



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE

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RELIGIOUS FREEDOM IN BOLIVIA

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INTRODUCTION

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation 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. The purpose of this report is to raise concerns regarding human rights violations in the Plurinational State of Bolivia [hereinafter Bolivia] for the 2019 Universal Periodic Review (UPR).

2. Article 4 of Bolivia's Constitution states: “The State respects and guarantees freedom of religion and spiritual beliefs, according to their view of the world. The State is independent of religion¹.” Article 14 the Constitution “prohibits and punishes all forms of discrimination based on . . . religious beliefs.” Finally, Article 21 states that Bolivians have the right to “freedom of belief, spirituality, religion and cult, expressed individually, or collectively, in public and in private, for legal purposes².”

3. Despite these protections guaranteed in the Constitution, the government is increasingly interfering with these protected rights by requiring religious groups to submit detailed information of its members as well as by attempting to criminalise evangelization.

Government Interference and Burdensome Requirements

4. Even though Bolivia guarantees freedom of worship, its laws are overly burdensome for religious groups. The law requires that all religious groups register with the Ministry of Foreign Affairs' Office of Religion and Nongovernmental Organizations as an NGO if they wish to lawfully operate within the country³. In order to register with the government, religious group must fulfill fourteen requirements. Some of these requirements are quite burdensome and quite intrusive. These requirements include submitting notarized legal documents of their statutes and internal regulations and detailed information on all board members, including background checks. Additionally, they must submit a full list of members and identifying information such as photos, addresses, and ID card numbers⁴.

5. In order for a religious group to maintain its legal status, it is required to submit an annual report to the government detailing its activities for that year. If it fails to submit the report for more than two consecutive years, or if its activities are found to differ from those stated in the report, the government can revoke its legal status⁵. Requiring this amount of information, including the private information of church members, be provided to the government is deeply concerning, especially given recent efforts by the government to criminalise evangelization.

6. In December of 2017, the government authorized changes to Article 88.11 of their penal code. Under the change, the penal code stated “whoever recruits, transports, deprives of freedom,

¹ BOLIVIA (PLURINATIONAL STATE OF)'S CONT. of 2009, *available at* https://www.constituteproject.org/constitution/Bolivia_2009.pdf.

² *Id.*

³ USCIRF 2017 ANN. REP.: BOLIVIA EXECUTIVE SUMMARY 2, *available at* <https://www.state.gov/documents/organization/281296.pdf>, (last visited 26 Mar. 2019).

⁴ *Id.*

⁵ *Id.*

or hosts people with the aim of recruiting them to take part in armed conflicts *or religious or worship organizations* will be penalized 5 to 12 years of imprisonment”⁶. Under that new revision, evangelization was treated essentially as terrorism. This was a serious infringement on the rights of people to peacefully practice their religion. The National Association of Evangelicals in Bolivia stated, “It is deplorable that Bolivia becomes the first Latin American country to persecute the rights of freedom of conscience and of religion, which are protected by the Universal Declaration of Human Rights, the Declaration of San Jose de Costa Rica, and our Constitution”.

7. Thankfully, due to public outcry, the amendment to the penal code was eventually repealed⁷. However, the fact that this confusing and discriminatory amendment passed in the first place is deeply concerning and the ECLJ respectfully requests that Bolivia offer assurances that similar legislation will not be even contemplated in the future. Additionally, we request that Bolivia repeal its burdensome and intrusive laws that infringe on the rights of its citizens to freely exercise their religion.

Conclusion

8. Religious organizations should be permitted to lawfully operate within a country without burdensome requirements, especially a requirement that involves the disclosure of the highly detailed personal information of church members. Such requirements stifle the free exercise of religious beliefs. The requirement of detailed personal information, coupled with the threat of religious adherents being treated as terrorists for engaging in a basic tenant of their faith, evangelism, is extremely concerning. The Bolivian government must work to ensure that all its citizens are able to freely and peacefully practice their religion without interference from the government.

⁶ Sarah Eekhoff Zylstra, *Bolivia Makes Evangelism a Crime*, CHRISTIANITY TODAY (17 Jan. 2018, 10:18 AM), <https://www.christianitytoday.com/news/2018/january/bolivia-makes-evangelism-crime.html> (emphasis added).

⁷ Tola Mbakwe, *Bolivia’s President Reverses Evangelism Ban After Christian Outcry*, PREMIER (23 Jan. 2018), <https://www.premier.org.uk/News/World/Bolivia-s-president-reverses-evangelism-ban-after-Christian-outcry>.