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**STATUS OF HUMAN RIGHTS IN THE PLURINATIONAL STATE OF BOLIVIA
FOR THE 48TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Plurinational State of Bolivia (Bolivia) for the 48th session of the Universal Periodic Review (UPR).

Background

2. Bolivia is a country located in west-central South America and has a population of approximately 12.3 million people.¹ The country is predominantly Christian, with approximately 70% of the population identifying as Roman Catholic, 14.5% as Evangelical, 2.5% as Adventist, 1.2% as Mormon, 3.5% as other, and 6.6% belonging to no religion.²

3. Bolivia's last review was held on November 5, 2019.³ As a result of the review, Bolivia received 238 recommendations, 206 of which it supported.⁴ In particular, it was recommended by Slovenia, but only noted by Bolivia, that the government "[d]ecriminalize abortion in all circumstances and ensure that sexual and reproductive health services are available and accessible for all."⁵ On the issue of human trafficking, it was recommended by Qatar, and supported by Bolivia, that the government "[t]ake the necessary measures to implement the act on combating human trafficking and develop policies to address the causes of this phenomenon."⁶ There were no recommendations made regarding religious freedom.

Legal Framework

Abortion

4. Under Article 59 of the Constitution of Bolivia, "[e]very child and adolescent has the right to physical development."⁷

¹ *Bolivia Summary*, BRITANNICA, <https://www.britannica.com/summary/Bolivia> (last visited June 10, 2024).

² *Bolivia Religions*, INDEX MUNDI, <https://www.indexmundi.com/bolivia/religions.html> (last visited June 10, 2024).

³ *Universal Periodic Review – Bolivia (Plurinational State of)*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/bo-index> (last visited Nov. 5, 2019).

⁴ *Bolivia (Plurinational State of) Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/BO/Bolivia_Infographic.pdf (last visited June 10, 2024).

⁵ OHCHR, UPR of Bolivia (Plurinational State of) (3rd Cycle – 34th Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/BO/UPR34_Bolivia_Thematic_list_of_Recommendations.docx (last visited June 10, 2024).

⁶ *Id.*

⁷ BOLIVIA (PLURINATIONAL STATE OF)'S CONSTITUTION OF 2009, art. 59, https://www.constituteproject.org/constitution/Bolivia_2009.pdf.

5. Article 266 of the Penal Code of Bolivia expressly prohibits abortion except in cases of rape, incest, or when the abortion is “performed for the purpose of preventing danger to the life or health of the mother and this danger could not be prevented by other means.”⁸

6. Bolivia’s law regarding abortion reflects the principles enshrined in the International Covenant on Civil and Political Rights (ICCPR), to which Bolivia is a party.⁹ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁰ Bolivia also has a responsibility to uphold the pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Human Trafficking

7. Article 15 of the Constitution of Bolivia states that “[n]o person shall be submitted to servitude or slavery. The trade and trafficking of persons is prohibited.”¹¹

8. Article 281 bis of the Penal Code of Bolivia criminalizes human trafficking and those who are guilty shall be sentenced to prison for a period of ten to fifteen years.¹² When the victim is a child, the guilty individual shall be sentenced to prison for a period of fifteen to twenty years.¹³

9. Additionally, the ICCPR states that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁴

10. Bolivia is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁵ Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

⁸ CÓDIGO PENAL [PENAL CODE] tit. VIII, ch. II, art. 266 (Bol.),

<https://reproductiverights.org/maps/provision/bolivias-abortion-provisions/>.

⁹ *Status for Bolivia (Plurinational State of) – Bolivia (Plurinational State of)*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=21.

¹⁰ International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹¹ BOLIVIA (PLURINATIONAL STATE OF)’S CONSTITUTION OF 2009, art. 15, *supra* note 7.

¹² PENAL CODE art. 281 bis (Bol.), <https://antislaverylaw.ac.uk/country/bolivia/>.

¹³ *Id.*

¹⁴ ICCPR art. 8, *supra* note 10.

¹⁵ *Chapter XVIII Penal Matters: 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18 (July 8, 2024).

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹⁶

Abortion

11. Bolivia has defended the foundational human right to life by maintaining protections for preborn babies and their mothers for most of its history. Since Bolivia's last UPR, the Legislative Assembly of the Department of Santa Cruz, the largest and most populous department in Bolivia, passed Law No. 319.¹⁷ Article 1 of this law states that the purpose of this law is "to protect the right to life from conception to natural death."¹⁸ While this is just a regional law, it still provides critical protections for preborn babies in Bolivia. Bolivia's laws on abortion are consistent with the principles found international human rights documents, such as the UDHR and the ICCPR, which have repeatedly affirmed the right to life. The UDHR states that "recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,"¹⁹ and provides that "[e]veryone has the right to life . . ."²⁰ Likewise, Article 6 of the ICCPR states that "[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."²¹ Similarly, the preamble to the United Nations Charter states that "the peoples of the United Nations [are] determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person."²² There can be no doubt that Bolivia's life affirming laws are consistent with international law.

12. Bolivia is also justified in restricting abortion because of its duty to protect the life of the mother. Complications related to abortions account for 9.9% of maternal deaths in the Latin America and Caribbean region, where Bolivia is located.²³ Further, a recent study conducted across Bolivia and six other countries in Latin America and the Caribbean found that women who had undergone abortions had complications and some of these were even life threatening.²⁴ The study looked at data from 7,983 women who had abortion related complications and found that over half of them suffered more than just mild complications as 49.5% of them had moderate complications (heavy bleeding, suspected intra-abdominal injury, or infection), 3.1% had life threatening complications (severe hemorrhage, severe systemic infection or suspected uterine perforation), and 0.2% of the women died as a result of complications.²⁵ Additionally, women who have undergone abortions have also been reported

¹⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, *adopted* on Nov. 15, 2000, 2237 U.N.T.S. 319, https://treatTraies.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

¹⁷ Rocío Gómez, *Bolivia: Santa Cruz Withstands International Pressure and Enacts a Law Protecting Life and Family*, AMS. UNITED FOR LIFE (Mar. 12, 2024), <https://aul.org/2024/03/12/bolivia-santa-cruz-withstands-international-pressure-and-enacts-a-law-protecting-life-and-family/>.

¹⁸ Ley Departamental N° 319 art. 1, 2023 (Bol.), <https://gacetaoficial.santacruz.gob.bo/verpdf/ley-departamental-319> (unofficial internal translation).

¹⁹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmb. (Dec. 10, 1948) (emphasis added), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

²⁰ *Id.* art. 3.

²¹ ICCPR art. 6, *supra* note 10.

²² UN Charter pmb.

²³ Mariana Romero et al., *Abortion-Related Morbidity in Six Latin American and Caribbean Countries: Findings of the WHO/HRP Multi-Country Survey on Abortion (MCS-A)*, BMJ GLOBAL HEALTH, Aug. 2021, at 1, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8404437/>.

²⁴ *Id.*

²⁵ *Id.*

to experience negative psychological side effects, from shame to drug abuse to suicidal thoughts.²⁶

13. Tragically, countries across Latin America have recently begun removing long held protections for life, which includes preborn babies, and have expanded access to abortion.²⁷ However, it must be noted that many countries across the world have strict limits on abortion, as they acknowledge life begins at conception. In fact, out of the 193 U.N. Member States, 108 of them have strict limits on abortion.²⁸

14. All the reasons discussed support Bolivia's pro-life position as well as its refusal to support any recommendation calling for expanding access to abortion.

Human Trafficking

15. Bolivia serves as both a destination and transit country for human trafficking.²⁹ Human trafficking is a major problem in Bolivia and the government is very ineffective at combatting it.³⁰ In 2022, the Public Ministry identified 1,105 cases of human trafficking.³¹ The following year, the government identified 1,359 cases of human trafficking.³² Despite the high number of identified cases every year, only 10% of those go beyond the initial investigation phase.³³ In fact, in 2022, the government failed to investigate, prosecute, or convict any human traffickers.³⁴

16. Corruption, especially among police, is a major obstacle to combatting human trafficking. In some cases, it's the police officers who own the brothels where women are trafficked.³⁵ One social worker in Bolivia reported that police would sometimes tell the traffickers that they would be coming to investigate so that the traffickers would be able to clean up the operation.³⁶ In one case, a brothel was exploiting minors, but because they got a call from the police saying that they would be investigated, they were able to hide the children from being discovered.³⁷ In addition to corruption, police are quick to dismiss reports of human trafficking involving women.³⁸ Nancy Alé, the coordinator of the Protejeres-Tejiendo Redes Seguras program for the prevention of sexual violence against minors, said that police officers

²⁶ See, e.g., Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. OF AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

²⁷ Fabiola Sánchez & Megan Janetsky, *Mexico Decriminalizes Abortion, Extending Latin American Trend of Widening Access to Procedure*, AP (Sept. 6, 2023), <https://apnews.com/article/mexico-abortion-decriminalized87f6eddbf68c2e6c8f5700b3afd15de>.

²⁸ *The World's Abortion Laws*, CTR. FOR REPROD. RTS. (Sept. 27, 2022), https://reproductiverights.org/wp-content/uploads/2022/09/WALM_20220927_V1.pdf.

²⁹ *Bolivia*, Glob. ORGANIZED CRIME INDEX, <https://ocindex.net/country/bolivia> (last visited June 11, 2024).

³⁰ Cole Izquierdo, *Tackling Human Trafficking in Bolivia*, THE BORGES PROJECT (Sept. 25, 2021), <https://borgesproject.org/human-trafficking-in-bolivia/>.

³¹ *The Fight Against Human Trafficking in Bolivia*, LATINA REPUBLIC (Jan. 15, 2024), <https://latinarepublic.com/2024/01/15/the-fight-against-human-trafficking-in-bolivia/>.

³² *Id.*

³³ Manon Lanselle, *Children of Bolivia*, HUMANIUM (June 25, 2022), <https://www.humanium.org/en/bolivia/>.

³⁴ Patricia R. Blanco, *The Abyss of Child Sexual Exploitation in Bolivia: 'They Told Me That if I Continued Looking for My Daughter, I Was Going to Die'*, EL PAIS (Feb. 29, 2024), <https://english.elpais.com/international/2024-02-29/the-abyss-of-child-sexual-exploitation-in-bolivia-they-told-me-that-if-i-continued-looking-for-my-daughter-i-was-going-to-die.html>.

³⁵ *Lanselle, supra* note 33.

³⁶ *Blanco, supra* note 34.

³⁷ *Id.*

³⁸ *Id.*

often dismiss a young woman's disappearance by saying that "she probably went off with her boyfriend."³⁹

17. Below we have highlighted a few recent examples of human trafficking cases in Bolivia. These are just a few of the cases, because as we have stated above, many cases fail to be thoroughly investigated.

18. In 2023, the authorities rescued twenty people who were being trafficking by a criminal gang.⁴⁰ Among those rescued were eight women, nine children, and three men.⁴¹

19. In October 2023, authorities rescued two Brazilian victims who were trafficked to Bolivia to be sexually exploited.⁴² The victims were lured by traffickers with the promise that they would have jobs in eastern Bolivia.⁴³

20. In addition to failing to investigate and prosecute cases of human trafficking, the government is also not doing its part to provide aid and help the victims of human trafficking. Over 71% of identified victims of human trafficking have not received any attention or protection from the government.⁴⁴ Additionally, the government offers very little assistance to victims of human trafficking, which makes victims vulnerable to revictimization.⁴⁵ Further, only six help centers exist across the country for trafficking victims.⁴⁶

Recommendations

21. We want to commend Bolivia for upholding the foundational human right, the right to life, with protections for preborn babies and women by restricting abortion. We want to encourage Bolivia to remain steadfast and continue to resist calls by the international community to undo these protections. Bolivia has no legal or moral responsibility to accept recommendations that call for the expansion of abortion, especially when these recommendations are in contravention of numerous international human rights documents.

22. While we commend Bolivia on its stance to protect the life of preborn babies, we are saddened by its lack of commitment to the lives of victims who are trafficked. For a country to uphold moral values in one aspect of human life and not in another is concerning. Bolivia must prioritize reported cases of human trafficking and ensure that these cases are thoroughly investigated and prosecuted. Because law enforcement is necessary to catch human traffickers, the government must prosecute complicit police officers who work with human traffickers. Further, the government must do its part to provide aid and rehabilitative services to the victims, as most go without help.

³⁹ *Id.*

⁴⁰ *20 Trafficking Victims Rescued in Bolivia, Possibly Linked to Venezuelan Criminal Gang*, EFE (Sept. 29, 2023), <https://efe.com/en/latest-news/2023-09-29/20-trafficking-victims-rescued-in-bolivia-possibly-linked-to-venezuelan-criminal-gang/>.

⁴¹ *Id.*

⁴² *Two Brazilians Rescued from Sexual Exploitation in Bolivia*, PRENSA LATINA (Oct. 2, 2023), <https://www.plenglish.com/news/2023/10/02/two-brazilians-rescued-from-sexual-exploitation-in-bolivia/>.

⁴³ *Id.*

⁴⁴ Max Radwin, *Bolivia Struggles to Help Its Human Trafficking Victims*, IN SIGHT CRIME (Feb. 26, 2020), <https://insightcrime.org/news/brief/bolivia-struggles-human-trafficking-victims/>.

⁴⁵ *Id.*

⁴⁶ *Id.*