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Bolivia

Country Reports on Human Rights Practices - [2000](#)

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A constitutional, multiparty democracy with an elected president and bicameral legislature, Bolivia has separate executive, legislative, and judicial branches of government, with an attorney general independent of all three. President Hugo Banzer Suarez of the Nationalist Democratic Action party took office in August 1997. The government coalition controls the Senate but only has a plurality of 57 out of 130 seats in the Chamber of Deputies. However, the coalition holds the leadership positions in both chambers. The executive and legislative branches suffer from corruption and inefficiency to some extent. The judiciary, while independent, also is corrupt and inefficient.

The National Police have primary responsibility for internal security, but military forces can be called upon for help in critical situations, and this occurred during the year. The police provided security for coca eradication work crews in the Chapare region. A special counternarcotics force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to antinarcotics enforcement. Civilian authorities generally maintain effective control over the security forces; however, some members of these forces committed human rights abuses.

Bolivia has extensive poverty, and many citizens lack access to such basic services as potable water, sewage, electricity, and primary health care. Per capita gross domestic product (GDP) is about \$1,087. According to the World Bank, between 1993 and 1999, approximately 67 percent of the population lived below the national poverty line. The country is rich in minerals and hydrocarbons, and extensive investments in petroleum deposits in the eastern and southern parts of the country are expected to form a basis for strong GDP growth in the future. However, most workers engage in traditional agriculture, and many citizens remain barely linked to the cash economy.

The Government generally respected the human rights of its citizens; however, problems remain in certain areas. Legal and institutional deficiencies prevented the full protection of citizens' rights. In April violent demonstrations and road blockages broke out in Cochabamba over a controversial municipal water project, and unrelated protests occurred across the country, leading to the deaths of protesters as well as members of the security forces; commerce was brought to a virtual halt. On April 8, President Banzer declared a state of siege, which Congress approved on April 13. The stage of siege ended on April 20. Nongovernmental human rights organizations criticized the state of siege and the killings, injuries, and preventive detentions that took place during it. Violent demonstrations and other confrontations due to an unrelated list of grievances against the Government also took place in September and October, and resulted in the deaths of up to 10 civilians, 4 security officials, and the spouse of 1 of the security officials. There were a number of allegations of torture. There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Investigations of alleged official abuses were slow. Prison conditions are harsh and at times police arbitrarily arrested and detained persons. The most pervasive human rights abuse continued to be prolonged incarceration of detainees due to antiquated procedures and inefficiency and corruption in the judicial system. Other problems include infringements on citizens' privacy rights, government attempts to intimidate some news media, violence and discrimination against women, abuse of children, discrimination against and abuse of indigenous people, discrimination against Afro-Bolivians, child labor, inhuman working conditions in the mining industry, and trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings. However, security forces killed some protesters during violent demonstrations in April and September.

In April violent demonstrations and road blockages broke out in Cochabamba over a controversial municipal water project. These demonstrations, combined with unrelated protests across the country, brought commerce to a virtual halt. On April 8, President Banzer declared a state of siege. Under a state of siege, the President has the authority to forbid demonstrations that threaten the public order and detain persons who are suspected of plotting against the public order (see Section 1.d.). In the days that followed, there were violent clashes between security forces and demonstrators. It appears likely that at least three out of the four civilians killed during the April demonstration were killed by security forces. In addition, 1 army officer was killed, and over 50 persons were injured. The state of siege ended on April 20.

On October 10, the civilian justice system ordered 17 military officers and soldiers to testify or face arrest on charges in the death of a protester on April 8 in Cochabamba. The military officials did not testify and sought to have the case transferred to the military justice system at year's end. The Government agreed to pay all medical costs, as well as compensation up to \$1,575 (10,000 bolivianos), to those injured in the violent disturbances in April, September, and October, depending on the severity of the injury. In addition, the Government awarded up to \$2,362 (15,000 bolivianos) in compensation to the families of those killed in April and up to \$3,937 (25,000 bolivianos) to the families of those killed in September. At year's end, the Government was paying the medical costs and had compensated the families of those persons killed in April but had not yet compensated those injured in April, September, and October, nor paid compensation to the families of those killed in September.

The military justice case against alleged sharpshooter Captain Robinson Iriarte Lafuente, who was videotaped by television news organizations in civilian clothes kneeling alongside troops and firing a rifle during the disturbances in Cochabamba, was pending at year's end. On April 27, Captain Iriarte testified before the congressional Human Rights Committee that he fired shots in three different locations at walls and buildings to intimidate civilians who were rioting nearby. Iriarte claimed that each time he received permission from a superior officer at the scene. Armed Forces Commander Admiral Jorge Zabala earlier told the Congressional Human Rights Committee that, during the state of siege, soldiers only were authorized to fire live ammunition by order of their commander, and the 7th Division Commander, Brigadier General Jose Antonio Gil, testified that he gave no such order.

The Constitution provides for declaration of a state of siege, which the Congress must approve, and many administrations have utilized it. In August the Constitutional Tribunal affirmed the constitutionality of the state of siege. However, human rights organizations criticized the state of siege and the resulting deaths, injuries, and detentions (see Section 1.d.).

Violent demonstrations and other confrontations, due to an unrelated list of grievances against the Government, also took place in September and October. Protesting groups ranged from illegal coca growers in the Chapare, indigenous farmers in the highlands, to urban and rural teachers' unions, to groups protesting a controversial municipal water project in Cochabamba. These demonstrations resulted in the deaths of up to 10 civilians, and approximately 180 civilians were injured. At least three of these deaths were not plausibly attributable to the security forces. The Government enjoined the security forces to act with restraint and to avoid head-to-head conflict with demonstrators, and their performances generally were in keeping with these orders, despite violent provocations (see Section 2.b.). In addition, four security officials and the spouse of one of them disappeared in the Chapare during the disturbances and later were found tortured and murdered. Another security official was missing and presumed dead at year's end.

The case of the November 1999 death of Miguel Angel continued to move slowly through the judicial system. Rivero Siles, a 17-year-old prisoner accused of murder, died due to severe burns suffered while he was held in a solitary confinement cell at San Sebastian prison in Cochabamba. Investigations into actions by police at the prison continued during the year. The authorities removed the prison governor, closed the solitary confinement cells, and replaced them with a regular jail cell that is used to punish prisoners for poor behavior by isolating them from the rest of the prison (see Section 1.c.).

The case of 18-year-old Marcelo Botelho, who police arrested in October 1999 in Santa Cruz and who died the next day in a hospital, was closed. Although there were allegations that the police had beaten Botelho, there were no eyewitness reports, and the Government did not pursue a case against the police.

On May 20, 1999, police arrested Peruvian businessman Carlos Freddy Cano Lopez, after he refused to pay a disputed taxi fare. Cano suffered third degree burns over 50 percent of his body when his cell mysteriously caught fire. The authorities transferred Cano to a hospital in Lima, Peru, where he died in June 1999. The authorities suspended the policemen in question and their judicial case was pending at year's end.

On January 13, the Government completed investigations and issued reports concerning the five unresolved cases of civilian deaths during the fatal confrontations between security forces and illegal coca growers in the Chapare in the spring of 1998. The reports were forwarded to the Cochabamba district attorney who recommended on February 1 that all five cases (plus two others) be closed. However, a judge in Villa Tunari decided to continue proceedings on three cases and following his decision allegedly received threats, which later apparently ceased. The three cases in question subsequently were transferred to a Superior Court in Cochabamba, which ruled that two of the cases should be closed and that one case, the death of Alberto Coca Cayo, should be sent back to the judge in Villa Tunari to continue proceedings. Military officers charged in the case petitioned for the case to be transferred to the military justice system. The case was transferred back to the superior court in Cochabamba, where the decision as to which jurisdiction would consider the case was pending at year's end.

After 21/2 years, the Government completed its investigations into the December 1996 events at Amayapampa and Capasirca that left nine civilians and one policeman dead in clashes between miners and security forces. The findings held five military officers responsible but absolved then-President Gonzalo Sanchez de Lozada and his ministers of any responsibility. The cases against the accused officers were pending in the military justice system at year's end; five officers were reassigned to nonoperational units pending the outcome of their legal cases. An attempt in Congress to censure Sanchez de Lozada and his ministers also was pending at year's end. The Government's delay in completing effective investigations and identifying and punishing those responsible for either civilian or security force deaths results in an atmosphere of impunity.

There was violence during the year against government security forces and coca eradication crews. On January 20, an unknown assailant shot and killed Joint Eradication Task Force (JTF) conscript Raul Almendras; police later arrested a coca grower as a suspect in the murder. On May 14, a government helicopter flying in support of eradication efforts was fired upon; one JTF soldier was wounded. The JTF in the Chapare was fired upon on August 2, and the Ecological Police, who provide security for the JTF, returned fire and wounded one of the assailants, who subsequently was arrested along with a companion. On August 18, there were two serious explosive incidents that injured a policeman and another government employee. One suspect subsequently was arrested. In separate booby trap blasts on October 11, a coca eradication soldier and a civilian were injured. On October 21, as the JTF near Puerto Zudanez was returning to base camp, it was fired upon. Two members of the JTF were killed and four were wounded. On November 13, the JTF column was ambushed while proceeding to eradicate coca in the Ismael Montes sector. One policeman, Abad Espinoza, was killed.

There were several reported cases of alleged criminals lynched or burned by civilians, sometimes resulting in death, for their alleged crimes.

b. Disappearance

There were no reports of politically motivated disappearances.

The case of Jose Carlos Trujillo Oroza drew renewed attention as the most prominent of the cases of those who disappeared during the 1971-78 de facto regime of President Hugo Banzer Suarez. Trujillo's mother presented the case to the Inter-American Court of Human Rights in June 1999. The security forces had detained Trujillo, a 21-year-old university student, in December 1971, and he never was seen again after February 2, 1972. Trujillo's mother first presented his case to the Inter-American Commission on Human Rights in September 1992. In 1996 President Sanchez de Lozada's Government accepted responsibility for Trujillo's arrest and disappearance and named those responsible, but did not hold them accountable. On January 25, the Banzer Government accepted responsibility for Trujillo's arrest and disappearance before the Court. The Government offered to begin negotiations with Trujillo's mother, who is seeking the return of her son's remains and punishment for those responsible, with the goal of an amicable settlement. These negotiations still were unsuccessful at year's end. The Government was pursuing cases against some persons accused of torture and deprivation of freedom, but not murder, in the Trujillo case. At year's end, the family was appealing the decision of the judicial system not to pursue murder charges.

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

The Constitution prohibits torture, and the Government generally respects this provision; however, there were a number of significant allegations of torture, beatings, and abuse by members of the security forces. There were no independently confirmed reports of abuse or beatings by security forces of civilians during the year.

During the April state of siege (see Section 1.a.), there were allegations that the military took residents of Achacachi into custody in the middle of the night and beat them in an attempt to learn the names of those responsible for the death of an army captain. The army captain was an officer in a unit thought by demonstrators to be responsible for the earlier death of a civilian in Achacachi. A mob beat the captain, and after he was taken to a hospital, dragged him from the hospital and beat him to death. There also were allegations that arrestees from Patacamaya during the state of siege were beaten by the military prior to being transferred to the custody of the PTJ.

There were allegations that security officials beat protesters who they detained in the Chapare during the September-October disturbances, as well as allegations that they beat civilians to try to learn the location of missing security officials and the names of those responsible for their deaths.

There also were credible allegations that military officers and sergeants beat and otherwise mistreated military conscripts. The military justice case against superiors accused of allegedly beating conscript Roger Candia Vallejos in September and November 1999 continued at year's end.

Several police officers were fired and charged for off-duty crimes, and a number were dismissed for corruption. However, in general the police were not disposed to investigate their own colleagues, and prosecutors were reluctant to prosecute security officials for alleged offenses committed while on duty.

Neither the technical and judicial police nor prosecutors normally receive human rights training. Over 6,000 FELCN members, PTJ members, lawyers, prosecutors, and judges received training on bail provisions of the new Code of Criminal Procedures. In July foreign consultants conducted a 1-week human rights course for 33 FELCN investigators. The basic FELCN and UMOPAR training includes a human rights module.

In September 1999, the military signed a cooperation agreement with the Ombudsman's office and, in November 1999, the military concluded an agreement for cooperation and coordination for human rights training with the Ministry of Justice and Human Rights, which took place during the year.

Indigenous communities in areas with little or no central government presence impose punishment reliably reported to include the death penalty on members who violate traditional laws or rules, although the Constitution prohibits such punishment.

Prison conditions are harsh. Prisons are overcrowded, and conditions can be life threatening for inmates without money. According to the Director General of the Penal System in the Ministry of Government, as of July there were approximately 8,500 prisoners in facilities designed to hold 4,400 prisoners. The majority of all prisoners were held for narcotics crimes. The Pardon and Extraordinary Freedom Jubilee 2000 Law, an amended version of which took effect on December 8, is expected to reduce this overcrowding. The law pardons prisoners under the age of 21 or over the age of 60; reduces felony sentences by one-third for all prisoners sentenced prior to August 30; and pardons prisoners who are parents of minor children and have completed at least 50 percent of their sentences. (Reductions in felony sentences are not extended to prisoners convicted of murder, parricide, or treason, nor to most prisoners convicted of terrorism, rape, or narcotics trafficking. In addition, prisoners who were convicted for murder, rape, kidnaping, terrorism, or narcotics crimes and sentenced to more than 10 years in jail are not eligible for the benefits given to prisoners under age 21 or over age 60, or to parents of minor children.) The one-third reduction in sentences is expected to be that many prisoners would then have served over 50 percent of their sentences and thus be eligible for parole much sooner than expected. The law is expected to lead to the release of between 1,500 and 2,000 prisoners over the course of 2001.

Ability to pay can determine a prisoner's cell size, visiting privileges, day-pass eligibility, and place or even length of confinement. Cell prices range from \$20 to \$5,000 (125 to 30,000 bolivianos), paid to prior occupants or to prisoners who control cell blocks. For example, in the poorest parts of San Pedro prison in La Paz, inmates occupy tiny cells (3 by 4 by 6 feet) with no ventilation, lighting, or beds. Crowding in some "low-rent" sections obliges inmates to sleep sitting up. Although only children up to 6 years old are supposed to live with an incarcerated parent, children as old as age 12 live with their fathers in San Pedro prison. According to the Director General, as of July there were 900 children living with a parent in prison. If such children have nowhere else to go, the Government considers it more humane to support them in prison than to leave them homeless in the streets. The standard prison diet, according to a 1995 study, can cause anemia; the diet has not been

improved since then. The Government budgets only \$0.32 (2 bolivianos) per prisoner per day for food. Prisoners who can afford to use their own money to supplement the standard prison diet by buying food do so. There is no adequate health care within the prisons, and it is very difficult for prisoners to get permission for outside medical treatment. However, affluent prisoners can obtain transfers to preferred prisons or even to outside private institutional care for "medical" reasons. Drugs and alcohol are readily available for those inmates who can pay.

There are separate prisons for women; conditions for female inmates are similar to those for men.

Convicted juvenile prisoners are not segregated from adult prisoners in jails. Rehabilitation programs for juveniles or other prisoners are scarce to nonexistent. The Government has acknowledged these problems but does not have sufficient resources to correct them quickly.

On June 28, Brazilian prisoner Mustafa Samir was found hanged and on June 29, Peruvians Omar Casis and Renaldo Montesinos were shot and killed at the maximum security San Pedro de Chonchocoro prison located near La Paz. Investigations into these deaths were pending at year's end. The prison houses the country's most violent prisoners and terrorists.

Unlike 1999 there were no instances of prisoners dying from fires in their cells during the year. In November 1999, prisoner Miguel Angel Rivero Siles died as the result of a fire in his prison cell; in May 1999 Carlos Freddy Cano Lopez was arrested and suffered severe burns after his cell mysteriously caught fire. He died in a hospital that June (see Section 1.a.). These were the second and third times since 1998 that prisoners had been burned in their cells. In 1999 the authorities discharged the two policemen arrested for attempting to burn a drunken man in September 1998, but their judicial case still was pending at year's end. On November 29, 1999, the Ombudsman and the Ministry of Government signed an agreement that led to the closing of several prisons determined to have inhuman conditions, including the detention cell in La Paz where Cano Lopez was burned. The agreement also called for repair of other substandard prisons, including San Sebastian prison in Cochabamba where Rivero Siles was burned. The San Sebastian solitary confinement cells subsequently were removed and replaced by a regular jail cell (see Section 1.a.).

In October 1999, Marcelo Botelho died in a Santa Cruz hospital and human rights organizations alleged that police had beaten the victim. However, there were no eyewitness reports, and the Government did not pursue a case against the police (see Section 1.a.).

The Government permits prison visits by human rights monitors and news media representatives.

d. Arbitrary Arrest, Detention, or Exile

There were some instances of arbitrary arrest and detention. Arrests are carried out openly. The law requires a valid warrant, which a court must confirm within 48 hours. However, there were credible reports that these legal safeguards were violated in some cases.

On April 8, President Banzer declared a state of siege (see Section 1.a.), which under the Constitution provides for the detention of persons who are suspected of plotting against the public order. Those detained must be brought before a judge within 48 hours. The authorities detained 22 persons seen as instigators of the protests. Those detained included Felipe Quispe Huanca, executive secretary of the Sole Trade Union Confederation of Peasant Workers of Bolivia (CSUTCB), and several other trade unionists, peasant leaders, and university students. Quispe, the leader of indigenous farmers who manned roadblocks outside La Paz, is a former terrorist in the Tupaj Katari Guerrilla Army who was imprisoned during 1992-97 and then granted conditional release. Another approximately 50 persons were arrested for violating the state of siege and later released. The Ombudsman and human rights organizations challenged the detentions as illegal, since the authorities detained the 22 persons on April 7, prior to the April 8 supreme decree that enacted the state of siege. All 22 detainees were released by April 14, and the state of siege ended on April 20. The La Paz superior court and the Constitutional Tribunal both ruled in favor of the habeas corpus petitions after the detainees already had been released. The Ombudsman's office noted that this state of siege was the first in which habeas corpus was used as a legal tactic to attempt to force the Government to release detainees. There were allegations that the military beat residents of Achacachi and arrestees from Patacamaya during the state of siege (see Section 1.c.).

Denial of justice through prolonged detention remains the most pervasive human rights problem. Judicial corruption, a shortage of public defenders, inadequate case-tracking mechanisms, and complex criminal justice procedures keep persons incarcerated for months, or even years, before trial. The Constitution provides for judicial determination of the legality of detention. Prisoners are released if a judge rules detention illegal, but the process can take months. Prisoners may see a lawyer, but approximately 70 percent cannot afford legal

counsel, and public defenders are overburdened (see Section 1.e.).

According to a 1998 study, approximately 60 percent of those jailed still were waiting for the processing of their cases to be finished, and of those, 30 percent already had served what would have been the maximum sentence for the crime they were accused of committing.

The Government continued to address the problem of delay of justice by implementing the 1994 constitutional reforms to streamline the judicial system and by taking measures to correct other deficiencies as they come to light. In May provisions of the new Code of Criminal Procedures replaced the release provisions of the Personal Recognizance Law, promulgated in 1996, which were never utilized effectively. Most prisoners still await either trial or sentencing, but under the new Code of Criminal Procedures the courts are beginning to provide release on bail for some prisoners. Judges still have the authority to order preventive detention for suspects under arrest deemed to be a flight risk or for obstruction of justice. If a suspect is not detained, a judge still can order significant restrictions on a suspect's travel.

The expanding public defender program provides concise information about human rights to citizens and seeks to involve public defenders in arrest cases at the earliest possible juncture to ensure that human rights and due process are honored. A program of mobile public defenders who can reach the more remote parts of the country has proven effective.

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

The 1997 abduction case of Waldo Albarracin, President of the Bolivian Permanent Assembly for Human Rights (APDH), continued to move slowly through the judicial system. The authorities had yet to take any action regarding the four police officials accused of abducting Albarracin, although legal cases against two policemen were pending at year's end.

The Government does not use forced exile as a punishment.

e. Denial of Fair Public Trial

The judiciary is independent; however, corruption and intimidation in the judicial system remain major problems. Poor pay and working conditions help make judges and prosecutors susceptible to bribes.

The judicial system has four levels of trial: Investigative, trial, superior court, and Supreme Court or Constitutional Court appellate review. Since the establishment of the Constitutional Court in 1998, the Supreme Court hears only appeals of substantive laws, not constitutional issues. The system is essentially a closed, written system. With rare exceptions, a judge does not interview witnesses, nor does an opportunity to examine and cross-examine witnesses before the judge exist. The highly formal and corrupt judicial system makes it difficult for poor, illiterate persons to have effective access to courts and legal redress.

In cases not involving the narcotics law, a judge of instruction is in charge of the first stage. The judge instructs the police about what witness statements he wishes to take. A prosecutor, who is an overseer of correct procedure, may intervene, if the judge deems it necessary, to give an advisory opinion. Often this opinion is provided in advance and contains the statements of all witnesses interviewed by the police or the prosecutor. If the judge finds that the evidence is conclusive of guilt, the judge submits the case to a sentencing judge for review. This second stage of trial involves an analysis of this evidence by the trial judge, who allows the defense to present additional evidence. The trial judge is not required to seek additional evidence, although the judge may add additional witnesses to be interviewed if deemed necessary.

In narcotics (Law 1008) cases, the FELCN handles the investigative stage, and there is no judicial review of cases to determine whether a case should move to the trial stage. This is expected to change when the new Code of Criminal Procedures takes full effect in 2001, and narcotics cases are expected to be handled the same as non-narcotics cases in the first two stages. The third stage of Superior Court review is essentially a review of all evidence, and the court may reopen the case for additional witnesses. The Supreme Court review, which is virtually automatic if sought in non-narcotics cases and is required in all narcotics cases, is a fourth iteration of that process. During the superior court and Supreme Court reviews, the courts may confirm, lower, raise, or annul sentences, or provide alternatives not contemplated in lower courts. The repetitive nature of this four-stage procedure requires a great deal of time before a final result is reached in an individual case.

Defendants have constitutional rights to a presumption of innocence, to remain silent, to an attorney, to confront witnesses, to present evidence on their own behalf, to essential due process, and to appeal judicial decisions. However, in practice almost none of these rights systematically exist. The full implementation of the new Code of Criminal Procedures on May 31, 2001, is expected to alleviate some of these problems. The new code is expected to facilitate more efficient investigations, transparent oral trials, and credible verdicts. Although the law provides for a defense attorney at public expense if needed, one is not always promptly available. The Government has hired 49 additional staff members to bolster rural public defense, achieving a total of 167 public defenders, legal assistants, and social workers.

In October 1999, the Constitutional Court ruled that the Judicial Council, established in 1998 to oversee the judicial process and to provide an impartial body to review the actions of judges, did not have the power to dismiss a Superior Court or higher level judge due to an administrative finding of malfeasance alone. The Court ruled that the removal of such a judge from office requires a final judgment and sentence of conviction in a criminal case tried before the Supreme Court. The Council retains its power to suspend without pay, for up to 13 months, judges against whom a criminal charge has been filed or against whom a disciplinary process has been initiated.

In early 1999, the Council had investigated numerous reports of judicial corruption, which led to the resignation or dismissal of more than 20 judges in Santa Cruz, Cochabamba, and La Paz. One of the dismissed judges, who allegedly accepted bribes from narcotics traffickers, protested his dismissal to the Constitutional Court, which ruled that only a court finding of malfeasance, rather than a finding by an administrative body such as the Council, was cause for dismissal. The Court's decision dealt a serious blow to the Judicial Council and weakened its role as a disciplinary body. At year's end, legislation was pending that would increase the Council's suspension powers to 3 years or would reinstate the Council's power to dismiss judges found guilty of malfeasance by the Council.

There were no reports of political prisoners.

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

The Constitution provides for the sanctity of the home and the privacy of citizens; however, while the authorities generally respect these provisions, there were credible allegations of UMOPAR abuses involving thefts of property. Residents in the coca-growing areas generally are reluctant to file and pursue formal complaints. On May 17, the Government reopened a human rights office of the Ministry of Justice and Human Rights in Chimore in the Chapare region (see Section 4).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the fundamental right to express ideas and opinions freely by any means of dissemination; however, there are some limitations on freedom of speech, and the Government attempted to intimidate some news media. The Penal Code provides that persons found guilty of insulting, defaming, or slandering public officials for carrying out their duties may be jailed from 1 month to 2 years. If the insults are directed against the President, Vice President, or a minister, the sentence may be increased by one-half.

Press organizations alleged that the Government intentionally cut off electricity for 2 hours on April 8 in Cochabamba during the state of siege in order to silence radio and television stations (see Sections 1.a. and 1.b.). There has been no investigation of these allegations, by either press organizations or the Government.

The 40-person La Paz Press Tribunal is authorized to evaluate journalists' practices that are alleged to violate either the Constitution or citizens' rights.

Newspapers are privately owned, and most adopt antigovernment positions. State-owned and private radio and television stations operate freely. There were credible reports of government attempts to intimidate some news media to provide more favorable coverage.

The Government prohibits the importation of pornographic books, magazines, and artwork.

The Government respects academic freedom, and the law grants public universities autonomous status.

b. Freedom of Peaceful Assembly and Association

The law provides for the right of peaceful assembly, and the authorities generally respect this right in practice; however, under the state of siege the Government imposed some limits on this right. The Government routinely grants permits for marches and rallies. There were numerous demonstrations throughout the year; in some cases protesters blocked roads. The Governor of La Paz temporarily instituted a ban on public gatherings of more than three persons during the state of siege.

As a rule, the authorities try to avoid confronting demonstrators. However, security forces clashed with union and other demonstrators on many occasions during the year, resulting in some deaths and hundreds of injuries (see Section 1.a.). The authorities intervened only when rallies became dangerously violent or interfered substantially with normal civic activity. The authorities regularly use tear gas and other forms of crowd control. In early February, violent protests over increases in municipal water prices left 130 persons injured (including 30 police) and led to the arrest of 180 persons.

The law provides for freedom of association, and the authorities generally respect this right in practice. The Government requires nongovernmental organizations (NGO's) to register with the appropriate departmental government. There were complaints in 1999 against the departmental government of La Paz for the revocation of civil registrations for three NGO's established by the Unification Church (see Section 2.c.).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Roman Catholicism predominates, and the Constitution recognizes it as the official religion. Non-Catholic religious organizations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorization for legal religious representation. There were 268 registered religious groups, which were mostly Protestant; at year's end, approximately 130 applications were pending. The only minority religions in the country that have encountered problems are Hari Krishna and the Unification Church. Hari Krishna had registered as an educational organization instead of as a religious organization. The Government sought to expel Hari Krishna from the country in the mid-1980's; however, the attempt failed when the Supreme Court declared it illegal. According to the Government, in 1999 it denied for lack of documentation a Hari Krishna application for registration as a religious organization. In August 1999, the Unification Church complained of ongoing harassment by the Government, specifically citing the August 1998 revocation by the La Paz departmental government of three civil registrations for church-affiliated NGO's. However, the Unification Church still is registered legally with the Ministry of Foreign Affairs and Worship as a religious organization.

On July 21, President Banzer signed a Supreme Decree governing the relationships between religious organizations and the Government. The decree updates a similar decree dating from 1985, which had been the subject of criticism by Catholic and non-Catholic religious groups. The new decree reflects input from religious groups and, according to the Government, is designed to increase transparency and dialog in church-state relations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel. However, on numerous occasions during the year protestors blocked roads and highways. The law permits emigration and provides for the right to return. The Government does not revoke citizenship for political reasons.

The law provides for the grant of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government has accepted persons for resettlement; it received 2 refugees during the year, over 40 refugees in 1999, and 5 refugees in 1998. The issue of the provision of first asylum did not arise. After the 1996 takeover of the Japanese Ambassador's residence in Lima, Peru by Tupac Amaru Revolutionary Movement (MRTA) terrorists, the authorities found that some MRTA activists had used Bolivia as a safehaven and announced a more restrictive policy on accepting Peruvian political asylees. Nonetheless, members of the MRTA and other terrorists continued to use the country as a safehaven and a place to plan activities.

There were no reports of persons forced to return to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties ranging from far left to moderate right function openly. Implementing regulations for the 1994 constitutional revisions provide for half of the congressional deputies to be elected individually and directly, rather than from party lists. The first national election under these regulations was held in June 1997, with attendance by international observers. Only one instance of tampering with ballots was detected. Elections for national offices are held every 5 years; the next national election is scheduled for 2002. In August 1997, President Hugo Banzer Suarez of the Nationalist Democratic Action Party took office. His coalition controls the Senate but has a plurality of only 57 out of 130 seats in the Chamber of Deputies. However, the government coalition holds leadership positions in both chambers.

There are no legal impediments to women or indigenous people voting, holding political office, or rising to political leadership; however, women and indigenous people are underrepresented in government and politics. Political parties acceded to demands from women that they be allocated a fair share of the candidacies in the 1997 national elections, approving a law that every third candidate on party lists must be female. In addition every other candidate on municipal election ballots, beginning with the second candidate, must be a woman--a development that has significantly augmented female representation to approximately 30 percent of municipal council positions. However, there have been reports that in some municipalities party leaders have pressured councilwomen to resign in favor of their male substitute, and women in three separate municipalities have allegedly been threatened with death if they do not resign their positions. There are 20 women among the 157 deputies and senators; there are no female ministers in the Cabinet and only 4 women among the 45 vice ministers.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. However, NGO's and the Ombudsman have complained that government security forces and government ministries have refused to cooperate when NGO's or the Ombudsman are conducting investigations. The Government criticizes human rights advocates for paying attention exclusively to the negative aspects of the Government's performance.

APDH President Albarracin and his family have received anonymous threats in relation to the legal case against his alleged police abductors (see Section 1.d.). The APDH's branch office in Santa Cruz also received anonymous threats related to its investigations involving the security forces; in 1999 unknown parties broke into its office and destroyed its computer.

The Human Rights Ombudsman conducted numerous investigations and in August presented a comprehensive report to Congress that was critical of the Government, and particularly cited the fact that the greatest number of alleged violations were attributed to the police. The Chamber of Deputies Human Rights Committee, led by an opposition party congressman, also presented its annual report in August, which criticized the Government.

On May 17, the Government reopened a human rights office of the Ministry of Justice and Human Rights in Chimore in the Chapare region with assistance from an international donor. All of the human rights offices in the Chapare region had closed in June 1999. These offices accept and pursue complaints of human rights abuses committed by anyone, including police, narcotics traffickers, and illegal coca growers.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, religion, political or other opinion, origin, or economic or social condition; however, there was significant discrimination against women, indigenous people, and the small Afro-Bolivian minority.

Women

Violence against women is pervasive, but no system exists to register such incidents systematically. According to the National Police's Department of Statistics and Planning, in 1998 approximately 57 percent of reported assaults were perpetrated against women. According to a 1997-98 study conducted by the Pan American Health Organization and the Ministry of Health among women in three municipalities representative of the country's three major cultural and geographic zones, 62 percent of women reported experiencing some kind of domestic violence or abuse at least once in their lifetime. Approximately 21 percent had suffered psychological abuse, 28 percent had suffered non-life-threatening physical violence, and 13 percent had suffered life-threatening violence. Rape is also a serious problem that is highly underreported. It is estimated that only one out of every five incidents of violence against women is reported.

The 1995 Law on Domestic and Family Violence makes the rape of an adult victim a public crime; however, the victim must press charges. The law also broadens the definition of family member abuse. The 1999 Law against Sexual Violation created the new crime of statutory rape of a person from 14 to 18 years of age and established new penalties of 10 to 20 years' imprisonment for the rape of a child under the age of 14, 2 to 6 years' imprisonment for statutory rape, and 5 to 20 year's imprisonment for the rape of an adult. The new Code of Criminal Procedures provides that crimes against adults included in previous laws on sex crimes can be made public crimes; however, the victim must press charges. Sexual crimes against minors automatically are considered public crimes. Public agencies state that reported incidents of abuse have increased markedly as a result of the recent laws, as citizens become more aware of the problem and of the availability of help. There was no further action on proposed legislation to provide benefits and protection for domestic workers, including specific protection from physical, psychological, and sexual aggression.

In October 1999, President Banzer signed the Law to Protect Victims of Crimes Against Sexual Freedom, first proposed in 1997 as a draft law against sexual harassment. The new Code of Criminal Procedures (see Section 1.e.) for the first time considers sexual harassment a civil crime, also resulting in greater protection under the law. There are no statistics on the incidence of sexual harassment, but the problem generally is acknowledged to exist widely in the male-oriented society.

Prostitution is legal for adults age 18 and older, and there were reports of trafficking in women for the purpose of prostitution (see Section 6.f.).

Legal services offices devoted to family and women's rights operate throughout the country. Family protection police units, staffed by specially trained officers, including women, also are active.

The Maternal and Infant Health Insurance Program, which began in 1996 and was expanded to the Basic Health Insurance Program in 1999, provides 75 types of health services, focused on maternal and infant health, to women of reproductive age and to children under the age of 5.

Women generally do not enjoy a social status equal to that of men. Many women do not know their legal rights. Traditional prejudices and social conditions remain obstacles to advancement. Women generally earn less than men for equal work; however, the minimum wage law treats men and women equally.

Most women in urban areas work in the informal economy and the services and trade sectors, including domestic service and micro-business, whereas in rural areas the vast majority of economically active women work in agriculture. Young girls often leave school early to work at home or in the economy. According to a 1997 study by the Ministry of Education, four out of five illiterate citizens are female. Girls have lower rates of school participation and higher dropout rates than boys. Although not effectively enforced, the national labor law limits women to a workday 1 hour shorter than that of men and prohibits them from working at night.

Children

The Government is aware of the precarious situation of children and the need to provide legal and institutional infrastructure for their protection. Seven Defender of Children and Adolescents offices were opened in 1997 in La Paz to help protect children's rights and interests. However, the Government has not given the poor situation of children sufficient political priority to ensure that it can be improved quickly and effectively. In December the Government's Inter-Institutional Commission for the Progressive Elimination of Child Labor released a new national plan to address the problem of child labor, which includes programs to address financial, health, education, and other needs of children (see Section 6.d.).

In October 1999, President Banzer signed into law a new Code for Boys, Girls, and Adolescents, which codifies many obligations the country assumed by ratifying the U.N. Convention on Rights of the Child. It also regulates

adoptions and tightens protection against exploitative child labor and violence against children. However, resource constraints are expected to impede full implementation of this law.

Children from 11 to 16 years of age can be detained indefinitely in children's centers for known or suspected offenses, or for their own protection, simply on the orders of a social worker (see Section 1.d.). Corporal punishment and verbal abuse are common in school, and physical and psychological abuse in the home also are serious problems.

Although the law requires all children to complete at least

5 years of primary school, this requirement is enforced poorly, particularly in rural areas. The Ministry of Education and the World Bank calculated in 1997 that 26 percent of children graduated from high school. Prolonged teachers' strikes often result in lengthy school closures, limiting children's access to education.

The National Institute of Statistics calculated in 1998 that approximately 24 percent of children under 3 years old were chronically undernourished. A December 1999 UNICEF report on infant mortality indicated that 85 of every 1,000 children die before they reach 5 years of age.

Many children, particularly from rural areas, lack the birth certificates and identity documents they need to secure social benefits and protection.

Although laws provide safeguards against children working, they are not enforced effectively. According to a May 1999 study commissioned by the International Labor Organization (ILO), approximately 369,385 children between the ages of 7 and 14 work (23 percent of that age group), usually to help provide for family subsistence, in uncontrolled and sometimes unhealthy conditions (see Section 6.d.).

Child prostitution is a problem, particularly in urban areas and in the Chapare region. At least two NGO's, Fundacion La Paz and Q'Haruru, have active programs to fight child prostitution. The Government's plan to combat child labor includes a campaign against child prostitution (see Section 6.d.).

The old practice of "criadito" service still persists in some parts of the country. Criaditos are indigenous children of both sexes, usually 10 to 12 years old, whom their parents indenture to middle- and upper-class families to perform household work in exchange for education, clothing, room, and board. There are no controls over the benefits to, or treatment of, such children, who may become virtual slaves for the years of their indenture.

There were unconfirmed reports that children sometimes were sold to work in sweatshops in Argentina (see Section 6.f.).

People with Disabilities

In 1997 the Government promulgated regulations to implement the 1995 Law on Disabilities. The regulations require wheelchair access to all public and private buildings; duty free import of orthopedic devices; a 50 percent reduction in public transportation fares; and expanded teaching of sign language and Braille. A National Committee for Incapacitated Persons was established to oversee the law's enforcement, conduct studies, and channel and supervise programs and donations for the disabled. The electoral law makes arrangements for blind voters. However, in general there are no special services or infrastructure to accommodate disabled persons. A lack of adequate resources impedes full implementation of the law. Social attitudes keep many disabled persons at home from an early age, limiting their integration into society.

Indigenous People

Discrimination against, and abuse of, indigenous people continued. The indigenous majority generally remains at the low end of the socioeconomic scale, facing severe disadvantages in health, life expectancy, education, income, literacy, and employment. More than one-half of all citizens speak indigenous dialects as their first language, and many speak no Spanish at all, which essentially excludes them from most of the formal economy. Lack of education, inefficient farming and mining methods, indigenous cultural practices, and societal biases keep the indigenous people poor. They continued to be exploited in the workplace. Some rural indigenous workers are kept in a state of virtual slavery by employers who charge them more for room and board than they earn. Although the 1996 Agrarian Reform Law extended the protection of the national labor law to all paid agricultural workers, including indigenous workers, the problem persists due to lack of effective enforcement.

The Agrarian Reform Law provides for indigenous communities to have legal title to their communal lands and for individual farmers to have title to the land they work. The Government and indigenous leaders jointly developed provisions of this law. However, the issue of land, specifically the Agrarian Reform Law, has been a constant source of complaints and protests by indigenous people.

Indigenous people complain that their territories are not legally defined and protected, and that outsiders exploit their resources. Specific offenders allegedly are illegal coca growers and timber pirates. Indigenous groups have taken advantage of the Popular Participation Law to form municipalities that offer them greater opportunities for self-determination.

Clashes between Laime and Qaqachaca indigenous groups in the border of the Oruro and Potosi departments left dozens dead and injured over the course of the year. These groups have a decades-long history of tension over disputed land.

National/Racial/Ethnic Minorities

There is ongoing societal discrimination against the small Afro-Bolivian minority.

Section 6 Worker Rights

a. The Right of Association

Workers may form and join organizations of their choosing; however, labor leaders consistently state that a section of the 1985 Economic Liberalization Decree, which addresses the free contracting of labor, undermines any protections against dismissal without cause. Labor leaders allege that employers use or threaten to use this article to limit unionization. The Labor Code requires prior government authorization to establish a union, permits only one union per enterprise, and allows the Government to dissolve unions by administrative fiat; however, the Government has not enforced these provisions in recent years. The law requires the Government to confirm the legitimately elected officers of unions, a difficult role that it is not known to abuse. While the code denies civil servants the right to organize and bans strikes in public services, including banks and public markets, nearly all civilian government workers are unionized. Workers generally are not penalized for union activities; during the April state of siege some union leaders and activists were detained, not for union activities, but for their alleged roles in fomenting disturbances (see Section 1.d.). In theory the Bolivian Labor Federation (COB) represents virtually the entire work force; however, only about one-half of workers in the formal economy actually belong to labor unions. Some members of the informal economy also participate in labor or trade organizations. The CSUTCB, led by Felipe Quispe, is not a trade union in the traditional sense, since there is no counterpart employer with which to bargain. The CSUTCB is designed to maximize the power of indigenous farmers with respect to the Government and traditional trade unions.

On December 6, the Government announced that for the remainder of the President's term of office, it would not introduce legislation to modernize the antiquated Labor Code and patchwork of labor laws and to make them conform with ILO conventions that the country already has ratified.

Workers in the public sector frequently exercise the right to strike. Solidarity strikes are illegal, but the Government has neither prosecuted those responsible nor imposed penalties. Significant strikes centered around annual negotiations over salaries and benefits for public employees. However, their real targets were the Government's economic and social reform programs. During the April disturbances (see Section 1.a.), riot police struck for more pay. Most strikes were conducted and led by the self-described Trotskyite element of the Urban Teachers Union, which protested the Government's education reform plan, including reform of teacher training institutions, a merit-based salary system, and decentralization designed to give municipalities greater control over education. Teachers' strikes shut down public schools for several weeks in late September.

Unions are not free from influence by political parties. The COB itself is a political organization directed by Marxist ideologues. Its stated aim is to end the Government's neoliberal economic program, and it gives little attention to serious collective bargaining. Most parties have labor committees that attempt to influence union activity and also have party activists inside the unions.

The law allows unions to join international labor organizations. The COB became an affiliate of the Communist, formerly Soviet-dominated, World Federation of Trade Unions in 1988.

b. The Right to Organize and Bargain Collectively

Workers may organize and bargain collectively. Collective bargaining, or voluntary direct negotiations between employers and workers without the participation of the Government, is limited but growing. The Labor Code was written in a period in which the COB, which purports to represent all worker groups and interests, had quasi-governmental status and the exclusive authority to negotiate with state-owned enterprises. The practice was for the COB and the Government to negotiate a global agreement on salaries, minimum wages, and other work conditions each year. With the privatization of most of these enterprises, the COB's relevancy has diminished markedly, and the practice of direct employee-management negotiations in individual enterprises is expanding.

The law prohibits discrimination against union members and organizers. Complaints go to the National Labor Court, which can take a year or more to rule due to a massive backlog of cases. The court has ruled in favor of discharged workers in some cases and successfully required their reinstatement. However, union leaders say that problems are often moot by the time the court rules.

Labor law and practice in the seven special duty-free zones are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, the practices of child apprenticeship and agricultural servitude by indigenous workers (see Section 5) constitute violations, as do some individual cases of household workers effectively held captive by their employers. In addition, women were trafficked for the purpose of prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits all work for payment by children under the age of 14; however, this prohibition generally is not enforced. Child labor is a serious and increasing problem. The Labor Code is ambiguous on conditions of employment for minors from 14 to 17 years of age and permits apprenticeship for those 12 to 14 years old. The ILO has criticized this practice, which is sometimes tantamount to bondage (see Section 6.c). The law also prohibits the employment of persons under 18 years of age in dangerous, unhealthy, or immoral work.

Approximately one in every four children between the ages of

7 and 14 is employed in some way. A May 1999 study by the ILO estimated that approximately 70,000 children between the ages of 7 and 14 were working in cities, and that approximately 300,000 children in the same age group were working in rural areas. The extreme poverty of many families dictates the involuntary employment of their children for motives of survival. After an ILO-sponsored conference in May 1999 on the country's child labor problems, an Inter-Institutional Commission for the Progressive Elimination of Child Labor was formed. The Government also signed a memorandum of understanding with the ILO, pledging more attention to child labor, a 5-year plan to combat it, and adoption of policies against its most dangerous forms. In November President Banzer announced a plan to give small annual payments to families with children between the ages of 6 and 14 who were attending school. In December the Government's Inter-Institutional Commission released its new national plan to address the problem of child labor. The plan, which has not yet been funded, includes programs to give families alternatives to having children work, and to address financial, health, education, and other needs.

The Labor Ministry is responsible for enforcing child labor provisions but generally does not enforce them throughout the country. Although the law requires all children to complete at least 5 years of primary school, this requirement is enforced poorly, particularly in rural areas. Urban children sell goods, shine shoes, and assist transport operators. Rural children often work with parents from an early age, generally in subsistence agriculture. Children generally are not employed in factories or formal businesses but, when employed, often work the same hours as adults. Children also work in the mines and other dangerous occupations in the informal sector. Child prostitution is a growing problem, particularly among girls between the ages of 14 and 18. The law prohibits forced and bonded labor by children; however, the practices of child apprenticeship (criadito) and agricultural servitude by indigenous workers constitute violations, as do some individual cases of household workers effectively held captive by their employers (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work

In conformity with the law, the minimum wage is subject to annual renegotiation and was increased in January by 7 percent to approximately \$56 (355 bolivianos) per month, plus bonuses and fringe benefits. The minimum wage does not provide a decent standard of living for a worker and family, and most workers earn more. Although the minimum wage falls below prevailing wages in most jobs, certain benefit calculations are pegged to it. The minimum wage does not cover members of the informal sector, who constitute the majority of the urban work force, nor does it cover farmers, who account for some 30 percent of the working population.

Only one-half of the urban labor force enjoys an 8-hour workday and a workweek of 5 or 5 1/2 days, because the maximum workweek of 44 hours is not enforced. The Labor Ministry's Bureau of Occupational Safety has responsibility for protection of workers' health and safety, but relevant standards are enforced poorly. Many workers have died due to unsafe conditions. However, the Government has requested technical assistance in the occupational safety area from an international donor. The Labor Ministry maintains a hot line for worker inquiries, complaints, and reports of unfair labor practices and unsafe working conditions.

Working conditions in the mining sector are particularly bad. Although the State Mining Corporation has an office responsible for safety, many mines, often old and using antiquated equipment, are dangerous and unhealthy. In some mines operated as cooperatives, miners earn approximately \$3 (20 bolivianos) per 12-hour day. They work without respirators in mines where toxic gases and cancer-causing dusts abound; they buy their own supplies, including dynamite, have no scheduled rest periods, and many work underground for up to 24 hours continuously. There are no special provisions in the law defining when workers may remove themselves from dangerous situations. Unless the work contract covers this area, any worker who refuses to work based on the individual's judgment of excessively dangerous conditions may face dismissal.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons, although aspects of the problem are covered in other laws and in the Constitution. There were reports of domestic trafficking in women for the purpose of prostitution. A union leader asserted that employment agencies lure rural indigenous women to cities with promises of employment as domestic servants but then force them to work without salaries to repay transport and other fees and sometimes turn them over to houses of prostitution. There were also unconfirmed press reports that children sometimes were sold to sweatshops in Argentina.

[End.]

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