



**CPJ Submission to the United Nations Universal Periodic Review of Bolivia  
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Human Rights Council  
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**Committee to Protect Journalists**

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330 7th Avenue, 11th Floor

New York, NY 10001

Tel 212-465-1004

Fax 212-465-9568

General: [info@cpj.org](mailto:info@cpj.org)

Advocacy Director: [cradsch@cpj.org](mailto:cradsch@cpj.org)

Global Advocacy Manager: [kpaterson@cpj.org](mailto:kpaterson@cpj.org)

Central and South America & the Caribbean Program Coordinator: [nsouthwick@cpj.org](mailto:nsouthwick@cpj.org)

Central and South America & the Caribbean Senior Researcher: [anunez@cpj.org](mailto:anunez@cpj.org)

## Brief description of CPJ:

1. The Committee to Protect Journalists is an independent, nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news without fear of reprisal.
2. CPJ is made up of about 40 experts around the world, with headquarters in New York City. When press freedom violations occur, CPJ mobilizes a network of correspondents who report and take action on behalf of those targeted.
3. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. A board of prominent journalists from around the world helps guide CPJ's activities.
4. CPJ's work is based on its research, which provides a global snapshot of obstructions to a free press worldwide. CPJ's research staff document hundreds of attacks on the press each year.

## Summary

This submission was prepared for the Universal Periodic Review (UPR) of Bolivia in November 2019. In it, CPJ assesses the press freedom framework and the press freedom situation on the ground in the country.

Bolivia is a relatively safe country for journalists in terms of physical safety. Since CPJ created its database of journalist murders in 1992, only two reporters have been killed in connection with their work in Bolivia.

However, although Bolivia's journalists do not face a constant threat of physical harm in their daily work, they work within an environment characterized by official harassment, limited access to information, and restrictive legislation that is often abused to intimidate or silence journalists. Independent outlets and those who criticize the country's leadership are especially likely to be targeted. As President Evo Morales runs for an unprecedented fourth presidential term, Bolivian officials should commit to ensuring that all journalists are able to work freely and without interference. The government should take concrete steps to update outdated legislation to reflect international norms on issues like criminal defamation, rather than using that same legislation as a weapon against journalists.

In the final section of this document, CPJ makes a number of recommendations to Bolivia to address the press freedom concerns raised in this submission.

## Legal Framework

1. Bolivia's 2009 constitution protects freedom of speech and of the press, with some limitations. Article 21 offers a broadly defined right to communicate freely, but Article 107 stipulates a duty to communicate with "truth and responsibility," according to a [2016 Freedom House report](#). However, Bolivia's legal framework around press freedom and freedom of expression is largely outdated, drawing on obsolete legislation such as the 1920 Press Law, which allows for prosecuting members of the press for crimes that infringe the honor of the victims, [according to CPJ research](#).
2. The 2010 Law against Racism and All Forms of Discrimination attempts to address degrading portrayals of indigenous people in the media by granting authorities the power to sanction or shut down outlets and arrest journalists for published material that is seen as racist. Media outlets can potentially face fines for statements made by a source or interview subject who does not represent the organization, according to the same Freedom House report.
3. Bolivia is a party to all the international instruments that make up the International Bill of Human Rights and to other international human rights instruments.
4. Bolivia's Penal Code and Press Law currently contain provisions restricting freedom of speech. Article 282 provides that publicly revealing a fact, a quality, or a conduct that may affect the reputation of an individual may be grounds for holding the offender liable. Article 283 provides that whoever commits calumny, defined as falsely accusing an individual with "committing a crime," may be punished with imprisonment ranging from six months to two years. Libel, defined in Article 287 as offending another person's "dignity and decorum," is punishable by community service ranging from one month to a year, and a fine.

## Main submission:

1. The following submission is drawn from research conducted by the Committee to Protect Journalists. All CPJ publications on Bolivia can be found at [this link](#).
2. CPJ would like to raise ongoing concerns pertaining to 2nd Cycle (October 2014) - 20th session - recommendations from Theme: A, Paragraph 114.72 (Norway), 114.73 (Israel), 114.74 (Senegal) [SUPPORTED], 115.14 (Czech Republic), and 115.15 (United States of America). The concerns are as follows:
3. During President Evo Morales' most recent two terms (2009-2014, 2014-2019), the Bolivian government has relied on criminal defamation laws and [broadly worded legislation](#) to restrict press freedom and suppress critical reporting. As Morales runs for a fourth term this year, there

is cause for concern that this electoral cycle will lead to even more overt attempts by the administration and its allies to consolidate control over information and limit press freedom.

4. In March 2015, two Bolivian journalists investigating police corruption in central Cochabamba state for the television station La Red ATB [received death threats](#). The journalists reported the threats to the police and the attorney general's office, but no arrests were made.
5. On August 29, 2017, police officers [detained](#) Agustín Aldo Mamani, a reporter for the Radio del Valle station in the town of Mecapaca, while he was filming a protest that turned violent in La Paz. Police confiscated his camera, detained him for 93 hours, then held him under house arrest on charges of destruction of property.
6. In mid-2016, multiple high-ranking government officials angry about press coverage of a government [influence-peddling scandal](#), which undermined President Morales' effort to pass a constitutional amendment which would have allowed him to run for a fourth consecutive term, [criticized independent media outlets](#) and called for journalists to be sent to prison, sending several journalists into exile.
7. Vice President [Álvaro García Linera](#) said in a speech on June 15, 2016, that several news outlets had lied to the country and defamed Morales, singling out the independent [Página Siete](#), [Los Tiempos](#), and [El Deber](#) newspapers, the [Erbol](#) radio network, and the Catholic church-run [Fides News Agency](#). He described the outlets as part of a "political-media mafia" that had carried out "ruthless attacks" against Morales and said the "liars" would have to go to jail. A month earlier, Presidential Minister Juan Ramón Quintana called those same news outlets a "[cartel of liars](#)" whose true aim was to block the left-wing government's economic and political reforms.
8. Following Quintana's remarks, Carlos Valverde, a television journalist who closely covered the scandal, [fled](#) to Argentina and then to Brazil. Another Bolivian journalist, Wilson García Mérida, editor of the *Sol de Pando* newspaper, fled to Brazil after he said Quintana had accused him of sedition, and remained in exile there for more than two years.
9. In July 2016, President Morales [filed a criminal defamation suit](#) against journalist Humberto Vacaflor in response to remarks Vacaflor made on the July 4 episode of the TV Católica program "Encontrados" (Found) accusing Morales of being connected to the murder of police officer David Andrade and his wife Graciela Alfaro in 2000.
10. CPJ [research](#) has shown that the use of criminal defamation laws continues to have a chilling effect on the press in Latin America. In 2012, Bolivian journalist Rogelio Peláez was [sentenced](#) to 30 months in prison on defamation charges springing from a story he wrote alleging government corruption.

11. CPJ has closely followed the [state of criminal defamation laws](#) in the Americas for over a decade. In 2000, CPJ began an intense campaign to eliminate these laws in the region. These efforts were widely successful and helped shape an emerging international consensus, including within the Inter-American system, that criminal defamation violates international freedom of expression standards.
12. Despite the growing regional consensus, Bolivia's Penal Code and Press Law [currently contain provisions](#) restricting freedom of speech, including criminal defamation, calumny, and libel.
13. On January 2, 2019, the state telecommunications company Entel announced it planned to [open a criminal proceeding against journalist Raúl Peñaranda](#), director of the news website *Brújula Digital*, for damaging its business image and failing to be objective in his recent reporting, and demanded public redress and retraction.
14. Two [journalists have been killed](#) in direct relation to their work in Bolivia since 1992, according to CPJ research. There are still no convictions in the murder case of Carlos Quispe Quispe, a journalist working for a government-run radio station in Pucarani who died as a result of injuries after being severely beaten by protesters demanding the ouster of a local mayor in 2008.
15. Bolivia has shown a degree of willingness to work on press freedom and journalist safety, as seen by the country's support of the recommendations made in the 2014 UPR. However, officials at local and regional levels take their cues from the national leadership, and it is difficult to trust Bolivia's commitment to upholding press freedom and ensuring the safety of journalists when criminal defamation laws remain on the books and the country's most powerful figures, including President Morales, regularly criticize and attempt to intimidate and undermine critical media.

## **Recommendations for the Bolivian Government:**

1. Ensure that journalists in Bolivia can freely engage in investigative reporting and exercise their right to freedom of the press without facing intimidation or harassment.
2. Take measures to reform relevant legislation to ensure that it complies with international standards on freedom of expression.
3. Refrain from using criminal defamation lawsuits against reporters.
4. Ensure that government entities do not endorse or impose restrictions on freedom of the press in any way whatsoever.

5. These recommendations are consistent with those supported by Bolivia in its second periodic review.