

BOLIVIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

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

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

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.

On August 17, the Interdisciplinary Group of Independent Experts (GIEI), created under an agreement between the government and the Inter-American Commission on Human Rights (IACHR), released its report on the postelection violence that left 37 persons dead between September 1 and December 31, 2019. The report blamed the then government 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, nongovernmental organizations (NGOs), and independent experts, who stated the report did a credible, independent analysis.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibits all forms of torture, coercion, and physical and emotional violence, but there were reports that government officials employed them. The penal code carries only minimum penalties for persons convicted of torture, but no public official had ever been found guilty of the crime.

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 that 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 detainees included rape, gang rape by guards,

sensory deprivation, use of improvised tear gas chambers, tasers, asphyxiation, verbal abuse, and threats of violence.

On July 21, authorities arrested Mario Bascope, a member of the Cochala Youth Resistance group, on charges of criminal association, destruction of state property, and illegal possession of weapons related to protests held in October 2020 outside Attorney General Lanchipa's office in Sucre. Bascope claimed police badly beat him when he was arrested. A medical board reported that Bascope's injuries required hospitalization and that he was unfit to attend trial. Nonetheless, he was taken to court. At his arraignment Bascope testified, "I have had blows to the head, I have not eaten for seven days, I have not had any water. What is happening to me is inhuman." Ombudswoman Nadia Cruz demanded that due process be respected in Bascope's case, and she called for a full investigation into "the allegations of mistreatment and possible torture." The Justice Ministry denied any wrongdoing. Ministry of Justice vice minister Nelson Cox declared Bascope's guilt was "proven" prior to a judge sentencing Bascope on October 27 to 10 years in prison for trafficking in controlled substances in a separate case.

Within the military, torture and mistreatment occurred both to punish and to intimidate trainees into submission. Military officials regularly verbally abused soldiers for minor infractions and perceived disobedience. The Ombudsman's Office reported 45 cases of human rights abuses in the military between January 2020 and June 2021, most of them against trainees. The cases entailed complaints of torture and cruel and degrading treatment and led to the deaths of at least two soldiers. There were no convictions in any of these cases.

In one example, on June 30, navy conscript Mauricio Apaza died after being subjected to a series of physical exercises and mistreatment as punishment for escaping from his garrison in Pando. Prosecutors pledged they would seek homicide charges against the alleged perpetrators. On July 7, Ensign Pedro (last name withheld) was arrested and charged with homicide in Apaza's case. A judge ordered Pedro held in prison while the homicide investigation continued.

Police impunity remained a significant problem due to corruption and politicization of the judicial system. Mechanisms to investigate abuse were rarely utilized or enforced. 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, underfunded, and in poor condition, resulting in harsh and life-threatening conditions. Violence was pervasive due to inadequate internal security.

Physical Conditions: According to the government's penitentiary agency, prison facilities had a combined capacity for 6,765 persons, but in September the prison population was 17,833 inmates, more than two and one-half times capacity. The problem was most acute in the 20 urban prisons, which in 2020 had a combined design capacity of 5,436 persons but held 15,581 inmates.

Women's prisons operated in Cochabamba, two in La Paz, and one each in Reyes, Rurrenabaque, Santa Rosa, and Trinidad. Men and women shared sleeping facilities in Morros Blancos Prison in Tarija, Montero Prison in Santa Cruz, Riberalta Prison in Beni, and Oruro Prison in Oruro. In other facilities men and women had separate sleeping quarters but commingled daily. Female inmates experienced sexual harassment and assault on a regular basis, and some were forced to pay 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, often because the parents lacked viable alternative living arrangements due to poverty or family constraints.

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 prisoners remained in juvenile facilities long after they reached adulthood. Children younger than age 14 are exempt from

criminal liability but may be subject to civil liability. Children who are 17 may be tried as adults. Adult inmates and police reportedly abused juvenile prisoners. Rehabilitation programs for juveniles or other prisoners were scarce.

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, and threats of death. There were reports of rape and sexual assault committed by authorities and by other inmates.

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

Corruption was pervasive. Prisoners could purchase a transfer to the rehabilitation center, a newly built detention facility with better living conditions. 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. Inmates and NGOs both alleged there was an insufficient number of police to escort inmates to their hearings. Prison directors often did not take action to ensure that inmates attended 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. Prison inmates stated guards extorted money in order to let inmates receive goods.

(For information on former president Jeanine Anez, see section 1.d., Arbitrary Arrest.)

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, inmates frequently did not do so.

Independent Monitoring: The government generally permitted monitoring by independent observers such as the International Committee of the Red Cross, local

NGOs, judges, religious organizations, legislators, and media. The COVID-19 pandemic greatly restricted independent monitoring of prison conditions. Observers reported a nearly complete ban on outside monitors visiting prisons from March 2020 to March 2021. The lawyers of incarcerated defendants were often unable to visit in person. Criminal justice activists also pointed to the lack of any law related to public access to information regarding the prison system and stated the lack of transparency and opacity in the judicial branch increased during the COVID-19 pandemic.

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. International human rights groups highlighted 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.

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.

On March 13, former interim president Jeanine Anez was arrested on charges of terrorism, sedition, and conspiring to overthrow the government before and while in office. She was held in prison on pretrial detention. The constitution states that sitting and former presidents are entitled to an impeachment trial – not a regular criminal trial – for acts committed in office. The government, however, pursued regular criminal proceedings against Anez. In a March 23 interview, Minister of Justice Ivan Lima stated the government initiated a criminal process against Anez because the government lacked the votes in the legislature to authorize her impeachment. Legal experts noted the minister’s statement suggested the government was more interested in Anez’s imprisonment than in giving her a fair trial.

Legal experts noted several irregularities in the arrest of Anez and members of her administration. Courts issued arrest warrants without authorities providing required notifications. Authorities did not provide any evidence to support the charges, other than the fact that Anez and her cabinet members led the transitional government from October 2019 to November 2020. Anez’s daughter, Carolina Ribera Anez, stated police used physical force on family relatives to get information on Jeanine Anez’s whereabouts. Jeanine Anez’s brother Juan Carlos claimed police arbitrarily detained his two sons for 36 hours and tortured one of them. “They put black bags on him to suffocate him, beat him, and asked him to tell them where his aunt (Jeanine Anez) was,” Juan Carlos stated. Furthermore, both Police Chief Jhonny Aguilera and Minister of Government Eduardo del Castillo flew to Trinidad, Bolivia, where Anez lived, to supervise her arrest. The presence of these senior officials, highly irregular for an arrest operation, was an indicator that the government at the highest levels was directing the process against Anez and others, placing tremendous pressure on judges who already lacked real independence, according to knowledgeable observers.

Human rights groups expressed concern that the arrests of Anez and members of her administration were politically motivated. Jose Miguel Vivanco, executive director for the Americas region of the NGO Human Rights Watch, stated the arrest warrant against Anez “does not contain any evidence that she has committed the crime of terrorism.” Vivanco raised concerns that the warrant “is based on

political motives.”

On August 3, a judge ordered an additional six months of pretrial detention against Anez on charges of “committing crimes contrary to the constitution” filed by the Ministry of Government and by Senate President Andronico Rodriguez of the Movement Towards Socialism party (MAS) related to the assumption of the presidency by Anez in 2019. The additional six months of pretrial detention were added to the original six months of pretrial preventive detention ordered on March 14 and covered separate, new charges of terrorism, sedition, and conspiring to overthrow the government. Andres Zabaleta, a lawyer for Anez, stated Anez’s due-process rights were violated because neither she nor her legal team were officially notified of these new charges. Zabaleta also claimed that the principle of “indivisibility” (similar to double jeopardy) of the process was violated by instituting a second trial for the same case in question.

On August 21, Anez deliberately cut her left wrist and one of her arms in an attempt to commit suicide while in prison. She was taken to a hospital for treatment due to the severity of her injuries, and her son was allowed to stay with her overnight. Following the incident, Anez stated she “no longer wanted to live.” Minister of Government Eduardo Del Castillo called her injuries “merely scratches” and alleged that the government’s preferential treatment of Anez caused inmates to riot. Human rights groups widely criticized the government’s imprisonment of Anez and its refusal to grant her bail despite her weak health.

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 64 percent of prisoners were being held in pretrial detention, consistent with 2020 figures but less than in previous years, when 70-85 percent of the prison population was in pretrial detention.

(For information regarding former president Jeanine Anez, see section 1.d., Arbitrary Arrest.)

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary remained overburdened, vulnerable to undue influence by the executive and legislative branches, and plagued with allegations of corruption. Authorities 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 administrative and budgetary problems. NGOs asserted the funds budgeted for the judiciary were insufficient to assure equal and efficient justice and that the reliance on underfunded, overburdened public prosecutors led to serious judicial backlogs. Justice officials were vulnerable to bribery and corruption, according to credible observers, including legal experts. An NGO's 2020 *Report on the State of Justice* expressed serious concerns

regarding the training and qualifications of most judges.

Trial Procedures

The law provides for the right to a fair and public trial without undue delay, but the government did not always respect the law. Defendants are entitled to be informed of charges promptly and in detail, to a presumption of innocence, and to trial by a panel of judges. They have the right to avoid self-incrimination, consult an attorney of their choice, receive adequate time and facilities to prepare a defense, confront adverse witnesses, present witnesses and evidence, and file an appeal. Defendants who cannot afford an attorney have the right to a public defender or private attorney at public expense. Free translation and interpretation services are required by law.

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

Officials did not always comply with the law. Criminal justice observers pointed out the number of public defenders fell from 89 to 64 countrywide during the year, resulting in increased case backlogs. Observers also highlighted the perennially poor retention of public defenders due to the large workload and poor compensation; public defenders often earned only half of what prosecutors earned.

There were reports the government punished judges who did not render the verdicts the government desired. For example, on March 20, Judge Ximena Mendizabal ordered the release of Yassir Molina, who led a youth group that opposed the government. Minister of Justice Lima publicly criticized Mendizabal's decision and threatened to investigate her. A few days later, a court suspended Mendizabal for one month without pay. The government argued Mendizabal was suspended for trying cases too slowly in 2016, but legal experts observed that was most likely a pretext to punish her for releasing Molina. In a press interview, Mendizabal said she was terrified to order Molina's release because she expected government retaliation.

Political Prisoners and Detainees

(For information regarding former president Jeanine Anez, see section 1.d., Arbitrary Arrest.)

International and local human rights organizations denounced arrests against prominent opponents of the government and former government officials that they claimed were politically motivated. Human rights groups called attention to the case of former migration director Marcel Rivas. On May 27, the government ordered Rivas's arrest on charges that he abused his office to help former government minister Arturo Murillo and former defense minister Fernando Lopez flee the country. According to Rivas's attorneys, the government did not provide any evidence to support the charges. The government rejected evidence that Rivas was no longer in office when Murillo and Lopez left the country. The government reportedly pressured a judge to deny house arrest to Rivas, although Rivas had a medical condition that warranted house arrest. Rivas was expected to be in prison for nine months before his next trial hearing. According to human rights groups, the government prosecuted Rivas merely because of his association with the Anez government.

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 administrative resolutions on specific human rights cases. The ombudsman's resolutions are nonbinding, and the government is not obligated to accept his or her recommendations.

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

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

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.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: On July 14, the National Association of Journalists of Bolivia and the Association of Journalists of La Paz issued a statement denouncing the Public Ministry's "harassment" of the director of Radio Yungas, Eliana Ayaviri, and the director of Radio FM Bolivia, Galo Hubner, who covered clashes in the Yungas coca-growing sector. The statement claimed that prosecutor Odalis Leonor Penaranda violated rules governing press freedoms by ordering Ayaviri and Hubner to hand over lists of interviewees and copies of press reports they published on July 3-6. The statement further alleged the prosecutor's demand expressed "a clear attitude of intimidation and pressure."

Violence and Harassment: Journalists faced threats. According to open sources, on September 28, police arrested Carlos Quisbert, a journalist for the daily newspaper *Pagina Siete*, after a police officer ran over him with his motorcycle while Quisbert was covering a coca growers protest in the vicinity of the Minasa Terminal in La Paz. At the same event cameraman Santiago Limachi and his son Sergio claimed they were injured when police shot teargas canisters at them. In response to these reports, on September 29, the special rapporteur for freedom of expression of the IACHR issued a statement urging the government to allow journalists to perform their work unhindered.

One journalist accused authorities of being complicit in the burning of a radio station in a rural area in the department of Cochabamba, but no further information was available.

Examples of government harassment included sending hostile letters to journalists who published unfavorable stories and parking government vehicles outside their homes.

Censorship or Content Restrictions: 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 sometimes 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. The National Press Association of Bolivia and several journalists alleged the government's retaliatory tactics included withdrawing advertisements and conducting excessive tax audits, which forced companies to spend significant time and resources to defend themselves.

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.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events, although political considerations allegedly influenced academic appointments.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association. 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.

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 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. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the International Organization for Migration (IOM), the Office of the UN High Commissioner for Refugees (UNHCR), and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and 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.

Employment: Refugees have the right to work once authorities grant their residency status but not while waiting on pending applications. IOM officials assisted with economic integration programs in coordination with the government to support entrepreneurs and small business owners from the Venezuelan community to create and maintain small businesses.

Durable Solutions: IOM and UNHCR officials reported a steady rise in the number of Venezuelan migrants electing to stay in Bolivia. Most migrants ended up in the larger cities of Santa Cruz, La Paz, El Alto, and Cochabamba seeking work and support services. Most migrants who arrived since January lacked legal status since they crossed the Peruvian border along irregular routes.

On September 1, the government passed Supreme Decree 4576, which provides migrants the ability to normalize their status without paying fines. Minister of Government Eduardo del Castillo explained the law was enacted because many foreign nationals were unable to properly adjust their status in 2020 due to COVID-19 pandemic restrictions.

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 October 2020. MAS candidate Luis Arce won the election for president with 55 percent of the vote. His closest opponent, Citizen Community candidate Carlos Mesa, won 28.8 percent of the vote. The elections were peaceful, and Mesa conceded soon after the release of the preliminary vote tabulations. International electoral observation missions and domestic electoral observation organizations characterized the elections as free, fair, and transparent. In November 2020 Luis Arce and David Choquehuanca were sworn in as president and vice president, respectively, along with the 36 newly elected members of the Senate and 130 members of the Chamber of Deputies.

Subnational elections took place on March 8. The elections were marked by an atmosphere of peace and calm. International and national electoral observation missions monitored the elections and reported the elections met international standards. Electoral authorities reported the overall participation in voting was 85 percent. No-shows by many citizen poll workers led to delays in opening some voting booths and long lines for voters, especially in La Paz and El Alto. By law each voting booth must be supervised by citizen poll workers chosen randomly by computer from the official voter roll. Many experts attributed the high no-show rate of these poll workers to either COVID-19 pandemic fears or concerns regarding the complicated nature of the poll work for subnational elections. President Arce publicly criticized electoral authorities. By noon on election day, electoral authorities confirmed all voting booths had opened, and absent poll workers were fined 630 bolivianos (\$92), as required by law.

There were reports the government exerted pressure on the independent electoral authority, the Supreme Electoral Tribunal (TSE). On July 1, MAS deputy Ramiro Venegas brought charges against TSE president Oscar Hassenteufel and TSE vice president Nancy Gutierrez for “not cooperating” with the legislature. On July 15, MAS deputy Jhonny Pardo filed a separate criminal complaint against existing and former TSE members, including Salvador Romero, Rosario Baptista, Maria Angelica Ruiz, and Nancy Gutierrez, for their decision to reinstate opposition leader Manfred Reyes Villa as candidate for Cochabamba mayor in the March subnational elections. Civil society activists denounced these charges as politically motivated and lacking substance. They cited them as evidence that the ruling MAS party was trying to control the independent electoral authority.

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. The law mandates gender parity in the candidate selection process at national, regional, and municipal legislative levels.

While women had a substantial amount of representation on the legislative level, occupying 52 percent of legislative seats, they remained significantly underrepresented in executive positions. Candidates for mayor, governor, vice president, and president were not chosen from party lists. Most executive political positions were held by men.

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.

On February 19, Juana Rojas Choque, a National Action Party of Bolivia (PAN-BOL) candidate for the municipal election in Puerto Villarroel, went into hiding because MAS supporters threatened to kill her and her family if she did not resign her candidacy. Before local elections in Copacabana on March 7, Nelly Tito Diaz was verbally and physically attacked for running as a PAN-BOL candidate after having been a member of the MAS-aligned Confederation of Female Indigenous Farmers (Bartolina Sisa). The ombudsman declared that any act of harassment and political violence must be punished, and investigations were opened in both cases.

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, and officials often engaged in corrupt practices with impunity.

Corruption: Authorities apprehended Minister of Rural Development and Lands Edwin Characayo on April 12 for taking a \$20,000 bribe in exchange for land titles and agriculture-drainage services. On April 14, Minister of Justice Lima stated Characayo was the subject of a criminal investigation involving “authorities at different levels of the state.”

On July 13, anticorruption prosecutor Anghelo Saravia was convicted of taking bribes to drop charges against potential defendants. Saravia was recorded taking the bribe during a sting operation. Civil society activists reported that situations such as Saravia’s were common and that prosecutors usually took \$2,500 per case to drop charges.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses 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 were cooperative and responsive to their views, with some exceptions.

On September 10, a radical group known as the Wila Lluch'us called on its followers to burn down the home of human rights activist Amparo Carvajal. The government refused calls to denounce the group, claiming it did not exist. Wila Lluch'us subsequently confirmed its existence and its ties to the government but denied having called for violence against Carvajal.

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. The ombudsman operated with inadequate resources. Civil society groups and several political figures contended the ombudsman lacked independence from the central government, in part because the MAS supermajority in Congress allowed for the nominee's confirmation without meaningful debate.

Both houses of Congress had human rights committees that proposed laws and policies to promote and protect human rights. Opposition politicians accused the MAS of using the Ethics Committee within the Chamber of Deputies for political purposes. On June 24, the MAS-controlled committee accepted a complaint against 12 opposition legislators for having travelled to the United States “without permission.” The travelling legislators in question met with leadership from the Organization of American States, the IACHR, and Human Rights Watch. These legislators also denounced the arrest of former interim president Anez and the promotion of a false “coup” narrative related to the 2019 postelection unrest. (For information on former president Jeanine Anez, see section 1.d., Arbitrary Arrest.)

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 on the law and slow judicial processes, among other factors, continued to hinder the law's full implementation, according to the UN Entity on Gender Equality and the Empowerment of Women (UN Women) and human rights groups. Domestic violence was the most frequently committed crime in the country, according to the National Observatory of Public Safety. According to a survey conducted by the local NGO Coordinator of Women, 50 percent of women were 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 conviction stipulates a sentence of 30 years in prison. Activists stated corruption, a lack of adequate crime scene investigation, a lack of specialized prosecutors, and a dysfunctional, underfunded judiciary hampered convictions for femicide.

On July 20, Lucy Alejandra Huanca was found dead in her home in Santa Cruz after her partner, a police officer, allegedly beat her to death. Huanca had twice filed domestic abuse reports against her partner. A court issued a protective order in 2019, and Huanca retracted her second complaint in 2020.

In August 2020 Betsabe Mara Alacia was killed by her partner, police lieutenant

Adan Boris Mina. Investigations showed that Mina shot and killed, burned, and dismembered Alacia's body. Mina was captured, tried, convicted, and sentenced to 30 years in prison, but investigators indicated that two or three police officers helped cover up the crime and were not apprehended. On March 10, it was reported Mina regularly left the prison with help from authorities and that he threatened the victim's family.

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 the cases languished in the justice system for years. On average it took three years for a domestic violence case to conclude. Once the case was closed, the 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 law passed in 2014 called for the construction of women's shelters in each of the country's nine departments, but as of 2020 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 populations of vulnerable women, girls, and boys, including juvenile delinquents, human trafficking victims, sexual abuse survivors, and minors with mental-health problems.

On August 3, El Alto mayor Eva Copa signed an agreement with the domestic NGO Women Creating to implement "a critical route for women in situations of violence" across the municipality of El Alto. The agreement sought to provide high-quality and timely services to survivors of violence. The agreement expanded 24-hour legal and medical assistance and aimed to offer a seamless support system for survivors whenever they decided to flee violence and seek safety.

Sexual Harassment: The law considers sexual harassment a criminal offense for which conviction is 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 that the sexual harassment laws were rarely enforced.

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

Civil society 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 reproductive rights group Marie Stopes International-Bolivia, many health-care providers refused to provide the service and stigmatized patients who requested contraceptives. Some health-care 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.

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 or 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. (See also section 7.d. for information regarding labor laws that discriminate against women.)

Systemic Racial or Ethnic Violence and Discrimination

The 2012 census established the existence of 23,300 Afro-Bolivians. 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. The government made little effort to address such discrimination.

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.

Many indigenous communities were well represented in government and politics, but they had a disproportionately large share of poverty and unemployment. Government educational and health services remained unavailable to many indigenous groups living in remote areas.

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

Lowlands indigenous peoples 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 peoples 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. The leaders decried the policy as having turned into a de facto mechanism for redistributing indigenous lands to government loyalists who allegedly ignited uncontrolled burns to clear the land, exhausted the nutrient-poor Amazon soil within three to four years with coca cultivation, turned the land over to Chinese companies for mineral extraction, and then repeated the cycle nearby.

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.

Child Abuse: The penal code defines infanticide as the killing of a child younger than 13. Conviction for rape of a child younger than 14 carries a penalty of 20 to 25 years' imprisonment. The Justice Ministry reported 1,308 cases of child abuse in 2020, compared with 923 cases in 2019 and 850 cases in 2018. There were 800 cases of child abuse reported from January to April, including five cases of infanticide. Nonprofit organizations assessed the actual number of abused children as probably much higher. In April Minister of Justice Lima publicly called on authorities at all levels to do more to combat child abuse. On August 19, several municipal and regional governments agreed to increase their budget allocations to combat child abuse.

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: Conviction for 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 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."

Institutionalized Children: UNICEF reported in 2015 (the most recent information available) that 20,000 to 32,000 minors lived in shelters after their parents abandoned them. Child advocacy organizations reported abuse and negligence in some government-run shelters. The La Paz Department Social Work Service confirmed that of the country's 380 shelters, including centers for abuse survivors, orphans, and students, only 30 had government accreditation for meeting minimal standards.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish population numbered fewer than 500. There were no reports of anti-Semitism.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law requires access for wheelchair users to all public and private buildings, duty-free import of orthopedic devices, and a 50 percent reduction in public transportation fares for persons with disabilities. The law also requires communication outlets and government agencies to offer services and publications in sign language and braille. The law stipulates that persons with “serious and severe” disabilities are entitled to government payments of 250 bolivianos (\$36) per month. The law requires both public and private institutions to employ a certain percentage of workers with disabilities. The government issued registration cards to persons with disabilities so they could collect benefits, including free access to health services.

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

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

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

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

HIV and AIDS Social Stigma

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

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

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

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

The law prohibits discrimination based on sexual orientation and gender identity. The law allows transgender individuals to update their name, gender marker, and photograph to reflect their gender identity on all legal identification cards and birth certificates. Nonetheless, transgender activists stated most of the transgender community was forced to turn to commercial sex to earn a living due to discrimination in the job market and unwillingness on the part of employers to accept their identity documents and professional licensures. Activists reported police targeted transgender individuals who were sex workers.

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

when seeking to access government services, especially in health care, despite laws that prohibit discrimination based on sexual orientation and gender identity. Transgender individuals remained particularly vulnerable to abuse and violence. Older LGBTQI+ persons faced high rates of discrimination when attempting to access health-care services. There were no legal mechanisms in place to transfer power of attorney to a same-sex partner.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

Workers may form a union in any private company of 20 or more employees, but the law requires that at least 50 percent of the workforce be in favor. The law requires that trade unions register as legal entities, obtain prior government authorization to establish a union, and confirm its elected leadership. The law permits only one union per enterprise and allows the government to dissolve

unions by administrative fiat. The law also requires that members of union executive boards be citizens. The labor code prohibits most public employees from forming unions, including the military, police, and other public security forces. Some public-sector workers (including teachers, transportation workers, and health-care workers) were legally unionized and actively participated without penalty as members of the Bolivian Workers' Confederation, the country's chief trade union federation.

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

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

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

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

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

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

b. Prohibition of Forced or Compulsory Labor

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

Men, women, and children were victims of sex trafficking and forced labor in domestic servitude, mining, ranching, and agriculture. Forced criminality continued to be a problem; media outlets reported cases of children forced to commit crimes such as robbery and drug production, and others were exploited in forced begging. Indigenous populations were especially vulnerable to forced labor in the agriculture sector and to deceptive employment opportunities that may amount to forced labor in neighboring countries.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. Ministry of Labor inspectors were responsible for identifying situations of child labor and human trafficking for the purposes of forced child labor. When inspectors suspected such situations, they referred the cases to the municipal offices of the child and adolescent advocate for further investigation in coordination with the Public Prosecutor's Office. The law states that work should not interfere with a child's right to education and should not be dangerous or unhealthy. By law dangerous and unhealthy work includes work in sugarcane and Brazil nut harvesting, mining, brickmaking, hospital cleaning, selling alcoholic beverages, and working after 10 p.m., among other conditions.

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

Municipal governments, through their respective offices of the child and adolescent advocates, are responsible for enforcing child labor laws, including laws pertaining to the minimum age and maximum hours for child workers, school completion requirements, and health and safety conditions for children in the workplace. The municipal offices of the child and adolescent advocate must answer a request for an underage work permit within 72 hours. Reports indicated that up to 15 percent of municipalities lacked an Office of the Child Advocate, and many more were reported to lack sufficient resources and the capacity to perform their mandate and raise awareness of children's rights and parents' obligations under the law.

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

The ministry collaborated with the Inter-American Development Bank to implement a program that identifies and employs unemployed parents who have children in the workforce. A ministry official stated that while there were varying reasons why children as young as 10 were subjected to work, one main reason was because their parents could not find steady employment. This program sought to secure jobs for underemployed parents on the condition their children stop working. The ministry also provided the parents' salaries for the first three months to avoid burdening the businesses that provided employment.

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

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

d. Discrimination with Respect to Employment and Occupation

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

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

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

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

e. Acceptable Conditions of Work

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

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

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

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

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

Informal Sector: Workers in informal part-time and hourly jobs did not have labor protections. Many companies and businesses preferred workers hired on an hourly or part-time basis to avoid paying required maternity and pension benefits. According to labor law experts, the informal sector constituted approximately 65 to 75 percent of the economy. These experts claimed labor regulations meant to protect employees in effect promoted the large informal sector, because the regulations reportedly resulted in employers not hiring full-time employees due to the higher costs their employment entailed.

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

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