

Bolivia 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Bolivia during the year.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment by government agents; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists; serious government corruption; serious government restrictions on domestic and international human rights organizations; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, and femicide; and trafficking in persons, including forced labor.

The government took credible steps to identify and punish officials who may have committed human abuses, but its approach was politicized.

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 the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

b. Disappearance

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

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

The constitution prohibited all forms of torture, coercion, and physical and emotional violence, but there were reports government officials employed them.

Nongovernmental organizations (NGOs) reported police investigations relied heavily on torture to procure information and extract confessions. Most abuses reportedly occurred while officials were transferring detainees to police facilities or holding persons in detention. According to reports from NGOs engaged with prison populations, the most common forms of torture

for men and women detainees included rape, gang rape by guards, sensory deprivation, use of improvised tear gas chambers, tasers, asphyxiation, verbal abuse, and threats of violence.

On August 27, the family of Marco Antonio Aramayo filed a case alleging torture and humiliation Aramayo suffered during his imprisonment.

Aramayo, who had accused government officials of corruption, died in April 2022 after spending seven years in preventive detention in 56 different prisons. A September 2022 NGO report held numerous police officers, judges, and government officials responsible for torturing Aramayo while in prison. His lawyer explained that, among many other documents, the complaint was supported by an Institute of Therapy and Research study on the consequences of torture and state violence. Various public officials belonging to the Movement Towards Socialism (MAS) political party were charged in the case, but none had been detained, tried, or convicted as of November.

Police impunity was a significant problem due to corruption and politicization of the judicial system. Mechanisms to investigate abuse were rarely utilized or enforced. Investigations frequently were not completed due to payoffs to investigators from the persons being investigated.

Prison and Detention Center Conditions

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

Abusive Physical Conditions: Prison overcrowding was a problem.

According to the government's penitentiary agency, prison facilities were at more than 200 percent of designed capacity; 66 percent of the inmates were in preventive detention.

One medical doctor attended to prisoners in each prison twice a month. Although medical services were free, prisons rarely had medications on hand. Dermatoses and tuberculosis were prevalent due to the cramped sleeping quarters and lack of medicine. Incarcerated pregnant women lacked access to obstetric services. The law permitted children younger than age six to live with an incarcerated mother, under "safe and regulated conditions." Older children sometimes resided in detention centers with incarcerated mothers, despite unsafe conditions.

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

inmates experienced sexual harassment and assault on a regular basis, and some were forced to pay extortion fees to avoid being raped. Observers noted rampant rape and other forms of gender-based violence, as well as a culture of silence that suppressed reporting gender-based violence due to fear of retaliation.

The law set juvenile detention ages as 14 to 16 and required juvenile offenders to be held in facilities separate from the general prison population to facilitate rehabilitation; however, many offenders remained in juvenile facilities long after they reached adulthood. Adult inmates and police reportedly abused juvenile prisoners.

Corruption was pervasive. A prisoner's ability to pay bribes often determined physical security, cell size, visiting privileges, ability to attend court hearings, day-pass eligibility, and place and length of confinement.

Administration: Authorities generally did not investigate credible allegations of mistreatment. According to the UN Office on Drugs and Crime, prisoners could submit complaints to a commission of district judges for investigation, but due to fear of retaliation by prison authorities, they frequently did not do so.

Independent Monitoring: The government generally permitted monitoring by independent observers such as the International Committee of the Red Cross, local NGOs, judges, faith-based organizations, legislators, and media.

The government did not permit journalists, NGOs, and religious leaders to visit some high-visibility prisoners, including Santa Cruz Governor Luis Camacho and former interim President Jeanine Áñez.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention, but the government did not always respect the law. The law provided for the right of any person to challenge the lawfulness of their arrest or detention in court.

Arrest Procedures and Treatment of Detainees

The law required 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 mandated that a detainee appear before a judge within 24 hours (except under a declared state of siege, during which a detainee could be held for 48 hours), at which time the judge was required to determine the appropriateness of continued pretrial detention or release on bail. The judge was required to order the detainee's release if the prosecutor failed to show sufficient grounds for arrest. The government allowed suspects to select their own lawyers, and it provided a lawyer from the Public Defender's Office if the suspect requested one. Public defenders were generally overburdened and limited in their ability to provide adequate, timely legal assistance. While bail was

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 prohibited arbitrary arrest and detention, but the government did not always respect the law. International human rights groups noted several potentially politically motivated cases initiated by the government that resulted in arbitrary arrest, all against opponents of the government or members of the previous government. The high-profile arrest in December 2022 and detention of Santa Cruz Governor Camacho was considered by human rights groups to be politically motivated, and lawyers commented there were nearly daily reports of arbitrary arrests of individuals without due process.

Pretrial Detention: Prolonged pretrial detention was a problem. Complex legal procedures, large numbers of detainees, judicial inefficiency, executive interference, corruption, 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.

The law afforded judges the authority to order pretrial detention if there was a high probability a suspect had committed a crime, if evidence existed the accused sought to obstruct the investigation process, or if a suspect was

considered a flight risk. If a suspect was not detained, a judge could order significant restrictions on the suspect's movements.

The law stated no one could be detained for more than 18 months without formal charges. If after 18 months the prosecutor did not present formal charges and conclude the investigatory phase, the detainee could request release by a judge. The judge was required to order the detainee's release, but the charges against the detainee were not dropped. By law, the investigatory phase and trial phase of a case could not exceed 36 months combined. The law allowed a trial extension if the delays in the process were due to the defense.

Many defense attorneys intentionally did not attend hearings to delay trial proceedings and ultimately avoided a final sentencing, either at the request of their clients or due to high caseloads.

In April, the Inter-American Commission on Human Rights highlighted the *Áñez* and *Camacho* cases as examples of the "structural problems" in the administration of justice, such as the generalized use of preventive detention.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, but the judiciary was overburdened and vulnerable to undue influence by the executive and legislative branches. The judiciary was also the subject of multiple

allegations of corruption. Authorities generally respected court orders, but on several occasions, they pressured judges to change verdicts. Judges and prosecutors sometimes practiced self-censorship when issuing rulings to avoid becoming the target of verbal and legal harassment by the government.

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

Lawsuits were frequently used to intimidate opposition lawmakers.

Observers noted there was a clear pattern between opposition figures speaking out against the government and shortly thereafter being pressed with charges or called to testify in court. Once tensions between the government and the opposition figure subsided, legal proceedings became dormant until the next clash. Former interim President Áñez had eight trials pending while she was in prison. Romulo Calvo, former president of the Pro Santa Cruz Committee, a regional civilian organization, had nine trials

pending. In addition to 14 lawsuits dating from his time as Minister of Public Works under former interim President Áñez, La Paz Mayor Ivan Arias was placed under house arrest on November 14 for an investigation of political violence. By contrast, few if any prominent ruling party leaders faced criminal charges despite well-documented evidence of wrongdoing reported by investigative journalists. Observers described this discrepancy as another example of the politicization of the judicial system by the government.

Trial Procedures

The law provided for the right to a fair and public trial without undue delay, but the government did not always respect the law.

In April, the Inter-American Commission on Human Rights noted in its preliminary report that public defenders were not available throughout the country, which raised significant concerns regarding equitable access to justice and corruption in the judicial system.

Political Prisoners and Detainees

There were reports of more than 300 political prisoners as of November. The government denied there were any political prisoners, only persons who had committed crimes. According to human rights observers, the number of detainees was due in part to lack of judicial independence and abuse of preventive detention. For example, former Director of Immigration Marcel Rivas was declared innocent in his first case regarding an

immigration matter, but he received a minimum sentence for an administrative fault concerning immigration alerts in a second case. While serving that sentence, the Prosecutor's Office opened a third case against Rivas, which further delayed his release from prison. Santa Cruz Governor Camacho was in preventive detention at a maximum-security prison in La Paz. Authorities offered various justifications for Camacho's arrest but ultimately stated he remained detained because of his role in the 2019 political crisis, which the government described as a "coup." Human Rights Watch stated the justification for Camacho's preventive detention was "very fragile."

Former interim President Áñez was sentenced in June 2022 following a controversial trial that many observers found inconsistent with the rule of law and due process. The constitution stated that sitting and former presidents were entitled to an impeachment trial – versus a regular criminal trial – for acts committed in office. The government, however, pursued regular criminal proceedings against Áñez. She remained in prison, and the judicial system imposed additional periods of pretrial detention for the remaining cases. Human rights groups expressed concern the arrests and detentions of Camacho and Áñez were politically motivated. Human Rights Watch reported it saw no evidence to support the vague charges of terrorism, sedition, and conspiracy.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

The government sidelined one of its most prominent human rights critics, Amparo Carvajal, by creating a parallel organization to Carvajal's independent Permanent Human Rights Assembly of Bolivia (APDHB) and having the national tax office transfer control of APDHB's finances to the new, government-affiliated organization. The move effectively disabled Carvajal's ability to manage the country's largest human rights NGO, which she cofounded in 1974. Carvajal protested by holding a 51-day vigil outside the building where she and her supporters gathered to block access by MAS supporters seeking to take over the building.

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

The law prohibited such actions, but there were reports of hidden cameras inside the prison cell of Santa Cruz Governor Camacho during visits with his wife.

Section 2. Respect for Civil Liberties

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

While the constitution provided for freedom of expression, including for members of the press and other media, the government did not respect this right and retaliated against media outlets expressing dissenting opinions.

Freedom of Expression: Some media outlets reported the government pressured and intimidated them to report favorably regarding government policies by withholding government advertising and imposing steep taxes. Media also reported instances of pressure from the government to reveal their sources. The National Press Association and the Association of Journalists of La Paz demanded concrete measures from the government to protect the work and safety of journalists.

On June 20, the Association of Journalists of La Paz reported that digital attacks, created by government-associated teams of “digital warriors,” targeting independent media outlets were frequent. The Facebook page of Radio Network Erbol was hacked on February 12, with hackers sharing explicit images and messages from the page, causing reputational damage to the outlet.

On June 29, leading La Paz independent newspaper *Página Siete* closed, citing it had been overwhelmed by economic problems and government pressure, including excessive audits and recurring fines.

The 2022-2023 Chapultepec Index report *Journalism under Multidimensional Violence* noted freedom of expression decreased during the year. The report, which assessed institutional actions regarding freedom of expression and press in 22 countries in the Americas, noted the country shifted from “partially restricted” to “highly restricted” following the closure of the newspaper *Página Siete*, physical attacks on journalists, impunity in justice cases, and cyberbullying.

Violence and Harassment: Journalists faced threats and harassment. Journalist organizations reiterated requests for the protection of journalists. In a public statement, the National Association of Journalists and departmental (regional) journalist associations denounced an increase in harassment, pressure, and abuse against journalists, specifically citing the closure of *Página Siete* and three radio stations in Los Yungas.

On January 10, during a protest called by the National Committee for the Defense of Democracy against the arrest of Santa Cruz Governor Camacho, more than 10 journalists covering the protest were attacked, including a journalist who sustained a partial loss of hearing from fireworks and a camera operator injured by a rock.

On May 7, independent journalist Andrés Gómez reported on alleged corruption involving Minister of Environment and Water Juan Santos Cruz. Gómez subsequently reported being harassed on social media.

During the last week of July, three journalists were threatened for reporting on drug trafficking topics. Journalists for the digital magazine *Contacto Bolivia* and the television broadcaster Asociación Teledifusora Boliviana were threatened via WhatsApp for their reporting on the case of alleged Uruguayan drug trafficker Sebastián Marset. On July 26, a journalist for the newspaper *El Deber* also received threats for reporting on drug trafficking.

Previously reported cases of threats and violence were unaddressed. The Journalists Support and Protection Network provided assistance to journalists, including political cartoonist Abecor, who reported receiving threats via social media in 2022. The cases of journalists kidnapped while covering a land dispute in Las Londras were paralyzed in lower courts.

Women journalists faced attacks and threats due to their gender. News Agency Fides reported, “Once the government unleashes a campaign against these women journalists, it is fueled by so-called digital warriors through social networks and backed by MAS supporters.” According to the domestic NGO Uritas (National Union of Institutions for Social Action Work), the number of denunciations of threats and attacks against women journalists increased, with 14 cases reported through May. A woman journalist from Santa Cruz who led the digital news portal *Cobertura Digital* reported having

received threats against herself and members of her family. She temporarily closed the portal due to fear.

There were also reports of media being attacked by protesters and police as they covered protests. On January 9, the MAS-aligned former candidate for ombudsman, Pascual Mamani Marca, released a video on TikTok inciting persons to burn down Santa Cruz-based television outlet UNITEL and kill UNITEL journalists. Following the incident, the National Association of Journalists issued a statement condemning social media threats against media. There were no arrests.

In November, media reported threats and attacks while covering protests by mining cooperatives in La Paz. Six journalists and a photojournalist from national and international outlets suffered physical violence and verbal threats while covering a mobilization by mining cooperatives in the National Service of Protected Areas. The National Association of Journalists issued a statement on November 7 condemning the violence, indicating, “This fact adds to the serious threats to freedom of expression and the press that continue with impunity due to the negligence of the authorities who fail to fulfill their responsibility to protect the security of journalists in the conduct their work.” According to a November 8 joint statement from the National Association of Journalists and the Association of Journalists of La Paz, seven Popular Radio Television journalists reporting on the miners’ protests were threatened and prohibited from continuing their reporting.

Censorship or Content Restrictions for Members of the Press and Other

Media, Including Online Media: In addition to fear of prosecution and harassment, journalists sometimes practiced self-censorship due to fear of losing their jobs or losing access to government sources.

By law, the government was required to provide goods and services to all media outlets in a nondiscriminatory manner, but at times the government did not purchase advertisements in certain media outlets because they 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.

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

Internet Freedom

There was no evidence the government restricted or disrupted access to the internet or censored online content. There were allegations, however, that the government supported "digital warriors" who attacked independent media. According to some reports, there were two million fake accounts that targeted individuals or media seen to be antigovernment.

On June 18, the Facebook page portal of *Cabildeo Digital*, a domestic digital media outlet that carried investigative reporting critical of the government, was allegedly hacked by so-called digital warriors recruited and trained by MAS-led government officials to create pages, profiles, and groups on the internet to spread government propaganda. *Cabildeo* reported it lost 220,000 Facebook followers as a result of the hack. NGOs noted that “digital warriors” harassed journalists and independent media with impunity.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association. The government did not always respect the right of peaceful assembly.

Freedom of Peaceful Assembly

While the law required a permit for most demonstrations, the government rarely enforced the provision, and most protesters demonstrated without obtaining permits.

In January, there were protests in Santa Cruz due to Governor Camacho’s arrest. During the protests, police detained some children longer than 48 hours without bringing them before a judge. Media reported the children showed signs of brutality suffered during detention. Media reported the children were prohibited from participating in future protests.

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 provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: The law prohibited domestic air travel and bank transactions for up to three months as a penalty for persons who did not vote in a national election.

e. Protection of Refugees

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

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The law provided 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

Abuses or Irregularities in Recent Elections: International electoral observation missions and domestic electoral observation organizations characterized the most recent elections as free, fair, and transparent.

Participation of Women and Members of Marginalized or Vulnerable Groups: Women participating in politics faced violence and harassment. The president of the Association of Councilors of Bolivia reported that between January and May, there were 110 cases of harassment and political violence against elected women councilors and mayors.

On June 13, the Ombudsperson's Office expressed concern for acts of harassment and political violence against Cochabamba Councilwoman Claudia Flores and Santa Cruz Department Assembly woman Muriel Cruz. Press reported Cruz, a MAS party member, was knocked to the ground, punched, kicked, and hit with sticks by activists opposed to having alternate assembly members from the Guaraní people.

Section 4. Corruption in Government

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

Corruption: On May 16, Minister of Environment and Water Santos Cruz was accused of receiving \$2.7 million in bribes from companies that were awarded with projects from his ministry. In almost three years of Luis Arce's government, four ministers were accused in corruption cases.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

Retribution against Human Rights Defenders: Human rights defenders such as Waldo Albarracin and Amparo Carvajal were harassed by the government. Waldo Albarracin's house was burned by MAS supporters during the 2019 political crisis, and in 2021 he left the country due to fear for his life. Albarracin's family was informed by the Prosecutor's Office that the MAS supporters involved in the burning of his house would not be held accountable for their actions.

The National Association of Journalists of Bolivia and the nine departmental associations of journalists opposed the violent takeover of APDHB's national headquarters in June, stating the occupation of the APDHB headquarters constituted "a violation against civil society organizations that defend human rights." According to press reports, the assault on the building was attributed to Remberto Cruz, a MAS official who led the occupation and coordinated with police officers to close the doors of the building and forcibly expel activists working there, some on human rights cases against the government.

The United Nations or Other International Bodies: In December 2022, the Office of the UN High Commissioner for Human Rights closed its local offices because the government did not renew its mandate to work in the country. The United Nations was negotiating an agreement with the government to reopen, but as of October no progress had been reported.

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

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

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law established penalties of imprisonment for 15 to 20 years for the rape of an adult (man or woman), including spousal and domestic or intimate partner rape and so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons, but it was rarely enforced.

The law prohibited domestic violence, but it too was rarely enforced. Domestic abuse resulting in injury was punishable by three to six years' imprisonment, and the penalty for serious physical or psychological injury was five to 12 years in prison.

Lack of training regarding the law and slow judicial processes, among other factors, hindered full implementation of the law, according to the UN Entity on Gender Equality and the Empowerment of Women and human rights groups. The law criminalized femicide and stipulated a sentence of 30 years in prison. Activists stated corruption, a lack of adequate crime scene investigations, a lack of specialized prosecutors, and a dysfunctional, underfunded judiciary hampered convictions for femicide.

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

Other Forms of Gender-based Violence or Harassment: The law considered sexual harassment a criminal offense punishable by up to eight years' imprisonment. There were no comprehensive reports on the extent of

sexual harassment, but observers generally acknowledged it was widespread and said the law was rarely enforced.

Discrimination: The law provided 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.

While the minimum wage law treated 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. The law prohibited women from working at night (with exceptions) and from performing tasks that were “dangerous, unhealthy, heavy, or that harm their morals or good customs.” The government did not enforce the law effectively.

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

Low-wage workers in domestic service were predominantly women. Approximately 40 percent of them received a salary that was less than the national minimum wage and worked without a contract, health insurance, or other relevant benefits.

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

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

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

Lack of access to quality medical care in remote areas adversely affected access to skilled health-care attendance during pregnancy and birth. In addition, many Indigenous women feared that their cultural traditions regarding who should be present at the birth, 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;

postexposure prophylaxis was not available. These services were more readily available in urban areas. Rural areas lacked access and frequently relied on mobile health centers such as those provided by Marie Stopes International.

According to the Pan American Health Organization, the maternal mortality rate was 160.9 per 100,000 live births in 2020, the most recent year for which data was available. It reported more than one-third of maternal deaths were caused by obstetric hemorrhage, usually postpartum.

The maternal mortality rate was higher among Indigenous women due to lack of access to adequate medical services.

Girls in rural areas lacked access to menstrual hygiene products, which affected their attendance in school. The law prohibited schools from expelling pregnant girls.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited discrimination by public and private institutions and banned racist and discriminatory ideas through media. The government made little effort to address such discrimination. Afro-Bolivians in rural areas experienced the same types of problems and discrimination as Indigenous persons who lived in those areas. Afro-Bolivian community leaders reported employment discrimination was common and public

officials, particularly police, discriminated in the provision of services. Afro-Bolivians also reported widespread use of discriminatory language.

Indigenous Peoples

Indigenous lands were not fully demarcated, and land reform was a major political problem. Historically, some Indigenous persons shared lands collectively under the *ayllu* (traditional form of a community) system, which did not receive legal recognition during the transition to private property laws. Despite laws mandating reallocation and titling of lands, recognition and demarcation of Indigenous lands were not completed.

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

Indigenous groups living in the country's eastern lowlands were not well represented in government or by elected representatives. These Indigenous groups resided in four departments: Santa Cruz, Beni, Tarija, and Pando. They included several ethnic and linguistic groups that were distinct from the Aymara and Quechua Indigenous groups of the highland plateau region. Leaders of the lowlands Indigenous communities described growing anger and frustration with the national government for continuing land policies developed under former President Evo Morales, including deforestation of

traditional, often sacred, and protected lands to expand coca plantings. A prominent Indigenous leader said the government supported mining and hydrocarbon exploitation of lands without consulting Indigenous populations. The leader also noted a campaign of intimidation and harassment to silence defenders of Indigenous rights.

Mercury contamination from gold mining in the Amazon basin impacted Indigenous communities. In July, research carried out by the Central Indigenous Peoples of La Paz revealed that approximately three quarters of 302 individuals from 36 Indigenous communities of the Ese Ejja, Tsimanes, Mosevenes, Leco, Uchupiamona, and Tacana persons contained mercury levels higher than the limit established by the World Health Organization. The study indicated individuals with the highest concentration of mercury in their bodies were found closest to large-scale mining activities where mercury was used to extract gold. In addition, the Ese Ejja and Mosevenes communities, due to their reliance on fish as a main source of protein, had high levels of mercury even though they lived remotely in the forest far away from mining activities.

Children

Child Abuse: The penal code defined infanticide as the killing of a child younger than 13. Rape of a child younger than 14 carried a penalty of 20 to 25 years' imprisonment. The government did not enforce the law effectively.

Child, Early, and Forced Marriage: The minimum age for marriage was 14 for girls and 16 for boys. Parents or guardians needed to approve marriages between adolescents younger than 18. The government enforced the law effectively.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking, and such acts were punishable with prison sentences of 15 to 20 years; however, such activities were a serious problem. The law also prohibited child pornography, punishable with sentences of 10 to 15 years in prison. The government generally enforced the law.

The age of consensual sex was 18. The penalty for statutory rape of an adolescent age 14 to 17 was three to six years in prison. The penalty for having sex with a child younger than age 14 was 20 to 25 years in prison. Consensual relationships between adolescents older than 12 were exempt from this sanction if there was no age difference of more than three years between them and no violence or intimidation was committed.

On January 19, the Inter-American Court of Human Rights found the country responsible for the violation of the rights to humane treatment, judicial guarantees, private and family life, equality before the law, judicial protection, and children's rights in the case of a girl age 15 who was raped by a family member. The court found the judicial system failed to investigate the sexual violence suffered by the girl or to conduct the criminal

process, as well as the existence of revictimizing practices during the judicial process.

Antisemitism

The Jewish population numbered fewer than 180. There were no known reports of antisemitic incidents.

Trafficking in Persons

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

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

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults. Seemingly neutral laws (e.g., on statutory rape, immorality, or loitering) were not disproportionately applied to LGBTQI+ persons.

Violence and Harassment: Transgender individuals were particularly vulnerable to abuse and violence from nonstate actors. Activists reported transgender individuals working in commercial sex faced violence and threats, which was common in the commercial sex industry.

Discrimination: The law prohibited discrimination based on sexual orientation and gender identity. The government did not enforce the law effectively. LGBTQI+ persons faced overt discrimination in employment and the workplace, at school, and in access to government services, especially in health care. Older LGBTQI+ persons experienced high rates of discrimination when attempting to access health-care services. There were no legal mechanisms in place to specifically transfer power of attorney to a same-sex partner; however, the law granted some protections to same-sex partners.

Transgender activists said most of the transgender community turned to commercial sex to earn a living due to discrimination in the job market and unwillingness on the part of employers to accept their identity documents and professional licenses.

Availability of Legal Gender Recognition: The law allowed transgender individuals to update their name, gender marker, and photograph to reflect their gender identity on all legal identification cards and birth certificates after undergoing a psychological evaluation and appearing before the Civil Registry Service.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of the practice of so-called conversion therapy and the practice of performing surgeries on intersex persons. There were no reports that

medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no restrictions on freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters or convening related events.

Persons with Disabilities

Persons with disabilities encountered difficulties accessing education, employment, health services, public buildings, and transportation on an equal basis with others. The law required 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 required communication outlets and government agencies to offer services and publications in sign language and braille. The law stipulated that persons with “serious and severe” disabilities were entitled to monthly government payments stipends. The law required both public and private institutions to employ a certain percentage of workers with disabilities.

The government did not effectively enforce these provisions. Architectural and infrastructure barriers prohibited access in most urban areas for individuals with physical disabilities. Official action was rarely taken to

investigate, prosecute, and punish those responsible for violence against persons with disabilities.

Other Societal Violence or Discrimination

Although the law prohibited discrimination against persons with HIV or AIDS, pervasive discrimination persisted. Ministry of Health authorities reported discrimination against persons with HIV or AIDS was most severe in Indigenous communities, where the government was less able to diagnose cases either because persons were less willing to be tested or the government lacked the resources to reach individuals in remote areas. Activists reported discrimination forced persons with HIV to seek medical attention outside the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the freedom of association, the right to organize and bargain collectively, and the right to strike for certain workers. The law prohibited antiunion discrimination and required reinstatement of workers fired for union activity. The law did not provide these rights for agricultural workers or workers in enterprises with fewer than 20 employees, estimated to be 70 percent of all enterprises. The constitution provided for protection

of general strikes and solidarity strikes and for the right of any working individual to join a union. The law protected the right to strike but stipulated that a strike could not be indefinite, a reaction according to legal experts to health-care workers threatening to strike for an indefinite amount of time.

Workers could form a union in any private company of 20 or more employees. The law required at least 50 percent of the workforce be in favor, an excessive requirement by international standards. The law required that trade unions obtain prior government authorization to establish a union, and the government confirmed their elected leadership with the right to force new leadership. The law permitted only one union per enterprise and allowed the government to dissolve unions by administrative fiat. The law also required that members of union executive boards be citizens. The law prohibited most public employees from forming unions, including the military, police, and other public security forces. Some public-sector workers, including teachers, transportation workers, and health-care workers, were legally unionized and actively participated without penalty as members of the Bolivian Workers' Confederation, the country's chief trade union federation.

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

The law limited the right to strike by requiring three-quarters of workers to call for a strike, by prohibiting strikes in the banking sector, and by imposing compulsory arbitration to end a strike in nonessential sectors.

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

The National Labor Court handled complaints of antiunion discrimination but took one year or longer to issue rulings. Freedom of association was limited by the ineffectiveness of labor courts and the lengthy time to resolve cases and complaints. The court ruled in favor of discharged workers in most cases and required their reinstatement; however, union leaders said problems often were resolved or no longer relevant by the time the court ruled.

The government took criminal actions against union leaders who spoke out against government policies. In September 2022 the government arrested César Apaza, a coca union leader from the Yungas region of La Paz, for his role in organizing protests against a MAS-aligned, unauthorized coca market in Villa El Carmen. In February, Apaza suffered a stroke and was transferred to a hospital. One month later, the government returned him to prison despite his partial paralysis. At his hearing, Apaza blamed his poor health and stroke on “beatings [he] had suffered.” Observers reported Apaza’s health was only monitored by nurses, he did not receive physical therapy,

and a cell mate was helping him with basic needs. Although a judge originally turned down the prosecutor's request for four months of preventive detention, a different judge intervened on August 3 and granted the original request for Apaza to be hospitalized, where he awaited formal charges and a trial. On August 31, Apaza began a hunger strike to protest these actions and what he described as "judicial torture." He stopped his hunger strike on September 6 but remained in prison with deteriorating health.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a minimum wage for most sectors; it was not provided for agricultural workers. The monthly minimum wage was greater than the government's official poverty income.

The law mandated rest periods and required premium pay for work beyond a standard workweek. For men the official workweek was 48 hours, and the workday was eight hours. For women the law set a 40-hour workweek and prohibited women from working at night. The law stipulated a minimum of 15 days of annual leave. The law mandated that the standards apply uniformly to all industries and sectors. Minimum wage violations were common for domestic workers, with up to 40 percent receiving minimum wage.

Occupational Safety and Health: The law mandated that occupational safety and health (OSH) standards apply uniformly to all industries and sectors. OSH standards were appropriate for the main industries in the country. OSH experts did not actively identify unsafe conditions, including responding to workers' OSH complaints. A national tripartite committee of business, labor, and government representatives was responsible for monitoring and improving OSH standards and enforcement. The Ministry of Labor maintained offices for worker inquiries, complaints, and reports of

unfair labor practices and unsafe working conditions, but it was unclear if the offices were effective in regulating working conditions.

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

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

Wage, Hour, and OSH Enforcement: The Ministry of Labor was responsible for enforcement of minimum wage, overtime, and OSH laws. The government did not effectively enforce the law. Inspectors had the authority to make unannounced inspections and could initiate sanctions; however, the number of inspectors was insufficient to provide effective workplace inspection. Penalties for wage and hour violations were commensurate with fraud, and sanctions were regularly applied against violators.

The Ministry of Labor's Bureau of Occupational Safety had responsibility for the protection of workers' health and safety, but penalties for OSH violations were not commensurate with those for similar crimes, such as

negligence. Penalties were regularly applied against violators. Part-time workers were not covered by wage, hour, and OSH laws.

According to labor law experts, the informal sector constituted 80-90 percent of the economy as of August 2022. Labor laws did not cover informal sector workers, and the government did not inspect the informal sector.