



# BOLIVIA

## AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 20<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, OCTOBER-NOVEMBER 2014

### FOLLOW UP TO THE PREVIOUS REVIEW

During its first Universal Periodic Review (UPR) in 2010 Bolivia supported 78 of the 79 recommendations made to it by other states, stating that some of these were already implemented or in the process of being implemented.<sup>1</sup> Amnesty International welcomes that Bolivia addressed some of the concerns raised by other states, particularly those regarding discrimination and women's rights,<sup>2</sup> and that it has ratified key international human rights treaties.<sup>3</sup> However, some of the recommendations accepted by Bolivia have been only partially implemented or not at all.

#### **Justice and impunity**

Bolivia supported recommendations to strengthen the independence and the functioning of the judiciary<sup>4</sup> and to end impunity.<sup>5</sup> Despite some recent legislation, effective administration of justice in Bolivia remains a challenge.<sup>6</sup> Bolivia also accepted recommendations to ensure progress in key cases, such as the killings in Pando in 2008 and the violence in Sucre in 2008.<sup>7</sup> These trials are still underway.

#### **Women's human rights**

Bolivia supported all the recommendations to uphold the rights of women and girls.<sup>8</sup> Legislation to prevent and punish violence against women has been passed and is being implemented.<sup>9</sup> Recommendations calling for a reduction in maternal mortality and for legislation on sexual and reproductive rights have yet to be implemented.<sup>10</sup>

#### **Indigenous Peoples' rights**

Amnesty International welcomes that the rights of Indigenous Peoples are guaranteed in the 2009 Constitution and in some recent national laws.<sup>11</sup> However, not all the recommendations on this issue have been fully implemented.<sup>12</sup> More efforts are needed to ensure the right to consultation and to free, prior and informed consent of Indigenous Peoples on projects that may affect them, in line with ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples.

#### **Torture and other ill-treatment**

Efforts to implement recommendations<sup>13</sup> aimed at ensuring the definition of torture is in conformity with international law are still pending.<sup>14</sup> A law to establish a national preventive mechanism (*Servicio para la prevención de la tortura, SEPRET*) was passed in December 2013.<sup>15</sup> However, Amnesty International is concerned about the lack of independence of this mechanism – which is currently under the auspices of the Ministry of Justice.

#### **Prison conditions**

Bolivia accepted recommendations to improve prison conditions, including measures to tackle overcrowding, to protect the rights of women and minors in prisons,<sup>16</sup> and to reduce the number of people in pre-trial detention.<sup>17</sup> However, inadequate separation of inmates in pre-trial detention from those who have been sentenced and the need to improve prison services, such as health and food provision, remain a concern.<sup>18</sup>

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

## Reparation for past human rights violations

The right of victims to an effective remedy and reparations for human rights violations committed during the military and authoritarian regimes in Bolivia (1964-1982)<sup>19</sup> has not yet been fully realized. In March 2004, Law 2640 on “exceptional compensation to victims of political violence during periods of unconstitutional governments” was passed.<sup>20</sup> This law establishes measures of reparation, such as free medical assistance, psychological rehabilitation, monetary compensation, as well as the state’s obligation to honour the victims, i.e. those who suffered enforced disappearances, torture or other ill-treatment, killings or persecution and detention or who were forced into exile for political reasons.

Eight years later, in May 2012, an official list of beneficiaries was released.<sup>21</sup> Of the around 6,200 applications received, 1,714 people qualified as beneficiaries. On 30 April 2012, Law 238 established a one-off and definite payment of 20 percent of the total possible compensation under Law 2640.

National and international organizations, including Amnesty International, have expressed concerns about the lack of transparency and unfairness of the qualification process.<sup>22</sup> The conditions for qualifying for reparation are very restrictive, particularly after August 2007 when the minimum requirements were approved.<sup>23</sup> There are also concerns that the reparation process was insufficiently publicized, and that the process lacked gender sensitive measures to take account of the needs of women and girls.

Other measures foreseen in Law 2640 to ensure full reparation as required by international standards are not in place.<sup>24</sup> For instance, there is no specific physical and psychological program to support victims.<sup>25</sup> Some measures such as tributes and honors to victims have already taken place; however, not always with adequate consultation with victims and relatives. In 2013, both the UN Committee against Torture and the UN Human Rights Committee called on Bolivia to ensure the right to effective reparation and redress for victims of past human rights violations.<sup>26</sup>

## Women’s sexual and reproductive rights

While Article 66 of the Constitution guarantees sexual and reproductive rights for women and men, this provision has not yet fully translated into the enjoyment of these rights by all. Bolivia has the second highest maternal mortality ratio in the Americas,<sup>27</sup> and according to national data, compilations related to abortion are the third most common cause of maternal mortality.<sup>28</sup> Abortion is criminalized in Bolivia except when the life or health of the woman is at risk or when the pregnancy is the result of rape or incest.<sup>29</sup>

Until recently, judicial authorization for the abortion was required to avoid criminal proceedings. According to criminal law experts in Bolivia, judges rarely allow termination of pregnancy, usually citing conscientious objection for religious and moral reasons. Thus, in practice, judicial authorization represented an obstacle to accessing abortion even in cases where it was not penalized. In February 2014, the Plurinational Constitutional Court decided that the request for judicial authorization was unconstitutional.<sup>30</sup> Amnesty International welcomes this as is a step towards eliminating barriers to accessing safe abortion which will need to be monitored to measure its impact.

Amnesty International also welcomes the state’s efforts to recognize women’s sexual and reproductive rights in the Strategic National Plan on Sexual and Reproductive Health 2009-2015.<sup>31</sup> However, according to reports, implementation of the Plan remains a challenge due to lack of resources and regulations. Further, Amnesty International is concerned about the lack of progress to pass a bill on sexual and reproductive rights guaranteeing the right to receive information about sexual and reproductive health services to prevent unplanned or unwanted pregnancies and the right to sexual education in schools, among other provisions.

## Regulation of Non-Governmental Organisations (NGOs)

In March 2013, Law 351 established the requirements for NGOs, foundations and other non-profit entities working in more than one of the state’s departments to operate legally.<sup>32</sup> One requirement is that the statute of the organisation must be submitted to the government, specifying the organisation’s “contribution to the economic and social development” of the state.<sup>33</sup> A subsequent regulation passed in June 2013 adds that the statute has to specify the full extent of the activities aimed at contributing to the economic and social development of Bolivia, taking into account the

features of the national planning and national and sectorial policies.<sup>34</sup> According to the regulations, organisations that fail to meet these requirements lose their legal identity.<sup>35</sup> Amnesty International and other organizations are concerned that these requirements may present an obstacle to the work of non-profit entities if there is no clear definition of what contributing to economic and social development means.<sup>36</sup>

## THE HUMAN RIGHTS SITUATION ON THE GROUND

### Justice and reparation for past human rights violations

Amnesty International is concerned at the continued lack of investigations into human rights violations committed during the military and authoritarian regimes (1964-1982) and the persistent delays in bringing to justice those responsible. Attempts by prosecutors to investigate cases of enforced disappearance have encountered serious obstacles, including lack of access to military files that could shed light on the whereabouts of those who were forcibly disappeared. Despite several court orders and a resolution passed by the Ministry of Defence, military files have still not been fully opened.<sup>37</sup> Bolivia made a voluntary commitment during its last UPR review to facilitate access to information relating to human rights violations committed in the past,<sup>38</sup> but no progress has been made.

For years, victims and relatives of victims have been calling for the creation of a truth commission. In December 2013, a bill to set up such a body was discussed in the Legislative Plurinational Assembly; however, it was not passed because some victims expressed concern about the lack of consultation.

Some progress has been made in relation to events in El Alto in 2003 known as 'Black October' in which 67 people died and more than 400 people were injured during protests. In August 2011, the Supreme Court convicted seven former high-ranking officials for their part in these events. Former President Gonzalo Sánchez de Lozada and two of his ministers, who fled to the USA soon after the violence, are still facing extradition proceedings. In other high profile cases, such as the September 2008 'Pando massacre' in which 13 mostly peasant farmers were killed and the so-called '24 May' case in 2008, progress has stalled.

Investigations and sanctions for human rights violations are also affected by deep-rooted structural problems within the judiciary. In recent years, Bolivia has taken steps to strengthen the capacity of the judiciary, including its independence and impartiality. Members of the high courts are now elected by universal suffrage.<sup>39</sup> Delays in judicial proceedings and allegations of corruption involving prosecutors and judges, remain a concern.<sup>40</sup>

### Indigenous Peoples' rights

The controversy around the government's plan to build a highway across the Isiboro-Sécure Indigenous Territory and National Park (*Territorio Indígena y Parque Nacional Isiboro-Sécure*, TIPNIS)<sup>41</sup> highlights that the right to consultation and free, prior and informed consent is yet to be fully respected.

At first, the government wanted to go ahead with the project without consulting the Indigenous communities affected as required by international standards and norms. Following a protest march in September 2011 against the highway a law halting construction of the highway was passed in October 2011. During the march, scores of people were injured when the police used tear gas and truncheons. Investigations into police violence on this occasion are still ongoing.

In February 2012, there was another protest this time by supporters of the highway, and a further law was passed calling for consultation with Indigenous Peoples in the TIPNIS. In June 2012, the Plurinational Constitutional Court ruled that the consultation should go ahead after agreeing the process with the affected communities. In July 2012, the consultation started with some of the communities. According to official reports of the consultation, most of the communities were positive about the construction of the highway, although subject to certain conditions, such as reaching agreement with representatives of all the communities on the design of the highway.<sup>42</sup> The construction of the highway is currently suspended and the authorities are focusing on eliminating extreme poverty in the park.<sup>43</sup>

A bill on consultation with Indigenous Peoples is currently under discussion between the government and several organizations in Bolivia. However, organizations such as *Consejo Nacional de Ayllus y Markas del Qullasuyu* (CONAMAQ)

have informed Amnesty International that they disagree with the bill and that they do not consider that they were consulted in a meaningful way.

### **Prison conditions**

Poor prison conditions is a key human rights concern in Bolivia. In 2010, the prison occupancy rate in Bolivia was 233 percent, the second highest in the Americas.<sup>44</sup> Data provided to Amnesty International in May 2013 indicates that the total prison population – distributed over 55 detention centres – was 14,441 inmates. Information provided by the General Directorate of Penitentiary Regime (*Dirección General de Régimen Penitenciario*) indicates a 137 percent increase in the prison population between 2003 and 2013. Reports further indicate that approximately 80 percent of all detainees in Bolivia in 2012 were in pre-trial detention,<sup>45</sup> one of the highest rates in the region.<sup>46</sup>

Delays in concluding trials within a reasonable time, as well as the excessive use of pre-trial detention and the limited use of alternatives to detention, all contribute to prison overcrowding. In the last two years, Presidential Decrees declaring pardons and amnesties have attempted to deal with over-population in prisons.<sup>47</sup> Although some inmates have benefited, the decrees have not yet reduced overcrowding as expected.<sup>48</sup>

Amnesty International is also concerned at the conditions in detention centres, including inadequate separation between those in pre-trial detention and those who have been sentenced, and poor health and food provisions. Local organizations have raised concern about children living with their parents in prison, including the impact this may have on their lives, personal security and education.<sup>49</sup> Article 26 of Law 2298 states that children under six years old can live with their parents in prison. However, according to reports, more than half of the children who live in prisons exceed that age<sup>50</sup> and there are no measures to ensure adequate living conditions for those children.

### **Human Rights Defenders**

The work of human rights defenders has come under risk in recent months. Statements by authorities<sup>51</sup> questioning the work carried out by national and international civil society organizations raise concerns about Bolivia's commitment to protecting and guaranteeing the right to freedom of expression, assembly and association.<sup>52</sup> Amnesty International has received information indicating that the government policies may favour those organizations that are perceived as aligned to the government's plans, while de-legitimizing the work of other organizations.<sup>53</sup>

## **RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW**

**Amnesty International calls on the government of the Plurinational State of Bolivia to:**

### *Justice and reparation for human rights violations*

- Strengthen mechanisms to provide truth and justice to victims of human rights violations committed between 1964 and 1982, including by undertaking prompt, independent and impartial investigations to bring those responsible to justice;
- Guarantee that any proposed truth commission satisfies the requirements of independence and autonomy, as required by international standards,<sup>54</sup> and that it will not replace judicial proceedings;
- Ensure full and effective reparation for victims of past human rights violations, including setting up a fair and transparent mechanism to review applications submitted under Law 2640;
- Guarantee access to classified military files that could clarify cases of enforced disappearances, killings and other human rights violations committed between 1964 and 1982;
- Create and implement mechanisms in the judiciary to address the backlog of cases, including by providing resources and capacity to reduce delays in the administration of justice.

### *Sexual and reproductive rights*

- Reform the Criminal Code to decriminalize abortion in all circumstances, and to ensure that women and girls

seeking or obtaining an abortion, as well as the medical practitioners providing it, are not subject to criminal sanctions;

- Eliminate all practical barriers to safe and legal abortion and ensure that sexual and reproductive health services are available to all girls and women;
- Provide adequate resources for the full and effective implementation of the Strategic National Plan on Sexual and Reproductive Health 2009-2015, in particular access for women and girls to information regarding contraception;
- Promptly adopt the bill currently under discussion on sexual and reproductive rights, in line with Bolivia's international obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

#### *Indigenous Peoples' rights*

- Ensure that legislation on the right of Indigenous Peoples to consultation and free, prior and informed consent is in line with international human rights obligations, and that all representatives of Indigenous Peoples are part of the consultation process on this legislation;
- Guarantee that any decision around the construction of the highway in the Isiboro-Sécure Indigenous Territory and National Park (TIPNIS) will not go ahead until concerns highlighted by the affected communities during the consultation process in 2012 are fully addressed;
- Ensure that allegations of excessive use of force by the police during the Indigenous march in September 2011 are promptly and independently investigated and that those suspected of criminal responsibility are brought to justice.

#### *Prison conditions*

- Improve prison conditions, including by tackling overcrowding and considering gender perspectives in any measure undertaken, in accordance with international law and standards such as the UN Standard Minimum Rules for the Treatment of Prisoners;
- Take appropriate steps to ensure the specific needs of children living with their parents in prison, including measures to ensure their safety, adequate living conditions and access to education, as required by international law, including the Convention on the Rights of the Child.

#### *Torture and other ill-treatment*

- Ensure that the definition of and sanction for torture in the Criminal Code is consistent with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that the implementation of the national preventive mechanism is in line with its Optional Protocol.

#### *Human rights defenders*

- Review Law 351 and Supreme Decree 1597 to ensure that requirements for NGOs and non-profit entities to operate legally does not hamper their independence or their capacity to undertake their legitimate work;
- Foster an environment in which human rights defenders can freely carry out their legitimate human rights work and publicly recognize human rights defenders as legitimate and vital actors in society.

## **ENDNOTES**

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review of the Plurinational State of Bolivia*, A/HRC/14/7, 9 June 2010.

<sup>2</sup> Law 045 Against Racism and all forms of Discrimination, 8 October 2010 (*Ley contra el Racismo y todas las formas de discriminación*). Also, in 2011 a National Committee against Racism and other forms of Discrimination was established as well as other committees in Chuquisaca y Tarija. Law 348 to guarantee women's right to a life free of violence, 20 June 2013 (*Ley integral para garantizar a las*

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*mujeres una vida libre de violencia*) and Law 243 Against the harassment and political violence against Women, 28 May 2012 (*Ley contra el Acoso y la Violencia Política contra las Mujeres*).

<sup>3</sup> On 12 July 2013 Bolivia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights and on 13 January 2012 Bolivia ratified the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights.

<sup>4</sup> A/HRC/14/7 recommendations 98.39 (Slovakia, Turkey, Slovenia and France), 98.40 (Italy, Denmark, Germany and United Kingdom), 98.42 (Algeria, United States of America), 98.43 (Norway, Netherlands and Canada), 98.44 (Nicaragua), 98.47 (Switzerland).

<sup>5</sup> A/HRC/14/7 recommendation 98.51 (Sweden).

<sup>6</sup> Report of the United Nations High Commissioner for Human Rights on the activities of her office in the Plurinational State of Bolivia, 5 March 2013, A/HRC/22/17/Add.2 paras 44-55. Human Rights Committee, Concluding Observations on Bolivia, paras. 19, 22, CCPR/C/BOL/CO/3, December 2013.

<sup>7</sup> A/HRC/14/7 recommendation 98.51 (Austria and United Kingdom)

<sup>8</sup> A/HRC/14/7 recommendations 98.4 (Mexico and Guatemala), 98.5 (Mexico), 98.6 (Argentina, Belarus), 98.20 (Brazil, Netherlands), 98.22 (Kyrgyzstan), 98.25 (Egypt), 98.30 (Slovenia), 98.31 (France, Netherlands and Azerbaijan), 98.33 (Costa Rica), 98.47 (Switzerland) and 98.57 (United Kingdom).

<sup>9</sup> See note 2.

<sup>10</sup> A/HRC/14/7 recommendations 98/32 (Spain), 98.67 (Chile and Turkey), 98.69 (Sweden and Colombia), 98.70 (Colombia).

<sup>11</sup> See 2009 Constitution articles 30, 352 and 353, among other provisions that recognize indigenous peoples' rights. See also, Law 045 Against Racism and all forms of Discrimination, 8 October 2010.

<sup>12</sup> A/HRC/14/7 recommendations 98.21 (Azerbaijan), 98.22 (Kyrgyzstan), 98.45 (Slovenia and Canada), 98.46 (Netherlands, Austria and Switzerland), 98.74 (Norway), 98.75 (Pakistan), 98.76 (Venezuela), 98.77 (Germany).

<sup>13</sup> A/HRC/14/7 recommendation 98.27 (Argentina).

<sup>14</sup> A process to reform the criminal code that is currently underway would include changes in the definition of torture under article 295 of the criminal Code. The UN Committee against Torture has highlighted concerns about the flaws of this draft bill as it "does not cover acts of torture carried out in order to intimidate or coerce a third person or acts committed by a person other than a public official who is acting in an official capacity" and reiterated its call to incorporate appropriate penalties that take into account the grave nature of the crime. See UN Committee against Torture Concluding Observations CAT/C/BOL/CO/2, June 2013, para. 8.

<sup>15</sup> Law 474, 30 December 2013, *Ley del Servicio para la prevención de la tortura*.

<sup>16</sup> A/HRC/14/7 recommendation 98.28 (Italy, Turkey and Slovakia).

<sup>17</sup> A/HRC/14/7 recommendation 98.49 (Austria).

<sup>18</sup> UN Office of the High Commissioner in Bolivia, 2012 Report on Bolivia, A/HRC/22/17/Add.2, para. 72; Bolivian state report to the Human Rights Committee, CCPR/C/BOL/3, para. 104; UN Human Rights Committee, Concluding Observations on Bolivia, CCPR/C/BOL/CO/3, December 2013, para. 20; 2012 Bolivia Ombudsman report, page 48. Also in September 2012 a general regulation for the penitentiaries (*Reglamento General de Centros Penitenciarios, Res. Ministerial 190/2012*), this is the first attempt to regulate the rights and duties of the persons deprived of liberty and personnel working in the prisons to ensure the safety in the prisons.

<sup>19</sup> According to the reports by the association of relatives of enforced disappeared victims in Bolivia, ASOFAMD, during these years approximately 150 disappeared. According to information received by Amnesty International during that period, approximately 200 people were killed, around 5,000 suffered were arbitrary detention and 20,000 went into exile. See Amnesty International 'No me borren de la historia'. *Verdad, justicia y reparación (1964-1982)*, AMR 18/002/2014, March 2014.

<sup>20</sup> Law 2640, 11 March 2004, *Resarcimiento excepcional a víctimas de la violencia política en períodos de gobiernos inconstitucionales*.

<sup>21</sup> Supreme Decree No 1211, 1 May 2012.

<sup>22</sup> The process was carried out by two commissions: Law 2640 created the inter-institutional National Commission for Redress of the Victims of Political Violence (*Comisión Nacional para el Resarcimiento a Víctimas de Violencia Política, CONREVIP*). In 2009 CONREVIP was replaced by the Technical Qualification Commission (*Comisión Técnica de Calificación, COMTECA*) under the authority of the Ministry of Justice.

<sup>23</sup> Supreme Decree No 29214, 2 August 2007 about the Minimum Requirements to Qualify for Compensation (*Requisitos Mínimos de Calificación de Hechos Resarcibles*).

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<sup>24</sup> UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147, 16 December 2005, paras. 15-20.

<sup>25</sup> Bolivian authorities have explained Amnesty International that victims can all have access to medical health via the general health service and the Elderly Social Insurance – one of the problems is that this service does not include, for example, prosthesis.

<sup>26</sup> UN Human Rights Committee, Concluding Observations on Bolivia, CCPR/C/BOL/CO/3, para. 12; Committee against Torture, Concluding Observations, Second report of the Plurinational State of Bolivia adopted during the 50th period of sessions (6 to 31 May 2013), para. 14

<sup>27</sup> According to official data from 2008 the ratio was 230 per 100,000 live births in that year. See Post National Survey on Maternal Mortality, quoted at *Plan Estratégico Nacional para Mejorar la salud Materna Perinatal y Neonatal en Bolivia 2009- 2015*, page 15. available at [http://www.mariestopes.org.bo/webassets/documentos/plan\\_salud\\_materna.pdf](http://www.mariestopes.org.bo/webassets/documentos/plan_salud_materna.pdf)

<sup>28</sup> According to a survey done after the 2000 census about maternal health, quoted in IPAS Bolivia, *Las cifras hablan*, page 5. Available at <<http://www.despenalizacion.org.ar/pdf/publicaciones/Lascifrashablan.pdf> >

<sup>29</sup> Articles 263 to 269 of the Penal Code.

<sup>30</sup> Plurinational Constitutional Court, decision 0206/2014.

<sup>31</sup> See Estado Plurinacional de Bolivia, Ministry of Health and Sports, Publication No. 140, 2010, <http://www.sns.gob.bo/institucional/redes%20y%20localidad/PLAN%20ESTRATEGICO%20NACIONAL%20DE%20SALUD%20SEXUAL%20Y%20REPRODUCTIVA.pdf> Similarly, the National Plan for Adolescents' Integral Health (2009-2013) (*Plan Nacional para la Salud Integral de las y los Adolescentes 2009-2013*), contains specific interventions to prevent teen pregnancy and activities to promote sexual and reproductive health care and the Youth Law (Ley de la Juventud), recognizes sexual and reproductive rights of adolescents and young people, including sex education and differentiated sexual and reproductive health care services.

<sup>32</sup> Law 351 for granting legal entity (*Ley de otorgación de personalidades jurídicas*), 19 March 2013.

<sup>33</sup> *Idem.*, art.7, para II, 1.

<sup>34</sup> Supreme Decree 1597, Partial regulation of the law for granting legal entity (*Reglamento parcial a la ley de Otorgación de personalidades jurídicas*), 5 June 2013, Art. 11, II a) "*El alcance de sus actividades orientadas a contribuir al desarrollo económico social, tomando en cuenta los lineamientos establecidos en la planificación nacional, las políticas nacionales y las políticas sectoriales*".

<sup>35</sup> Law 351 art. 14, Supreme Decree 1597 art. 19.

<sup>36</sup> UN Human Rights Committee, Concluding Observations on Bolivia, CCPR/C/BOL/CO/3, para. 24.

<sup>37</sup> Resolution No. 0316/2009 by the Ministry of Defense, 19 May 2009. Supreme Court Order No. 125, April 2010. Also, the Judicial Resolution No 384/2009, 16 September 2009 ordering access to classified documents by the Military from July and August 1980 with the aim to investigate the whereabouts of Renato Ticona Estrada, Marcelo Quiroga Santa Cruz and Juan Carlos Flores Bedregal; Judicial Resolutions No 59/2010 and 101/2010 which extend the order to classified documents from 1980.

<sup>38</sup> A/HRC/14/7, voluntary commitments, para. 102.

<sup>39</sup> See Bolivia Constitution, articles 182, 188, 194 and 198.

<sup>40</sup> In recent months allegations of a number of cases of corruption involving prosecutors and judges have been made public. See <http://eju.tv/2013/07/el-fiscal-general-de-bolivia-admite-debilidad-ante-corruptos/> See also, Human Rights Committee, Concluding Observations on Bolivia, CCPR/C/BOL/CO/3, para. 22.

<sup>41</sup> Isiboro-Sécure Indigenous Territory and National Park (*Territorio Indígena y Parque Nacional Isiboro-Sécure*, TIPNIS) is situated between the north of the Cochabamba Department and the south of the Beni Department.

<sup>42</sup> See Supreme Electoral Court (*Tribunal Supremo Electoral*) "*Informe de observación y acompañamiento de la Consulta previa, libre e informada a los Pueblos Indígenas del TIPNIS*", published in January 2013; and Ministry of Environment and Ministry of Public Works (*Ministerio de Obras Públicas, Servicios y Vivienda – Ministerio de Medio Ambiente y Agua*), government final report on the consultation process in the TIPNIS "*Informe Final del proceso de consulta previa, libre e informada a los pueblos Moxeños-Trinitario, Yuracaré y Chimane del Territorio Indígena y Parque Nacional Isiboro Sécure (TIPNIS)*", April 2013.

<sup>43</sup> Information provided during a meeting with representative of the Ministry of Presidency, May 2013; see also [http://www.cambio.bo/pol%EF%BF%BDtica/06042013/gobierno\\_apunta\\_al\\_desarrollo\\_en\\_el\\_tipnis\\_para\\_erradicar\\_la\\_pobreza\\_9058\\_5.htm](http://www.cambio.bo/pol%EF%BF%BDtica/06042013/gobierno_apunta_al_desarrollo_en_el_tipnis_para_erradicar_la_pobreza_9058_5.htm) ; [http://www.la-razon.com/nacional/Primero-eliminar-carretera-Vladimir-Sanchez\\_o\\_1808219206.html](http://www.la-razon.com/nacional/Primero-eliminar-carretera-Vladimir-Sanchez_o_1808219206.html)

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<sup>44</sup> Organization of American States, *Report on Citizen Security in the Americas 2012: Official Statistical Information on Citizen Security provided by the OAS Member States*, July 2012, page 122, <http://www.oas.org/dsp/alertamerica/Report/Alertamerica2012.pdf> Official capacity of prisons means the intended number of places available at adult prisons, penal institutions or correctional facilities as at December 31 of any given year. Excludes places/capacity used for detention of persons on the basis of immigration status.

<sup>45</sup> See 2012 Report from the Bolivia Ombudsman, page 48, [http://www.defensoria.gob.bo/defensor/userfiles/file/INFORME\\_DDHH\\_2012\\_FINAL.pdf](http://www.defensoria.gob.bo/defensor/userfiles/file/INFORME_DDHH_2012_FINAL.pdf); see also UN Office of the High Commissioner in Bolivia, 2013 Report on Bolivia, A/HRC/22/17/Add.2, para. 71. <http://bolivia.ohchr.org/docs/Informe%20Anual%202012.pdf>

<sup>46</sup> Inter-american Commission on Human Rights, Report on the Human Rights of Persons Deprived of Liberty in the Americas, OEA/Ser.L/V/II. 30 December 2013, para.57

<sup>47</sup> Presidential Decree 1445, 19 December 2012, published in Official Gazette (*Gaceta Oficial del Estado Plurinacional de Bolivia*), edition 466NEC, 31 December 2012. The pardon was to be given to those with unappealable sentences under certain conditions, or those who had been in pre-trial detention if they were sentenced in an abbreviated procedure within 120 days of the decree entering into force. According to article 3 of Decree 1445, it has to be individual serving a first crime conviction under some of the following conditions: men over 58 and women over 55 who have served 1/3 of the conviction, young people up to 25 year old who have served 1/3 of the conviction, people with terminal illness, among others. On 16 September 2013, Presidential Decree 1723, 17 (*Decreto Presidencial de Indulto y Amnistía*) established pardons or amnesties for people with minor offences, elderly; teenagers and youth with convictions up to 25 years, people with serious or incurable disease in terminal period, severely disabled or very serious are parents who are responsible for children under twelve years of prison. They are also benefiting persons prosecuted and detained preventively which process has had a duration of less than four years. The decree was to last a year.

<sup>48</sup> The authorities' expectations are that approximately 2,000 detainees will benefit from the second presidential decree. By January 214 only around 220 people had benefitted from it. See [http://www.la-razon.com/nacional/seguridad\\_nacional/meses-reos-beneficiaron-indulto\\_o\\_1977402280.html](http://www.la-razon.com/nacional/seguridad_nacional/meses-reos-beneficiaron-indulto_o_1977402280.html)

<sup>49</sup> Meetings with Bolivia Catholic Prison (*Pastoral Penitenciaria Católica de Bolivia*) during Amnesty International visit to La Paz in May 2013. See also *Pastoral Penitenciaria Católica de Bolivia "Voces en Libertad. Niños y cárceles. Conozca la historia que se queda tras las rejas"*, April 2013.

<sup>50</sup> See <http://www.lanacion.com.py/articulo/130819-bolivia-carcel-donde-fue-violada-nina-sera-cerrada-a-nuevos-presos-en-julio.html>

<sup>51</sup> See [http://www.lostiempos.com/diario/actualidad/nacional/20131221/quintana-expulsa-a-ibis-esta-pide-al-gobierno\\_239252\\_519998.html](http://www.lostiempos.com/diario/actualidad/nacional/20131221/quintana-expulsa-a-ibis-esta-pide-al-gobierno_239252_519998.html); [http://la-razon.com/nacional/Gobierno-Bolivia-ONG-IBIS-injerencia\\_o\\_1964803571.html](http://la-razon.com/nacional/Gobierno-Bolivia-ONG-IBIS-injerencia_o_1964803571.html)

<sup>52</sup> In December 2013, the international NGO, IBIS Dinamarca was expelled from the country. The state argued that the organization had been interfering in political issues and had contributed to divisions within the Indigenous movement. IBIS Dinamarca denies these allegations.

<sup>53</sup> Information received by Amnesty International in visits to Bolivia during 2012 and 2012. Organizations such as CONAMAQ, and Asamblea Permanente de Derechos Humanos de La Paz, have raised concerns around this. See also, Office of the High Commissioner for Human Rights, Bolivia, press releases in 2014 on the CONAMAQ situation and Plataforma de luchadores sociales on <http://www.nu.org.bo/noticias/noticias-nacionales/onu-le-preocupa-violencia-contra-los-defensores-de-ddhh-en-bolivia/>. Amnesty International has sent letters to the authorities expressing concern at the difficulties that human rights defenders would be facing in the country to carry out their work (TG AMR 18/2014.01 and TG AMR 18/2014.02).

<sup>54</sup> See for example Human Rights Commission E/CN.4/2005/102/Add.1, 8 February 2005.