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## **Human rights Council – Universal Periodic Review 20**

### **Bolivia - Current state of press freedom**

At the time of the previous Universal Periodic Review in 2010, various recommendations were made concerning freedom of expression and the safety of the press. Impunity and the lack of diversity in the media are high on the list of the international community's concerns. The Council encouraged Bolivia to acknowledge freedom of expression as an essential component of a fully functioning democracy. The government was asked to open investigations into all cases of abuse against the press, to condemn all such crimes and to ensure that regulation of the media is applied with due regard to human rights.

Since 2008, Reporters Without Borders has identified and brought to the attention of the international community four murders and five cases of attacks on journalists or news organizations that the Bolivian authorities have failed to clear up or punish. The murders of the journalists Carlos Quispe Quispe, Enrique Vacaflor, Ver onica Pe asco Layme and her brother Victor Hugo Pe asco Layme remain unpunished. Trials have been routinely suspended, slowing progress in each case to the point where they fade into obscurity.

Violations of press freedom have also taken the form of attacks on news organizations, such as the one on the premises of *Radio Popular* on 29 October 2012, and the destruction of the community radio stations *Radio Emisoras Bolivia* and *Voz de las Mayor as*, in June 2012 and May 2013 respectively.

Reporters Without Borders is particularly concerned by views expressed by government officials that foster a climate of violence. In a public address on 1 September 2012, the mayor of Santa Cruz, Percy Fernandez, made death threats against the journalist Tuffi Ar e of the local daily *El Deber*.

Bolivia is ranked 94<sup>th</sup> of 180 countries listed in the 2014 World Press Freedom Index. It suffers from insecurity that has a direct bearing on those involved in news and information. Crimes committed against them regrettably often go unpunished, to the point where the 2010 recommendations have not been met.

Bolivian legislation does not explicitly authorise direct censorship but muzzles the media in more insidious ways in the guise of respect for the individual. Several laws impose

restrictions on the media, restricting diversity. Law 045, which bans the dissemination of racist comments in the media either in news reports or editorial opinion, was enacted in 2010 in response to racist slurs against President Evo Morales and some of his ministers who are of Aymara origin. Paradoxically, it purports to guarantee the rights of citizens by encroaching on freedom and preventing debate on a matter of public interest.

The media in Bolivia are dominated by the private sector, which generally sides with the opposition. This divide leads to the polarisation of media organizations between those in private hands and those run by the government, leaving little room for community and indigenous outlets, which remain under-represented and stigmatised as a result of outmoded laws.

### **Steps taken by the government**

The legal framework in which journalism has developed is by and large outdated, such as the Press Law of 1925, which stipulates financial penalties for any printed publication deemed “clandestine”. Yet there is no legal definition of what constitutes a clandestine news outlet to ensure such a ban is applied clearly.

The body of legislation was brought up to date in 2011 with a new telecommunications, information technology and communication law providing for the fair distribution of radio and television frequencies, which is opposed by privately-owned media.

The new law also provides for support for the development of new technologies for Web-based news outlets and for easier access to the news and information. It purports to guarantee fair distribution of broadcasting frequencies and stations, split equally among public, privately-owned and community outlets.

Reporters Without Borders has welcomed this decision by the National Assembly, inspired by similar measures in neighbouring countries, and views it as a way of protecting news and information against excessive political or financial polarisation.

These measures are a response to some of the 2010 recommendations calling for a commitment to media diversity. However, the organization deplores the fact that the law allows the government to intercept telephone calls in the event of any “threat to national security, external hazard, internal disturbance or disaster”.

The same law gives the government the right to take information into its own hands by means of *cadena*s, official announcements which radio and television stations are required to broadcast.

The body of legislation is inadequate for a globalised information landscape, which is increasingly oriented towards the virtual world. Journalists, bloggers and netizens who express themselves via new online media have no protection under the existing Bolivian laws of 1925 and 1957, while the provisions of the 2011 law on telecommunications, information technology and communication are too vaguely defined.

## Recommendations

- Reporters Without Borders urges the authorities to acknowledge the seriousness of recent crimes against media workers and to undertake a thorough investigation in each case.
- Reporters Without Borders requests that the provisions concerning the rights to communication and information, to free expression and opinion, to freedom from censorship and of redress and reply that are protected by articles 21, 30, 107 et 131 of the Bolivian constitution be invoked against those behind all attacks on journalists and media organizations that have gone unpunished since 2008.
- Reporters Without Borders recommends the repeal of article 111 and 112 of the 2011 law on telecommunications, information technology and communication that gives the government the right to intercept telephone calls and impose *cadenas*.
- The legal framework that governs the news and information business must be brought up to date so that it can be applied to new information technologies and meets international standards. Journalists must be able to rely on a legal system that guarantees their rights.

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