



Immigration and
Nationality Directorate

COUNTRY INFORMATION BULLETIN

BOLIVIA 1/2003

CONTENTS

<u>1. Scope of the Document</u>	1.1 - 1.4
<u>2. Geography</u>	2.1 - 2.2
<u>3. Economy</u>	3.1 - 3.3
<u>4. History</u>	4.1 - 4.7
<u>5. State Structures</u>	
Constitution	5.1 - 5.2
Political System	5.3 - 5.11
Judiciary	5.12 - 5.15
Legal Rights and Detention	5.16 - 5.18
• The death penalty	5.19
Internal Security	5.20
Prison and Prison Conditions	5.21
Military Service	5.22 - 5.23
• Conscientious Objection	5.24
• Draft Evasion and Desertion	5.25
Medical Services	5.26 - 5.30
• HIV/AIDS	5.31 - 5.32
• People with disabilities	5.33
Educational System	5.34
<u>Human Rights</u>	
6A Human Rights - Issues	
<u>Overview</u>	6.1 - 6.4
Interference with Privacy	6.5
<u>Freedom of Speech and the Media</u>	6.6
• Journalists	6.7 - 6.9

<u>Freedom of Religion</u>	6.10
<u>Freedom of Assembly and Association</u>	6.11 - 6.13
<u>Employment Rights</u>	6.14 - 6.15
• Trade Unions and the Right to Strike	6.16
<u>Freedom of Movement</u>	6.17
<u>6B Human Rights - Specific Groups</u>	
<u>Ethnic Groups</u>	6.18 - 6.20
<u>Women</u>	6.21 - 6.25
<u>Children</u>	6.26 - 6.29
<u>Homosexuals</u>	6.30
<u>6C Human Rights - Other Issues</u>	
<u>Internal security issues</u>	6.31 - 6.43
<u>Treatment of Military Conscripts</u>	6.44
<u>Treatment of Non-Government Organisations (NGOs)</u>	6.45 - 6.46
<u>Humanitarian aid / International Assistance</u>	6.47
<u>ANNEXES</u>	
Chronology of Major Events	Annex A
Political Organisations	Annex B
References to Source Material	Annex C

1 Introduction

1.1 This bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information about Bolivia

obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.

1.2 This bulletin has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 The bulletin is sourced throughout. It is intended for use by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 This Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the Bulletin are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the Bulletin is also included. Paper copies of the sources have been distributed to nominated officers in Asylum Caseworking Directorate and all Presenting Officer Units.

2 Geography

2.1 Bolivia is landlocked and one of the most isolated countries in South America. It has the largest population of indigenous people in South America - between 56 percent and 70 percent with people of European and mixed ethnicity making up between 30 percent and 42 percent. The largest of the approximately thirty six indigenous groups are the Quechua (2.5 million), Aymara (2 million), Chiquitano (180,000) and Guarani (125,000). According to statistics provided by the UN in 2003 the population of Bolivia is 8.8 million. **[3][4]**

2.2 The Country is split into 9 departments - (departamentos, singular - departamento); Chuquisaca, Cochabamba, Beni, La Paz, Oruro, Pando, Potosi, Santa Cruz, Tarija . **[16]**

(For more information on Geography please refer to Europa Publications - Regional Surveys of the World - source **[1]**)

3 Economy

3.1 Bolivia is a country of great natural diversity in the heart of South America. It has an area of 1,098,581 square kilometres but had a population of 8,274,325 at the census of September 2001. **[1]**

3.2 Bolivia is one of the least-developed countries in South America. Almost two thirds of its people, many of whom are subsistence farmers, live in poverty. **[4]**

3.3 In the 1980s Bolivia suffered from a deep economic recession. The tin market collapsed, with the loss of 21,000 jobs. Bolivia is one of the world's largest producers of coca, the raw material for cocaine. A crop eradication programme, though easing the flow of conditional US aid, has incensed many of Bolivia's poorest families for whom coca is often the only source of income. These efforts led to bloody protests. The Government of Bolivia pursued a policy of offering monetary compensation for its voluntary eradication in the Chapare region. **[3][4]**

4 History

4.1 There have been democratically elected governments in Bolivia since 1982 following decades of political instability and a number of military coups. The Congress convoked in 1980 was reconstituted in 1982 and chose former president Hernan Siles Zuazo (1956-60) as premier. However, social tensions and economic mismanagement led him to call fresh elections in 1985. [9]

4.2 In these elections, Hugo Banzer's National Democratic Action Party (ADN) emerged with a majority followed by Paz Estenssoro's MNR and former Vice-President Jaime Paz Zamora's Movement of the Revolutionary Left (MIR). In the Presidential run-off, Estenssoro emerged victorious and embarked on his fourth term in office in 1985. He had been President in 1952-56, 1960-64 and again in 1964 before being toppled in a coup. However, he faced unprecedented problems including hyperinflation running at 14,000%, a large debt burden, a collapse in the price of tin, strikes and the unchecked trafficking of illegal narcotics. [9]

4.3 In 1989 elections, a close result led to coalition between Zamora's MIR and Banzer's ADN. Zamora assumed the presidency and the MIR and ADN split control of the ministries. The administration took a hard line against domestic terrorism but was less effective against narcotics-trafficking. [9]

4.4 The 1993 elections continued the tradition of democratic transition with the MNR defeating the ADN/MIR coalition by a 34% to 20% margin. The MNR's Gonzalo 'Goni' Sanchez de Lozada was selected by a coalition. He pursued an aggressive economic policy (in particular introducing a capitalisation programme) and social reform agenda, relying much on Entenssoro administration veterans. Economic restructuring faced opposition, particularly from those in La Paz and in the Chapare coca-growing region. [9]

4.5 In the 1997 elections, Banzer won the Presidency with 22% of the vote. In November 1997, his government produced a 5-year Action Plan, which concentrated on four basic areas: the economy; the eradication of drugs; institutional development; and the social sector (poverty, education, health and housing). However, these policies, particularly the successful large-scale eradication of coca, faced vocal opposition. [9]

4.6 In the June 2002 national elections Gonzalo Sanchez de Lozada (Movimiento Nacionalista Revolucionario, MNR, National Revolutionary Movement) won with 22.5 percent of the votes. He was followed by Evo Morales (Movimiento al Socialismo, MAS, Movement Toward Socialism) who gained 20.9 percent. Evo Morales is the leader of the coca growers. Manuel Rocha, the US Ambassador to Bolivia had previously issued a warning that if Morales were elected US aid to Bolivia would end. Sanchez de Lozada is a millionaire owner of the country's largest mining group and he was President between 1992 and 1997. On being elected in 2002 he called on politicians from all sides to work together to resolve Bolivia's problems, notably its economic crisis. As well as tackling the issues of economic and social problems, Sanchez de Lozada must also deal with the strong opposition led by Morales. [1][3][4][12]

4.7 According to the USSD report covering 2002, there were no reports of politically motivated disappearances in 2002. On 10 December 2002, the President submitted a bill, which would make the act of causing a disappearance a crime punishable by up to 30 years imprisonment. [2]

(For more information on History prior to this please refer to Europe Publications - Regional Surveys of the World - source [1])

5 State Structures

Constitution

5.1 Bolivia became an independent country in 1825 and received its first Constitution in November 1826. Since then a number of new Constitutions have been promulgated. The President has power to appoint members to the Cabinet and diplomatic representatives from a panel proposed by Senate. The President is responsible for the conduct of foreign affairs and is also empowered to issue decrees, and initiate legislation by special messages to Congress. [1]

5.2 The Constitution prohibits torture and other cruel, inhuman or degrading treatment or punishment and in general the Government respected these rights. [2]

Political System

5.3 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. [2] President Gonzalo Sanchez de Lozada Bustamante was elected president on 6 August 2002 with Vice President Carlos Diego MESA Gisbert. The president is both the chief of state and head of government. The Cabinet is appointed by the president. The president and vice president were elected on the same ticket by popular vote for five-year terms. [16]

5.4 President Gonzalo Sanchez de Lozada of the Nationalist Revolutionary Movement (MNR) took office on 6 August 2002 after he was elected by a joint session of the Bolivian Congress following the 30 June 2002 national election, in which the MNR won a plurality of the vote. The governing coalition controlled both houses of the legislature. Coalition members held the top leadership positions in both chambers. [2]

5.5 In September 2003, there were violent protests over the Government's plans to export natural gas to the United States of America and Mexico (see section 6.31 - 6.43). The capital was under siege for several weeks. President Lozada accused Evo Morales and Felipe Quispe the Indian leaders of the protests, of promoting a plot encouraged from abroad aimed at destroying Bolivia and stain the country's democracy with blood. Human Rights Watch urged President Lozada to bar troops from using lethal force against the protesters. [19a][30]

5.6 Over the weekend of 11 - 12 October 2003, Vice President Carlos Mesa withdrew support for the Government but said that he would try to get Congress to meet up and come up with an orderly solution to the conflict. [21b] He said "I can not continue to support the situation we are living in". However, he said he would not resign. [19a] The Minister of Economic Development Jorge Torres Oblea resigned over the issue. [20c]

5.7 In a news conference on 13 October President Lozada announced the cancellation of the gas project and said "there will be no gas exports to new markets". He announced that he would instead promote a "national dialogue", in which his Government will gather opinions from all sectors of the country. The process would last until 31 December 2003.

However protest leaders said that shelving the project would not stop the demonstrations and they called for his resignation. [19a]

5.8 On 16 October 2003, President Lozada offered to hold a referendum on the gas export plan. However, opposition leaders immediately rejected the offer and made new calls for the President to resign. [20c] However, government spokesman, Javier Torres Goitia, said that the President would not resign because a majority of people in several provinces wanted him to remain in office - and he did not want to split the country. [20b]

5.9 However, on 17 October 2003, President Lozada resigned and fled to the United States of America. Vice President Mesa was sworn in as President by Congress on the same day. Mesa held talks with labour and government officials, and said that his administration would be an interim one, even though the law calls for him to serve out the rest of the ex-President's term, due to end in August 2007. [19b] He describes his role as heading a "transitional government" and has offered to hold early elections. [20g] Following Lozada's departure soldiers and police withdrew from the streets of La Paz followed by other cities the next day. Merchants and vendors opened for business. Governments around Latin America offered support for Mesa [19b]

5.10 Mesa said that he would carry out a referendum on the gas issue. [19b] The new President promised a full investigation into the killing of more than 60 people during five weeks of violent protests. He said that the armed forces had had a difficult task to perform during the demonstrations by thousands of people in major cities but the loss was unacceptable. [20g]

5.11 On 20 October 2003, at a ceremony in La Paz President Mesa presented his 15-member cabinet. The cabinet is mainly composed of independents and technocrats with no apparent connections to Bolivia's main political parties, and includes two Indians. Mr Mesa called on the new cabinet members to exercise absolute transparency in their work. An Indian from eastern Bolivia, Justo Seoane, was named as Minister for Indigenous and Ethnic People. Mr Mesa said that he hoped the appointment would help tackle the problems of social exclusion, which face Bolivia's impoverished majority. [20a]

Judiciary

5.12 The judiciary, while generally independent, also suffered from corruption and inefficiency. [2]

5.13 The judicial system has three levels of courts: Trial Court, Superior Court, and the Supreme Court or Constitutional Tribunal appellate review. The Supreme Court hears appeals in general, while the Constitutional Tribunal only hears appeals on constitutional issues. [2]

5.14 In the Supreme Court or Corte Suprema judges are appointed for 10-year terms by National Congress. There is one District Court each department. Minor cases are tried by provincial and local courts. [16]

5.15 With the full implementation in 2001 of the Code of Criminal Procedures (CCP), the criminal justice system changed from essentially a closed, written system to a system of transparent oral trials. The earlier system made it difficult for poor, illiterate persons to have effective access to courts and legal redress and gave rise to lengthy judicial processes and prolonged pre-trial incarcerations. The CCP specifically addresses this

problem by requiring that no pre-trial detention exceed 18 months. In cases in which a sentence has been issued, but the case is being appealed, the maximum period of detention is 24 months. [2]

Legal Rights and Detention

5.16 According to the USSD Report covering 2002, issued 31 March 2003, there were some instances of arbitrary arrest and detention. Arrests were carried out openly. The new CCP requires an arrest warrant, and the police must inform the prosecutor of the arrest within 8 hours. The prosecutor within 16 hours must then have the detainee released under bail or ask a court to continue to hold the detainee in jail until trial. A detainee may not be held for more than 24 hours without court approval. However, there were credible reports that these legal safeguards were violated. [2]

5.17 Denial of justice through prolonged detention remained a serious ongoing problem, although this began to change with the full implementation in 2001 of the new CCP that provides that a detainee cannot be held for longer than 18 months awaiting trial and sentencing. If the process is not completed in 18 months, the detainee may request his release by a judge. However, 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 were overburdened. [2]

5.18 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. Most prisoners still awaited either trial or sentencing, but under the CCP the courts had begun 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 may order significant restrictions on a suspect's travel. [2]

The Death Penalty

5.19 Bolivia has abolished the death penalty for ordinary crimes. [17] Indigenous communities in areas with little or no central Government presence impose punishment, which reportedly includes the death penalty for members who violate traditional laws or rules. [2]

Internal Security

5.20 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 2002. The Judicial Technical Police (PTJ) conducts investigations for common crimes (cases that do not involve narcotics). The police provide security for coca eradication work crews in the Chapare region, a tropical area where illegal coca is grown. The Special Counter-narcotics Force (FELCN), including the Mobile Rural Patrol Unit (UMOPAR), is dedicated to anti-narcotics enforcement. The Expeditionary Task Force (FEC), a military force composed of conscripts who had completed their obligatory service and commanded by

active duty military officers, was disbanded in July 2002. Civilian authorities generally maintained effective control over the security forces; however, at least one member of these forces was convicted of human rights abuses. [2]

Prison and Prison Conditions

5.21 According to the US State Department Report covering 2002, prison conditions were harsh. Prisons were overcrowded and in poor condition. Government authorities effectively controlled only the outer security perimeter of each prison with the exception of the maximum security prison in Chonchocoro in El Alto. Inside prison walls, prisoners usually were in control. Violence between prisoners and, in some cases, the involvement of prison officials in violence against prisoners were problems. Corruption was a problem among low-ranking and poorly paid guards and prison wardens. There were several deaths due to violence in prisons during 2002. [2]

Military Service

5.22 Bolivia has compulsory military service. The Law states that; "Every person had a duty to perform civilian or military service that the nation requires for its development, defence and conservation"; "Every Bolivian is obliged to perform military service in accordance with the law". The current legal basis for conscription is unknown. Parallel to military service, a so called pre-military service exists. In 1996, the armed forces reintroduced pre-military service for both boys and girls, which is said to be voluntary. [14]

5.23 All men over the age of 19 are liable for military service, which lasts for one year. [14]

Conscientious Objection

5.24 The right to conscientious objection is not legally recognised and there are no provisions for performing unarmed military service. [14]

Draft Evasion and Desertion

5.25 There is no information available on the penalties for draft evasion. [14]

Medical Services

5.26 The infant mortality rate has declined steadily, from 89 per 1,000 live births in 1988 to 55 per 1,000 in 2000, although in some rural areas it still exceeds 80 per 1,000 live births. The mortality rate among children under 5 years declined from 116 per 1,000 live births in 1993 to 79 per 1,000 live births in 2000. Regarding deaths of children under 5 years, 40% corresponded to children less than 1 month old. [22]

5.27 Between 1998 and 2000, a huge measles outbreak spread across the country, with a total of 4,751 suspected cases and 2,567 confirmed cases. The under-5 year age group was the most affected. In 2000, rubella outbreaks behaved in a similar epidemiological manner to the measles outbreak, and 427 cases were confirmed. In July 2000, application of the MMR vaccine against measles, mumps, and rubella was included in the regular EPI scheme for the population aged 12 to 23 months old. [22]

5.28 There are private and public hospitals in Bolivia. Medical services are provided by

the state. [10]

5.29 The 1997-2000 Strategic Health Plan was designed to develop the Bolivian health system and ensure universal access through individual, family, and community primary health; an "epidemiological shield"; short-term basic and social insurance; and promotion of healthy municipalities, subject to participation of and control by society. It adopted the sectorial decentralisation guidelines provided for in the 1994 Community Involvement Act. The main strategy behind the sectorial reform process is the Basic Health Insurance (BHI), an instrument designed to guarantee all inhabitants permanent access to a series of promotional, preventive, and curative health benefits, which are essential to mitigate the consequences of the main causes of disease and death in the country, at a sustainable cost. [22]

5.30 The system provides health care and nutrition for children under 5 years; immunisation and promotion of nutrition; and attention to priority problems in the mortality profile, including diagnosis and treatment of the country's principal endemics: tuberculosis, malaria, cholera and sexually transmitted infections.[22]

HIV/AIDS

5.31 Between 1985 and 2000, there were 605 cases of HIV/AIDS. The average annual incidence rate remained around three cases per million population (1990-1997). The male:female ratio decreased from 5:1 to 2:1, and heterosexual transmission predominates. [22]

5.32 A list of available drugs used in treating HIV/AIDS is attached as source [23].

People with Disabilities

5.33 The Law on Disabilities requires wheelchair access to all public and private buildings, duty free import of orthopaedic devices, a 50 percent reduction in public transportation fares, and expanded teaching of sign language and Braille. A National Committee for Incapacitated Persons was mandated to oversee the law's enforcement, conduct studies, and to channel and supervise programs and donations for persons with disabilities; however, there was little information on its effectiveness. Societal discrimination kept many persons with disabilities at home from an early age, limiting their integration into society. [2]

Educational System

5.34 The law requires all children to complete at least 5 years of primary school, however, this requirement was enforced poorly, particularly in rural areas. The Ministry of Education and the World Bank estimated in 1997 that 26 percent of children graduated from high school. Girls had lower rates of school participation and higher dropout rates than boys. Physical and psychological abuse in the home was a serious problem. Corporal punishment and verbal abuse were common in schools. [2]

6A Human Rights - Issues

Overview

6.1 The Government generally respected the human rights of its citizens; however, there

were problems in some areas. Legal and institutional deficiencies prevented the full protection of citizens' rights. Security forces killed protesters and injured dozens of others in violent demonstrations during 2002. Members of the security forces were killed and dozens of others injured, allegedly by militant cocaleros (illegal coca growers). There were credible reports of abuses by police, including use of excessive force, petty theft, extortion, and improper arrests. Investigations of alleged official abuses moved slowly. [2][15]

6.2 The situation in the region of El Chapare deteriorated at the beginning of 2002. Four peasants were killed and several people were injured in violent clashes between peasants and security forces. Scores of trade unionists were arrested. There were reports of arbitrary arrests and ill-treatment of detainees by members of the security forces. Human rights defenders continued to be harassed and attacked. The continuing government policy of forced eradication of coca-leaf crops to fulfil agreements signed with the US government, the militarisation in El Chapare region, and the failure of alternative development to replace coca-leaf crops, led to confrontations between peasants and members of the security forces. [8]

6.3 The Government permits prison visits by independent human rights observers and news media representatives. A UN Committee Against Torture estimated that two-thirds of the prison population were waiting for the processing of their cases to be finished. [2]

6.4 The judiciary is generally independent, however, corruption and inefficiency in the judicial system remains a major problem. Poor pay and working conditions make judges and prosecutors susceptible to bribes. Defendants have constitutional rights; among which is the presumption of innocence, to have a lawyer, to confront witnesses and to appeal judicial decisions. In practice none of these rights are protected systematically, although the implementation of the Code of Criminal Proceedings (CCP) facilitates more efficient investigations, transparent oral trials and credible verdicts. The CCP also recognises the conflict resolution traditions of indigenous communities, but not the imposition of the death penalty. [2]

Interference with Privacy

6.5 The Constitution provides for the privacy of citizens; however, while the authorities respect these provisions, there were credible allegations of security forces involved in thefts of property. Residents in the coca-growing areas are generally reluctant to file and pursue formal complaints. [2]

Freedom of Speech and the Media

6.6 The Constitution provides for the right to express ideas and opinions freely by any means of dissemination. However, there are some limitations on freedom of speech. In January 2002, the Government briefly closed the Chapare's "Radio Soberania" a forum for cocalero leader Evo Morales. Although it lacked proper permits, engaged in tendentious speech, and broadcast instructions to cocaleros on where to gather for rallies and roadblocks, the station continues to operate freely. [2]

Journalists

6.7 In January 2002, six journalists were attacked and two others arrested during the social unrest, which plagued the country in 2002. These incidents mostly happened in

January 2002 when the coca farmers clashed with the army after the Government banned the growing of coca plants in the Cochabamba region. Journalists were sometimes suspected of being on the side of the coca farmers and attacked by the security forces. [7]

6.8 In their report of 17 October 2003, the Committee to Protect Journalists (CPJ) stated that they were deeply disturbed that several media outlets and journalists were attacked or threatened during the month-long anti-Government protests that threatened to topple the Bolivian Government. Attackers blew up transmission equipment at TV station Canal 13 and Catholic radio station Radio Pio XII. Both stations had extensively covered the protests. [28]

6.9 However, during 2002, CPJ documented no persecution against journalists based on their reporting, but the Bolivian Penal Code provides strict sanctions for criminal defamation, including up to 2 years in prison. [29]

Freedom of Religion

6.10 The Constitution provides for freedom for religion and the Government generally respects this right in practice. [2] The Government at all levels strives to protect this right in full, and does not tolerate its abuse, either by governmental or private actors. Roman Catholicism predominates, and the Constitution recognises it as the official religion. [24] Non-Catholic religious organisations, including missionary groups, must register with the Ministry of Foreign Affairs and Worship and receive authorisation for legal religious representation. [2]

For more detailed information on religion see the 2002 International Religious Freedom Report. [24]

Freedom of Assembly and Association

6.11 The law provides for the right of peaceful assembly, and the authorities generally respected this right in practice; however, security forces killed persons and injured others during violent protests during 2002 and 2003. The Government routinely grant permits for marches and rallies. There were numerous demonstrations during 2002 and on some occasions protestors blocked roads and in several instances protestors became violent. The authorities only intervened when the rallies became violent or interfered substantially with normal civic activity. The police regularly use tear gas and other form of crowd control. [2]

6.12 The Government does not restrict academic freedom, and the law grants public universities autonomous status. [2]

6.13 The law provides for freedom of association and the authorities generally respect this right. The Government requires non-governmental organisations (NGOs) to register with the appropriate government department, and authorities grant such registration routinely and objectively. [2]

Employment Rights

6.14 The Constitution and the Labour Code provide workers with the right to organise and bargain collectively. Collective bargaining, or voluntary direct negotiations between

employers and workers without the participation of the Government, was limited. Most collective bargaining agreements are restricted to wages and exclude other conditions. [2]

6.15 Because of the legal costs and time required to register new non governmental entities, almost all unions are affiliated to the Bolivian Labour Federation (COB). Less than one-half of the workers in the formal economy belong to unions, and employment in the formal economy itself has fallen markedly in recent decades to approximately 30 percent of those employed. Several large groups of informal workers, including up to 50,000 "co-operative" miners, thousands of street vendors, and hundreds of thousands of poor indigenous farmers (campesinos) were loosely affiliated with the COB. [2]

Trade Unions and the Right to Strike

6.16 The Labour Code requires unions to revert to government mediation before beginning a strike and employers to do likewise before initiating a lockout. The practice of direct employee-management negotiations in individual enterprises expanded, as the private sector's economic role expanded. [2]

Freedom of Movement

6.17 The Constitution provides for the rights to freedom of movement within the country, foreign travel, emigration and repatriation and in general the Government respects these rights in practice. [2]

6A Human Rights - Specific Groups

The Constitution prohibits discrimination based on race, sex, language, political or other opinion, origin or economic or social condition. However there is significant discrimination against women, indigenous people and the small Afro-Bolivian minority. [2]

Ethnic Groups

6.18 In the 2001 census, approximately 62 percent of the population over 15 years of age identified themselves as indigenous, primarily from the Quechua or Aymara groups. 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, was a continuing source of complaints and protests by indigenous people. Indigenous people complained that their territories were not defined legally or protected, and that outsiders exploited their resources. [2]

6.19 Indigenous groups have taken advantage of the Popular Participation Law to form municipalities that offer them greater opportunities for self-determination. The CCP recognises the conflict resolution traditions of indigenous communities. [2]

6.20 There is societal discrimination against the small Afro-Bolivian minority. Afro-Bolivians generally remained at the low end of the socioeconomic scale, and faced severe disadvantages in health, life expectancy, education, income, literacy, and employment. The majority of the estimated 25,000 Afro-Bolivians live in the Yungas region of the department of La Paz. [2] The Bolivian Constitution recognises the country's

multi-ethnic character and includes clauses on land claims and bilingual education. [25]

Women

6.21 Violence against women is a pervasive problem, but no system exists to record the incidence of abuse. The Family Violence Units of the police handle crimes of domestic violence and physical or sexual abuse against women and children. In the period from January 2002 to July 2002 the unit in La Paz received 1, 212 complaints. However, there was only one reported conviction under the Family Violence Law - a case where the husband was sentenced to prison for 8 years and two months for slashing his spouse. The Family Violence Unit estimated that 53 percent of the victims do not take action when exposed to domestic violence. [2]

6.22 Bolivia ratified the Convention for the Elimination for all Forms of Discrimination Against Women (CEDAW) and participated in the Beijing conference and its commitments for follow-up. In 2002, rape was a serious and underreported problem. The Law on Domestic and Family Violence makes the rape of an adult victim a public crime. However, the victim must press charges. Only 3 percent of the complaints received by the Public Ministry were for rape. [2][11]

6.23 Along with the National Gender Equality Plan, the Government has produced two strategies: the Programme for the Reduction of Women's Relative Poverty and the National Plan for the Prevention and Eradication of Gender Violence. The issue of gender violence has been legally addressed in the 1996 legislation on family and domestic violence. Programmes which address the issue include Comprehensive Legal Services which provide legal, physical and emotional support to victims of family violence. [11]

6.24 Prostitution is legal for adults over the age of 18 years. However, the Law prohibits trafficking in persons for the purpose of prostitution. [2]

6.25 Legal services offices devoted to family and women's rights operate throughout the country. The Maternal and Infant Health Insurance Program provided health services, focussed on maternal and infant health, to women of reproductive age and to children under the age of five years old. [2]

Children

6.26 The infant mortality rate has dropped and the government's policy of expanding the Basic Health Insurance to provide all services to pregnant women, to new mothers up to six months after childbirth and to children up to five years of age, should result in further mortality reduction. However, chronic malnutrition and anaemia in children under three years of age still persists. The Expanded Programme on Immunisation (EPI) has resulted in high levels of immunisation coverage. Access to basic education has increased significantly in recent years with no significant gender differences. [26]

6.27 Despite a notable increase in school enrolment, only seven percent of children in rural areas complete primary school within the standard eight years, with girls the worst affected. Over half of rural primary schools offer only three of eight grades. [26]

6.28 The Government is aware of the need to provide legal and institutional infrastructure for the protection of children. There are seven Defender of Children and Adolescents offices to protect children's rights and interests. Child prostitution is a problem,

particularly in urban areas and Chapare region. In 2002, at least two NGOs, Fundacion La Paz and Q'Haruru, had active programs to combat child prostitution. The Law prohibits all work by children under the age of 14 years. However, in practice the Ministry of Labour does not enforce child labour laws, including those pertaining to the minimum age and maximum hours for child workers, school completion requirements and health and safety of conditions for children in the workplace. [2]

6.29 Approximately 800,000 children under 18 are working. With UNICEF support, the Ministry of Labour launched the National Plan for the Progressive Eradication of Child Labour. However, implementation has been very slow and the worst forms of child labour - such as mining, sugar cane harvesting and sexual exploitation - persist. [26]

Homosexuals

6.30 Homosexuality is legal in Bolivia and the Penal Code sets the age of consent at 17. However, homosexuals are not free from illicit police actions, which have the effect of controlling their behaviour. Bolivian police officers operate largely outside of the formal law, idiosyncratically dispensing a rough-and-ready—and often self-serving—form of street justice. Thus, suspected homosexuals may be detained for questioning on any number of trumped-up charges, such as theft or drug possession. [27]

6B Human Rights Other Issues

Internal Security Issues

6.31 On 15 January 2002, following the government's decision to enforce Supreme Decree 26415, which prohibited the drying, transporting or sale of coca-leaf, there were violent clashes between peasants and members of the security forces in Sacaba and Shinahota, Cochabamba Department [8] - Sacaba has a legal market for coca. [2]. Three peasants were killed and several people, including members of the security forces, were injured during the clashes. [8]

6.32 Two demonstrators were killed by gunfire but it was unclear who fired the shots. On 17 January 2002, the cocaleros entered the coca market at Sacaba and violent clashes ensued. The following day four members of the security forces were found dead. Police arrested over seventy cocalero leaders in an attempt to quell the disturbances, however, all were released shortly afterwards. Following this period of unrest, dialogue between the Government and the coca farmers, led by Morales, over an agreed modification to the coca eradication programme, restarted. [2][9]

6.33 Following the mediation an agreement was reached between coca-leaf trade union leaders and the government. Supreme Decree 26415 was suspended, investigations into the killings and complaints of ill-treatment were reportedly initiated, payment of economic compensation to victims of the ongoing conflict in El Chapare was announced. [8]

6.34 During the disturbances there were a number of allegations that security forces tortured, beat and abused the cocalero leaders who they detained at Sacaba. [2]

6.35 Although in 2002, there were no reports of politically motivated killings committed by Government agents security forces and protesters clashed during violent demonstrations.

Deaths occurred in and around the Chapare region where coccaleros (coca growers) violently opposed the security forces' attempt to enforce the law and reduce the illegal coca crop. [2]

6.36 In February 2003, Human Rights Watch (HRW) called for a full investigation into clashes which occurred in La Paz when 7,000 striking police officers and civilian protesters clashed with military troops, as protesters demanded that President Lozada rescind a new income tax. HRW reported that twenty-seven people were killed and a number of civilians were reportedly beaten and taken away by the military police during the violence. [6]

6.37 Several police officers were dismissed from service and charged for off-duty crimes, and a number were dismissed for corruption. However, prosecutors are reluctant to prosecute security officials for alleged offences committed while on duty. [2]

6.38 Violence erupted at the beginning of September 2003 at the Government plans to export natural gas. Protesters launched a series of strikes and set up road blocks across the country in opposition. Most of the protesters were from the indigenous Aymara Indians who were demanding that some 250,000 homes in Bolivia be supplied with gas for free before any of it is exported. Evo Morales had threatened to launch a series of nationwide strikes. [20d] Following this, on 30 September 2003, the country's main union called an indefinite strike. Thousands of teachers, bolstered by peasant farmers, took to the streets of La Paz to demand higher wages and the resignation of President Sanchez de Lozada. Although the protesters' objectives varied, the central rallying cry is about the Government's plans to export natural gas. [20e]

6.39 Students also protested at the main university in La Paz. Riot police responded by firing several rounds of teargas into the university. According to a report on 1 October 2003, for President Sanchez de Lozada the protesters' many gripes have been hijacked by the main opposition group, the Socialist Movement. However, the President maintained that he had failed to inform the Bolivian people of the benefits they stood to gain from the export of the country's natural gas and was sure that once the country understood what was going on, peace would prevail. [20f]

6.40 On 13 October 2003, President Sanchez de Lozada shelved plans for the export of natural gas but rejected mounting demands for his resignation. He called the massive protests "a plot encouraged from abroad aimed at destroying Bolivia and stain our democracy with blood." He accused Evo Morales and Felipe Quispe, the Indian leaders of the protests, of promoting the alleged plot, but at the same time offered to negotiate a solution to the crisis with them and "with all sectors". [19a]

6.41 Protesters are also upset that the Government might pick a port in Chile to ship the gas. Bolivia has been land-locked since it lost its coastline in an 1879 war against Chile, and resentment against its neighbour is still strong. [19a]

6.42 On 14 October 2003, tanks ringed the presidential palace to shield the besieged government from an expected worsening of violence after weeks of a popular revolt in which at least 52 people were killed. [21b] In a speech on 15 October 2003, President Lozada announced that his Government would call a national referendum on the gas export plan. The President had already postponed the plan until 31 December 2003, pending consultations with the opposition. [20c]

6.43 According to Reuters the death toll stood at 74 as at 16 October 2003. **[20b]** Human Rights groups said the security forces were responsible for the majority of deaths during the period of unrest. An investigation will be carried out into the killings. **[20g]** President Lozada resigned on 17 October 2003. **[19b]**

Treatment of Military Conscripts

6.44 According to the annual Amnesty International (AI) report on Bolivia covering January 2002 to December 2002, there were reports of ill-treatment of military conscripts in military barracks in Santa Cruz, Santa Cruz Province. According to reports conscripts are subjected to violent punishments and sexual abuse. An investigation into the complaints was announced. The AI report also mentioned that over ten conscripts serving at the army barracks of Puerto Suarez deserted their posts after allegedly being subjected to sexual harassment and being punished for disobeying orders by having aviation fuel poured over their genitals. **[8]**

Treatment of Non Governmental Organisations (NGOs)

6.45 The Government requires NGOs to register with the appropriate departmental government, and authorities granted such registration routinely and objectively. A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally co-operative and responsive to their views; however, NGOs and the Ombudsman complained that occasionally government security forces and government ministries refused to co-operate when NGOs or the Ombudsman were conducting investigations. **[2]**

6.46 Several NGOs worked with vulnerable groups, providing assistance, incentives to education, and information about legal rights. **[2]**

Humanitarian Aid / International Assistance

6.47 The UK's planned development assistance programme in Bolivia is £6.25 million for 2003/04. The goal of the UK's Department for International Development (DfID) future strategy is that state and society work together to achieve sustainable poverty reduction in Bolivia. The Bolivian Poverty Reduction Strategy Paper was agreed between Bolivian and the International Community in June 2001. The aim is to support the implementation of the Poverty Reduction Strategy by engaging on policy issues centred on social inclusion, good governance and pro-poor growth. **[9]**

Chronology of Major Events

- 1964** - Vice-President Rene Barrientos stages military coup.
- 1985** - Siles resigns in the wake of a general strike and an attempted coup; elections held but are inconclusive; parliament chooses Paz Estenssoro as president.
- 1986** - Twenty-one thousand miners lose their jobs following the collapse of the tin market.
- 1989** - Leftist Jaime Paz Zamora becomes president and enters power-sharing pact with former dictator Hugo Banzer.
- 1990** - Some 4 million acres of rainforest allocated to indigenous peoples.
- 1993** - Banzer withdraws from the presidential race, which is won by Gonzalo Sanchez de Lozada.
- 1997** - Banzer elected president.
- 1998** - Banzer tells the United Nations that he is committed to freeing Bolivia from drugs before the end of his term in 2002.
- 1999** - Encouraged by moves to prosecute former Chilean dictator Augusto Pinochet, opposition demands inquiry into Banzer's role during the repression of the 1970s.
- 2000** - Banzer announces the almost total eradication of the coca plant in the Chapare jungle region.
- 2001** January - Government declares almost half of Bolivia a natural disaster area following heavy rains.
- 2001** 8 August - Vice-President Jorge Quiroga sworn in as president, replacing Hugo Banzer who is suffering from cancer. He dies in May 2002.
- 2001** December - Bolivian farmers reject a government offer of \$900 each a year in exchange for the eradication of the coca crop used to produce cocaine.
- 2002** July - Closely-run presidential elections; former president Gonzalo Sanchez de Lozada faces a run-off against Indian leader and coca-farming advocate Evo Morales.
- 2002** August - Gonzalo Sanchez de Lozada wins a clear victory in a National Congress run-off vote and becomes president for a second time. Coca growers' representative Evo Morales leads a strengthened opposition.
- 2003** February - More than 30 people are killed in violent protests against a proposed

income tax. President Sanchez de Lozada withdraws the proposal.

2003 September-October - Dozens of people are killed in demonstrations fuelled by government plans to export gas to the US. President Sanchez de Lozada resigns under pressure of the protests and is succeeded by Carlos Mesa.

[18]

Political Organisations

Accion Democratica Nacionalista (ADN): founded 1979; right-wing; Leader Jorge Quiroga

Alianza de Renovacion Boliviana (ARBOL): founded 1993; conservative: Leader Casiano Acallo Choque

Bolivia Insurgente: founded 1996; populist party; Leader Monica Medina

Conciencia de Patria (Condepa): founded 1988; populist party; Leader Nicolas Felipe Valdivia Almanza

Frente Revolucionario de Izquierda (FRI): left-wing; Leader Oscar Zamora

Movimiento Bolivariano: founded 1999; Leader Cristina Corales

Movimiento Bolivia Libre (MBL): founded 1985; left-wing; Leader Frank Barrios

Movimiento al Socialismo (MAS): founded 1987; left-wing; Leader Evo Morales

Movimiento Indigena Pachakuti (MIP): founded 2002; in digenous movement; Leader Felipe Quispe Huanca

Movimiento de la Izquierda Revolucionaria (MIR): founded 1971; split into 7 factions in 1985; left-wing; Leader Jaime Paz Zamora

Movimiento sin Miedo: founded 1999; left-wing; Juan del Granado

Movimiento Nacionalista Revolucionario (Historico) - MNR: founded 1942; centre-right; Leader Gonzalo Sanchez de Lozada

Movimiento Revolucionario Tupac Katari de Liberacion (MRTKL): founded 1978; peasant party; Leader Victor Hugo Cardenas Conde

Nueva Fuerza Republicana (NFR): founded 1996; centre-right; Leader Manfred Reyes Villa

Partido Comunista de Bolivia (PCB): founded 1950; Leader Marcos Domic

Partido Democrata Cristiano (PDC): founded 1954; President Benjamin Miguel Harb

Partido Obrero Revolucionario (POR): founded 1935; Trotskyist; Leader Guillermo Lora

Partido Revolucionario de la Izquierda Nacionalista (PRIN): founded 1964; left-wing; Leader Juan Lechin Oquendo

Partido Socialista (PS): founded 1987; Leader Jorge Ronaldo Morales Anaya

Partida de Vanguardia Obrera: Leader Filemon Escobar

Union Civica Solidaridad (UCS): founded 1989; populist; Leader Johnny Fernandez

Vanguardia Revolucionario 9 de Abril: Leader Dr Carlos Serrate Reich

Other parties include the **Alianza Democratica Socialista** and the **Eje Patriotica**.

[1]

References to Source Material

- 1) **Europa Publications - Regional Surveys of the World - South America, Central America and the Caribbean 2003 - 11th edition** - Bolivia section
- 2) **US Department of State- Bolivia - Country Reports on Human Rights Practices** - 2002 - issued 31 March 2003
- 3) **BBC News** - Country Profile - Bolivia - issued 23/05/03
- 4) **US State Department of State - Bureau of Western Hemispheres Affairs** - November 2002 - Background Note - Bolivia
- 5) **Coalition to Stop Child Soldiers** - Bolivia -
www.child-soldiers.org/cs/childsoldiers.nsf/ - accessed 06/06/03
- 6) **Human Rights Watch Press Release - Bolivia:** "Investigate Killings During Clashes" - 14/02/03
- 7) **Reporters Without Borders** - Bolivia - 2003 Annual Report - issued 02/05/03
- 8) **Amnesty International Report** - Bolivia - Covering events from January 2002 - December 2002
- 9) **Foreign and Commonwealth Office Country Profiles** - The Republic of Bolivia - 12/02/03
- 10) **Bolivia - Business Guide: General Information** -
www.boliviabiz.com/business/bgguide-a.htm - accessed - 13/06/03
- 11) **Evaluation: Danish Bolivian Developmental Co-operation 1997 - 2001** - issued 22/10/02
- 12) **Guardian Unlimited - The Guardian** - "Bolivia's leftwing upstart alarms US" - 25/07/02
- 13) **Department of Public Information - Cartographic Section** - Map of Bolivia
- 14) **War Registers' International 1998** - Refusing to Bear Arms - Bolivia
- 15) **Undcp.org/bolivia** - UNDCP Agro-forestry project in the Chapare - accessed 07/07/03
- 16) **CIA World Factbook** - Bolivia - 01/08/03
- 17) **Amnesty International** - The Death Penalty: List of Abolitionist and Retentionist Countries - 01/01/01

- 18) **BBC News** - Timeline Bolivia - 20/10/03
- 19) **The Associated Press**
 - a) "Bolivia Leader Refuses to Resign" - 13/10/03
 - b) "Bolivia's new President vows early elections" - 19/10/03
- 20) **BBC News**
 - a) "New Bolivian Leader names team" - 20/10/03
 - b) "Thousands march in La Paz" - 16/10/03
 - c) "Bolivia head makes referendum offer" - 16/10/03
 - d) "Bolivia gas plans trigger unrest" - 16/09/03
 - e) "Bolivians protest at gas plan" - 01/10/03
 - f) "Unrest rocks Bolivia" - 01/10/03
 - g) "Bolivia to examine protest deaths" - 19/10/03
- 21) **Reuters**
 - a) "Bolivian Army fights to keep protesters at bay" - 15/10/03
 - b) "Tanks shield Bolivia President from revolt" - 14/10/03
- 22) **Pan American Health Organisation (PAHO)** - Regional Core Health Data System - Country Profile 2002 - Bolivia
- 23) **PAHO List of Drugs available for treating HIV/AIDS -**
- 24) **USSD International Religious Freedom** - Report 2002 - Bolivia
- 25) **World Directory of Minorities** - Edited by the Minority Rights Group International 1997 - Bolivia
- 26) **UNICEF** - At a Glance: Bolivia - The Big Picture
- 27) **The International Lesbian and Gay Association** - World Legal Survey - Bolivia - 23/06/00
- 28) **Committee to Protect Journalists (CPJ)** - 2003 News Alert - Bolivia: Media Outlets and Journalists Attacked, Threatened as Political Crisis Intensifies - 17/10/03
- 29) **CPJ** - Attacks on the Press in 2002 - Bolivia
- 30) **Human Rights Watch** - hrw-news-americas@topica.email-publisher.com - " Bolivia: Exercise Restraint in Response to Protests - 15/10/03