human Rights Bodies:** The constitution establishes a human rights ombudsman, subject to confirmation by both houses of Congress, with a six-year term. The ombudsman is charged with defending and promoting human rights, specifically defending citizens against government abuses. The constitution also gives the ombudsman the right to propose legislation and recommend modifications to laws and government policies. Civil society groups and several political figures contended the ombudsman lacked independence from the central government and was not effective in advocating for human rights.

In February the government initiated the process to elect a new ombudsman to replace Nadia Cruz, who had been serving in an acting capacity since 2019. No candidate received the necessary two-thirds of votes in the Plurinational Legislative Assembly during the first five rounds of voting. In September MAS's favored candidate, Pedro Callisaya, was elected during a session when opposition lawmakers were absent. Opposition parties denounced the maneuver, with one lawmaker calling it an "attack on democracy." On November 9, Cruz was appointed vice minister of equal opportunities, underscoring her close ties to the government.

Both houses of Congress had human rights committees that proposed laws and policies to promote and protect human rights. Congress did not approve or propose any legislation related to human rights during the year.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law establishes penalties of imprisonment for 15 to 20 years for conviction of the rape of an adult (man or woman), but it was rarely enforced.

The law prohibits domestic violence, but it too was rarely enforced. Conviction of domestic abuse resulting in injury is punishable by three to six years' imprisonment, and the penalty for conviction of serious physical or psychological injury 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.

Lack of training regarding 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, 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 survivors of a violent crime sometime in their lives; two-thirds of these women suffered violence in their own home.

The law criminalizes femicide, the killing of a woman based on her identity as a woman and stipulates a sentence of 30 years in prison. According to the Attorney General's Office, 62 femicides were registered from January to August, with La Paz registering 22 reported incidents of femicides, the most in all departments. On July 4, President Arce signed a law increasing penalties against judges who "mishandle" cases of femicides, infanticides, and sexual assaults against minors. The law also requires preventive detention for suspects of femicides and orders courts to act on femicide and sexual assault cases within 10 days. Legal observers expressed concern the government would exploit the law's broad mandate to manipulate judges by accusing them of "mishandling cases," a vague legal standard. They also noted the law's promotion of preventive detention would exacerbate overcrowding in prisons. Activists stated corruption, a lack of adequate crime scene investigations, a lack of specialized prosecutors, and a dysfunctional, underfunded judiciary hampered convictions for femicide.

On January 22, police arrested Richard Choque after discovering the bodies of two young women in his backyard. Choque had been convicted of murdering another young woman in 2013 and sentenced to 30 years in prison without parole. In 2019, however, Choque allegedly paid a bribe to be released on house arrest, whereupon



he allegedly victimized 77 more women. On January 31, hundreds of protesters marched from Choque's house in El Alto to the Prosecutor's Office in La Paz demanding justice for femicide victims. On March 2, Choque was sentenced to 30 years in prison without parole for the 2021 murder of a teenager, age 17.

On August 17, Érika Alvarado, a mother of three, set herself on fire after being beaten by her partner. She died of burns 25 days later. According to media reports, Alvarado had suffered from depression due to repeated abuse.

Women's rights organizations reported police assigned to the Special Force Against Violence did not have sufficient resources and frontline officers lacked proper training regarding their investigatory responsibilities. Women's organizations also reported domestic violence survivors received poor representation from public defenders and generally abandoned their cases after languishing 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 survivor was often responsible for the legal fees. The lack of public services, lengthy judicial processes, and financial burdens discouraged most women from reporting domestic abuse by their spouses.

A 2014 law called for the construction of women's shelters in each of the country's nine departments, but as of year's end only four departments had shelters. Human rights activists explained the shelters for domestic violence survivors were not well staffed, did not promise anonymity, and could not provide protection from abusers. Activists stated that shelters mixed vulnerable women, girls, juvenile delinquents, human trafficking victims, sexual abuse survivors, and minors with mental-health problems.

**Sexual Harassment:** The law considers sexual harassment a criminal offense punishable by up to eight years' imprisonment. 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 Members of Minority Groups) and said the law was rarely enforced.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Civil society representatives noted information on access to reproductive health could be difficult to obtain in rural areas due to lack of medical infrastructure.

The law provides for access to contraceptives, but according to the reproductive rights organization Marie Stopes International-Bolivia, many public healthcare providers refused to provide the service and stigmatized the patients who requested contraceptives. Some providers required the consent of an adult woman's husband or other male family member before providing her with contraceptives and would not provide contraceptives to adolescents without parental consent.

Misinformation and social taboos made women hesitant to seek contraceptives.

Lack of access to quality medical care in remote areas adversely affected access to skilled health care attendance during pregnancy and birth. In addition, many Indigenous women feared their cultural traditions regarding who should be present at the birth, the treatment of the placenta, and treatment of the umbilical cord would not be respected if they gave birth in a hospital or clinic.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception. These services were more readily available in urban areas. Rural areas lacked access and frequently relied on mobile health centers such as those provided by Marie Stopes International.

According to the World Health Organization, the maternal mortality rate was 155 per 100,000 live births in 2017. The Pan American Health Organization reported one-third of all maternal deaths were caused by obstetric hemorrhage, usually postpartum. Another leading cause of maternal death was unsafe, clandestine abortions; access to adequate postabortion care and obstetric emergency services was limited.

The maternal mortality rate was higher among Indigenous women due to lack of access to adequate medical services. In El Alto, the second largest city, largely composed of Indigenous persons, the maternal mortality rate was 316 per 100,000 live births. The higher mortality rate was attributed to the city's slow-growing health-care system not keeping pace with the city's 30 percent population growth in the last 10 years.

Girls in rural areas lacked access to menstrual hygiene products, which affected their performance in school. The law prohibits schools from expelling pregnant girls, but 25 percent of pregnant girls dropped out of school in 2019 either because of social pressure, lack of government assistance, or both.

**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. The government did not enforce the law effectively.

## **Systemic Racial or Ethnic Violence and Discrimination**

The 2012 census established the existence of 23,300 Afro-Bolivians. The law prohibits discrimination by public and private institutions and bans racist and discriminatory ideas through media. The government made little effort to address such discrimination. Afro-Bolivians in rural areas experienced the same types 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.

## **Indigenous Peoples**

In the 2012 census, approximately 41 percent of the population older than age 15 self-identified as Indigenous, primarily from the Quechua and Aymara communities.

Indigenous lands were not fully demarcated, and land reform remained a major 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.

Many Indigenous groups were well represented in government and politics but suffered a disproportionately large share of poverty and unemployment. Government educational and health services remained unavailable to many

Indigenous groups living in remote areas.

Lowlands Indigenous groups complained they were not well represented in government or by elected representatives. These Indigenous groups resided in three departments of the country's eastern lowlands: Santa Cruz, Beni, and Pando. These Indigenous groups included several ethnic and linguistic groups that considered themselves distinct from the Aymara and Quechua Indigenous groups of the highland plateau region. Leaders of the Indigenous communities of lowlands Santa Cruz Department described growing anger and frustration with the national government for continuing a land policy developed under former President Evo Morales. A prominent Indigenous leader said the government was supporting mining and hydrocarbon exploitation of lands without consulting Indigenous populations. The leader also noted a campaign of intimidation and harassment to silence defenders of Indigenous rights.

In August the Ombudswoman's Office concluded the rights of the Leco Indigenous group had been violated due to the government failing to consult with them regarding mining activities in the La Paz Department.

The government identified 10 Indigenous populations at risk of extinction. One of those was the Araona, whose leaders claimed they had been abandoned by the government. They reported the nearest health clinic was a four-day boat ride away. They had only one teacher to educate their population of nearly 1,000 persons and lacked textbooks and supplies.

An Indigenous group in the northern region of the country alleged many of its members were becoming sick due to eating fish contaminated with mercury used in gold mining. In September the UN special rapporteur on toxics and human rights confirmed that in that region, women of the Ese'Ejja Indigenous community were suffering from extremely high levels of mercury from consuming contaminated fish.

## **Children**

**Birth Registration:** Citizenship is derived both through birth within the country's territory (unless the parents have diplomatic status) and from parents. The 2018 civil registry indicated 78 percent of citizens were registered within one year of

their birth and 96 percent by age 12. Birth registration was provided on a nondiscriminatory basis.

**Child Abuse:** The penal code defines infanticide as the killing of a child younger than 13. Rape of a child younger than 14 carries a penalty of 20 to 25 years' imprisonment. The Attorney General's Office reported 28 cases of infanticide between January and August. The office also reported 1,884 cases of child abuse from January to August, compared with 1,262 cases in 2021. NGOs assessed the actual number of abused children as likely much higher.

**Child, 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 sentences of 10- to 15-years' imprisonment. The government generally enforced the law.

The Ombudswoman's Office reported 1,318 cases of rape against minors in the first half of the year. The penalty for statutory rape of an adolescent age 14 to 17 is three to six years' imprisonment. The penalty for having sex with a child younger than age 14 is 20 to 25 years' imprisonment, even if there is no use of force or intimidation and consent is alleged.

## **Antisemitism**

The Jewish population numbered fewer than 500. There were no reports of antisemitism.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex**

## **Characteristics**

**Criminalization:** No laws criminalize consensual same-sex sexual conduct between adults.

**Violence against LGBTQI+ Persons:** Transgender individuals remained particularly vulnerable to abuse and violence. Activists reported transgender individuals who were sex workers faced violence and threats, which was common in the sex worker industry.

**Discrimination:** The law prohibits discrimination based on sexual orientation and gender identity. The government did not enforce the law effectively.

Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons faced overt discrimination in the workplace, at school, and in access to government services, especially in health care. Older LGBTQI+ persons experienced 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. Transgender activists stated most of the transgender community turned 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 licenses.

**Availability of Legal Gender Recognition:** 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 after undergoing a psychological evaluation and appearing before the Civil Registry Service.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** There were no reports of the practice of so-called conversion therapy and the practice of performing unnecessary surgeries on intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no restrictions on freedom of expression, association, or peaceful assembly regarding LGBTQI+ issues or convening related events.

## **Persons with Disabilities**

Persons with disabilities encountered difficulties accessing education, health services, public buildings, and transportation on an equal basis with others. 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 be 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 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.

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 August the Ombudswoman’s Office said 65 percent of persons with disabilities had either no formal education or had completed only primary school.

## **Other Societal Violence or Discrimination**

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.

## **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 law does not provide these rights for agricultural workers or workers in enterprises with fewer than 20 employees, estimated to be 72 percent of all enterprises. 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.

Workers may form a union in any private company of 20 or more employees. 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.

Collective bargaining and voluntary direct negotiations between employers and workers without government participation were common. Most collective bargaining agreements were restricted to addressing wages.

The government did not effectively enforce applicable laws, and penalties were less than those for other laws involving denials of civil rights, such as discrimination. Penalties were rarely applied against violators.

The National Labor Court handled complaints of antiunion discrimination but took



one year or more to issue rulings. The ineffectiveness of labor courts and the lengthy time to resolve cases and complaints limited freedom of association. The court ruled in favor of discharged workers in some cases and required their reinstatement; however, union leaders stated problems had often been resolved or were no longer relevant by the time the court ruled. The government took criminal actions against union leaders who spoke out against government policies.

In July the government charged and detained the president of the Bolivian Medical Association, Luis Larrea, for the death of his father from COVID-19. Observers criticized the charge as being politically motivated due to Larrea's criticisms of the government, specifically Minister of Health Jeyson Auza. Media reported allegations that Auza and Vice Minister Álvaro Terrazas were plotting to oppress medical union leaders for their roles in the interim Áñez government. Doctors, along with the National Committee for the Defense of Democracy and at least 12 other institutions, staged protests in Santa Cruz denouncing Auza as corrupt. The minister retaliated by imposing salary penalties on doctors who joined the protests.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes 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. 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**

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, age, 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 commensurate with analogous laws related to civil rights, such as election interference. Penalties were regularly applied against violators.

The government did not effectively enforce the law in all sectors, and discrimination with respect to employment and occupation occurred. Women politicians and women in governmental positions faced high levels of political violence and harassment, according to Coordinadora de la Mujer, a network of domestic NGOs that advocated for women's rights (see also section 6). Civil society leaders reported credible instances of employment discrimination against women, Indigenous persons, 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 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.

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

**Wage and Hour Laws:** The monthly minimum wage was greater than the government’s official poverty income. Agricultural workers are excluded from coverage of the Labor Act and thus not protected.

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. The law mandates that the standards apply uniformly to all industries and sectors.

**Occupational Safety and Health:** The law mandates that occupational safety and health (OSH) standards apply uniformly to all industries and sectors. OSH standards are appropriate for the main industries in the country. OSH experts did not actively identify unsafe conditions, including lack of personal protective equipment against COVID-19 in addition to responding to workers’ OSH complaints. 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.

Extensive use and illegal trade of mercury in gold mining operations led to mercury poisoning in workers in the departments of Beni and La Paz. As a result, worker safety conditions in the artisanal and industrial gold mining sectors

remained a concern.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor is responsible for enforcement of minimum wage, overtime, and OSH laws. The government did not effectively enforce the law. Inspectors have the authority to make unannounced inspections and may initiate sanctions; however, the number of inspectors was insufficient to provide effective workplace inspection.

The Ministry of Labor's Bureau of Occupational Safety has responsibility for the protection of workers' health and safety, but penalties for violations of OSH were not commensurate with those for similar crimes, such as negligence. Penalties were regularly applied against violators.

Civil society leaders and media reported Chinese companies employed workers in substandard conditions. NGOs documented the growing role of Chinese companies, which had expanded their presence in the mining, hydrocarbon, and infrastructure sectors since 2010.

On March 28, construction workers at the El Mutún steel plant began a blockade at the entrance of the plant to demand higher wages from the Chinese state-owned steel company Sinosteel. A report by the Collective on Chinese Financing and Investments denounced the El Mutún project, alleging that in the construction of the plant, Sinosteel violated Indigenous persons' prior consultation rights due to exploitation of the land without consultation, damaged wetlands, and abused the rights of workers by not including them in discussions or paying them on time.

**Informal Sector:** According to labor law experts, the informal sector constituted approximately 65 to 75 percent of the economy. Part-time workers and those in the informal sector were not covered by wage, hour, OSH, and other labor laws and inspections. Many informal businesses that were not legally registered preferred workers hired on an hourly basis to avoid paying required maternity and pension benefits.