

UN Human Rights Council Universal
Periodic Review
Plurinational State of Bolivia

Joint report submitted by:

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REPAM

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Rights Council**



Marist Foundation for International Solidarity (FMSI) is an international organisation promoted by the Marist Brothers of the Schools, present in 80 countries. FMSI has more than 10 years of experience working in the field of international solidarity, supporting the promotion and defence of children's rights around the world, especially in the field of education. It works at the international level, participating in the mechanisms of the United Nations and in collaboration with other organisations. It has been accredited by ECOSOC since 2011.

Edmund Rice International (ERI) is an international non-governmental organisation, founded in 2005 and in Consultative Status with the Economic and Social Council of the United Nations since 2012. ERI works in networks with like-minded organisations, and in the countries where the Christian Brothers Congregation of which it is a part is located; it has a special interest in children's rights and eco-justice.

RUN Network (Religious Congregations with representation at the United Nations). It is a network of religious congregations with consultative status at the United Nations, which reflects on the human rights situation in Bolivia and carries out actions that influence public policies aimed at guaranteeing human rights. Its objectives are to promote the active participation of populations in the construction of public policies, to establish channels between national decision-makers and people whose rights are violated, and to support actions that promote a change of conscience.

The Franciscan Justice, Peace and Integrity of Creation Movement (JPIC) was founded in Bolivia in July 1983 to promote greater commitment of the Franciscan family to the socio-political reality of the country. Its guidelines are: promotion of the evangelical values of justice, peace and integrity of creation; networking at national and international level; and coordinating concrete actions to promote human rights, freedom of expression and the restitution of the rights of victims.

Justice, Peace and Integrity of Creation - Bolivian Conference of Religious (JPIC-CBR), is a commission made up of different religious congregations, organised in October 2013 and its objective is to promote the values of Justice, Peace and care for creation and the ongoing training and updating of religious congregations in this area.

DNI-Bolivia aims for children and adolescents to be recognised by society and the State as citizens, subjects of rights and protagonists of social change within the framework of a culture of rights.

Documentation and Information Centre Bolivia (CEDIB) is a civil organisation that analyses and provides information on exploitation and human rights in Bolivia.

Research Institute of the Faculty of Humanities of the Gabriel René Moreno Autonomous University (UAGRM). The Research Institute seeks to influence the effective exercise and protection of the human rights of children, adolescents and young people, through the systematisation of information, the development and promotion of

research, communication, capacity building, and challenging the state and society as a whole.

Universidad Mayor de San Simón – Faculty of Educational Sciences. Seeks to investigate and intervene in educational problems using different theoretical and methodological approaches in research projects to contribute to educational improvement at local, regional, national and international levels.

Ñañope is a private, non-profit foundation that is working to serve domestic workers. Its vision is to improve the quality of life of women workers or future salaried domestic workers, both in the work and personal areas. It offers orientation, training, legal and personal counselling and social networking, with the aim of preventing human trafficking and smuggling, ensuring dignified life options for the beneficiaries.

Association for the support of family members of victims of human trafficking and smuggling of persons (ASAFAVITTP), is an association composed of parents of families affected by human trafficking and smuggling, with legal status.

New Men Foundation: Founded in 1992, it is a non-profit organisation whose objective is to improve the quality of life of the most disadvantaged Bolivian population, promoting equal opportunities through access to basic rights. The legal basis of its Internal Regulations is the Organic Statute of New Men, the Political Constitution of the Bolivian State, its Civil Code and other relevant laws in the country and the autonomous department of Santa Cruz. Its areas of intervention are educational, health, cultural, leisure time and social promotion projects.

Jubilee Foundation is an institution that works on issues of management, public policy, democracy and human rights, as well as promoting leadership through the development of research, analysis, dissemination, socialisation, awareness-raising and training processes; seeking to build capacities in allies and networks, as well as in organisations and institutions to deepen democratic processes and institutionalism, generating political debate, advocacy and political lobbying with national, departmental and municipal public sector bodies with a focus on rights, prioritising vulnerable populations and aimed at reducing extreme poverty.

REPAM Bolivia, we are a network that cultivates, cares for and strengthens horizontal processes with the peoples and ecclesial organisations of the Amazon and other territories. We are aware of the dynamics of being a network that must be incarnated in the daily life of the people, promoting committed and sensitive meetings, but that is also capable of moving other spheres of awareness and advocacy.

INTRODUCTION

1. This coalition of NGOs presents the following inputs and recommendations on the human rights situation in Bolivia in order to contribute to the 48th session of the Universal Periodic Review of Bolivia, based on the assessment of the 2019 UPR recommendations.¹

2. This report aims to promote children's and women's rights, focusing on four themes:
- A. Protagonist participation of children, adolescents, and young people
 - B. Child labour
 - C. Gender-based violence
 - D. Prior consultation of indigenous peoples

CONTEXT AND METHODOLOGY

3. The Plurinational State of Bolivia² has a population of 12,006,031 inhabitants, of which 29% are children between 0-14 years old, 49% are women and 51% are men.

4. The Plurinational State of Bolivia has ratified the main international and regional human rights instruments³, **with the UN, the OAS and the ILO**; in general, the laws at the national level that support the application of the regulations of the thematic sections are the following⁴: Political Constitution of the Plurinational State, Law 342, Law 070, Law 018, Law 026, Law 548, Law 263 and Law 348.

5. The observations, analysis and recommendations are based on the first-hand information we collectively have from the ongoing work of the various organisations in this coalition at the national level. For the analysis of the issue of children's rights, we worked on the basis of data from research carried out by the coalition's institutions⁵, from which we extracted fragments of interviews and surveys; we also used publications from public entities: departmental and national⁶. With regard to women's rights, the report has been elaborated on the basis of consultations, interviews and workshops with different groups of women and

¹ Universal Periodic Review. Working Group Report Addendum, pp. 2 - 4. Document of the United Nations High Commissioner for Human Rights A/HRC/43/7/Add.1. Hereinafter UPR 2019, The Bolivian State accepted 129 recommendations and considered that 77 recommendations are already implemented or in the process of implementation, and took note of 33 recommendations.

² Population projection to 2022. Population and Vital Facts - INE

³https://lib.ohchr.org/HRBodies/UPR/Documents/Session7/BO/A_HRC_WG6_7_BOL_1_STATE_PLURINATIONAL_OF_ANNEXIII_EN.pdf

⁴ **Protagonist participation of children, adolescents and young people:** Youth Law No. 342, Avelino Siñani Elizardo Pérez Education Law No. 070, Law No. 018 of the Plurinational Electoral Body, Law No. 026 of the Electoral Regime. **Child labour:** Law N° 548 Child and Adolescent Code. **Gender Violence:** Law N° 348, Law N° 263. **Indigenous Peoples:** Law 1182.

⁵ Institutions of the RUN Network, JPIC CBR Carrera de CS de la Educación UMSS, CEDIB, INIFH, etc.

⁶ Universidad Mayor de San Simón, Attorney General's Office, Vice-Ministry of Gender and Generations, etc.

men⁷, finally, surveys were carried out among indigenous peoples' leaders⁸ on the issue of prior consultation with indigenous peoples.

A. PROTAGONIST PARTICIPATION OF CHILDREN, ADOLESCENTS AND YOUNG PEOPLE

6. The Coalition appreciates the Bolivian government's acceptance of recommendation 115.2039 made by the Dominican Republic to Continue promoting the initiatives foreseen in the Multisectoral Plan for Integral Development—Plurinational Plan for Children and Adolescents.

7. The Multisectoral Plan for Integral Development - Plurinational Plan for Children and Adolescents (2016-2020) was integrated by all departments and municipalities. This Plan (2016-2020), so far no new Plan has been worked on. However, on their own initiative, 3 departments and 2 municipalities adopted their plans for the promotion of children's participation. See the list of departments and municipalities that have provided a plan so far attached here.

8. Currently, at an organic level, there is a Plurinational Committee for Children and Adolescents with 18 members, two for each of Bolivia's departments, 9 Departmental Committees and 340 Municipal Committees, of which 194 are still in force .¹⁰

9. Of the 18 members of the Municipal and Departmental Committees, 77.8 per cent stated that they did not participate in the evaluation stage of the Plurinational Plan for Children and Adolescents and 22.2 per cent participated in the evaluation. See the evaluation and monitoring report 2 drafted by the Government.

10. The Bolivian government's acceptance of the recommendation is positive. 115,204 by Georgia .¹¹

11. Recommendations:

- a) Conclude the implementation of the Multisectoral Plan for Integral Development - Plurinational Plan for Children and Adolescents, ensuring the full functioning of the Plurinational Committee, departmental committees and municipal committees for children and adolescents.***
- b) Establish the binding nature of representation with voice and vote for Student Governments in municipal and supranational bodies in order to achieve a leading role in issues that are of social and educational interest to them.***

⁷More than 50 face-to-face workshops on violence prevention with a focus on masculinities were held in 6 cities in the country, in the 2022 management.

⁸ Indigenous leaders participating in the Pan-Amazon Social Forum were surveyed between 12 and 15 June 2024.

⁹ "Continue to promote the initiatives foreseen in the Multisectoral Plan for Integral Development - Plurinational Plan for Children and Adolescents (Accepted) (Dominican Republic)".

¹⁰ National Mapping of the Situation of Children and Adolescents Committees. Act2gether Latin America. 2023

¹¹ Adopt effective measures to implement the Multisectoral Plan for Integral Development - Plurinational Plan for Children and Adolescents (Accepted)

B. CHILD LABOUR

12. This NGO coalition welcomes the acceptance by the Bolivian government of recommendations 115.205¹² and 115.212¹³ on Education and health of working children and adolescents (NNATs).¹⁴

13. Data on the overall budget allocation for education between 2019 and 2021 (available in Table IV. 4 social expenditure of the central administration 2019-2021) do not show an increase, having in 2020 a budget decrease. This indicates that there is no plan to strengthen education policies, especially in the area of child labour prevention. Regarding the specific field of secondary education, which is particularly fragile due to young students dropping out of school and deciding or being forced to work, there is even a slight reduction in the allocated budget.

Finally, regarding the provision of scholarships to combat school dropout in the transition from primary to secondary education, we note that there has been no budget increase.

14. No data was found on health insurance¹⁵ related to the condition of working children and adolescents, but it can be inferred that in order to obtain any type of health insurance, it is necessary to have a formal employment contract; according to data provided in the Ombudsman's Report "CHILD AND ADOLESCENT WORK IN BOLIVIA: VULNERATION OF THE RIGHT TO PROTECTION OF CHILDREN AND ADOLESCENTS WITH CHILDREN AND ADOLESCENTS WITH CHILDREN AND ADOLESCENTS' RIGHTS".

Concerning work, 88% of the GAMs (Autonomous Municipal Governments) have not kept records and/or authorisations of work activity or self-employment or work for others by adolescents between 14 and 18 years of age, as indicated by law. From this, it can be concluded that in the absence of records by the GAMs, it is not possible to have data on working children and adolescents covered by health insurance.

15. Regarding the accessibility for working children and adolescents of educational programmes compatible with their work regime to reduce the school dropout rate, out of a total of 42 respondents, 26.8%, i.e. 11 respondents indicated that they have an educational programme compatible with their work regime, while 71.4%, corresponding to 30 respondents, indicated that they do not have an educational programme compatible with their work regime. The respondents are part of the Bolivian Union of Working Children and Adolescents "UNATSB" ¹⁶ recognised by the Bolivian state.

¹² Adopt strategies to implement the policy to eradicate child labour and to ensure schooling for all children and adolescents. Accepted - implemented or in the process of implementation (Spain)

¹³ Adopt and implement policies aimed at achieving the goal of eliminating child labour and, in the meantime, continue efforts to ensure universal and free health coverage for working children and adolescents and guarantee their schooling until they reach high school. Accepted - implemented or in the process of implementation (Costa Rica)

¹⁴ Working children and adolescents, NNATs, thereafter.

¹⁵ <https://www.defensoria.gob.bo/uploads/files/informe-defensorial-trabajo-infantil-y-adolescente-en-boliviavulneracion-del-derecho-a-la-proteccion-de-ninas,ninos-y-adolescentes-con-relacion-al-trabajo.pdf>

¹⁶ Unión de Niñas Niños y Adolescentes Trabajadores de Bolivia, an organisation recognised by the Bolivian State

16. As of 2019, there are 724,000 NNATs¹⁷ carrying out some kind of work activity or job. Of these, approximately 388,000 are men and 335,000 are women. 403,000 children and adolescents under 14 years of age are engaged in some form of work or employment.

17. Recommendations:

- a) Promote strategic alliances between the State and civil society institutions, in the educational sphere, to ensure the schooling of working children and adolescents, providing adequate support to prevent them from dropping out of school, especially at the secondary level up to the baccalaureate.***
- b) Implement free and exclusive health insurance for working children and adolescents, covering all specialties of care in tertiary hospitals with all medical specialties and care for chronic cases, free of charge.***

C. GENDER VIOLENCE

18. The Bolivian government's acceptance of recommendation 115.51¹⁸ made by the Netherlands, 115.52¹⁹ issued by the Republic of Korea and 115.184²⁰ issued by Switzerland is to be welcomed. These indicate that sufficient and effective resources should be allocated to deal with cases of physical, psychological and sexual abuse inflicted on girls and women, especially in terms of the justice system and the fight against impunity.

19. Information on the status of implementation of the recommendations of the 3rd cycle of the UPR (2019) on gender-based violence was collected through an extensive monitoring project carried out in Bolivia between December 2021 and November 2022²¹. In particular, information was collected through a physical and online survey of 1,077 respondents, including victims of violence. The participants are distributed according to gender: 72% female and 28% male, according to age from 14 to 17 years old with 6.3% (101 respondents), 18-25-year-olds with 6.8% (109 respondents), 26-35-year-olds with 28.4% (28.4%), and 18-25-year-olds with 6.8% (109 respondents), and 26-35-year-olds with 28.4% (28.4%). (458 respondents), 36 to 45 years old with 40.3% (649 respondents), 46 years old and older 18.3% (295 respondents). According to ethnicity, 31.2% of those surveyed belong to Indigenous peoples (442 respondents), 3.5% to the Afro-Bolivian community (50

¹⁷ NATIONAL STATISTICS INSTITUTE (INE). "Statistical Tables: "Survey of Girls, Boys and Adolescents who perform a labour activity or work (2016 and 2019)". Available at: <https://www.ine.gob.bo/index.php/estadisticas-sociales/empleo-mercado-laboral/ennacuadros-estadisticos/>

¹⁸ Allocate sufficient resources to building the capacity of the justice system to respond to victims of violence against women and girls, in order to conduct effective investigations and reduce the high level of impunity in this area, in line with Sustainable Development Goal 5 (Implemented or in progress).

¹⁹ Intensify efforts to end impunity for violence against women, in particular by ensuring the independence and impartiality of the judicial system.

²⁰ Ensure, in line with target 5.2 of the Sustainable Development Goals, effective implementation of the mechanisms to combat violence against women, in particular by ensuring that they are provided with sufficient financial and human resources, and by publicising their results.

²¹ Project: Towards better implementation of children's and women's rights in Bolivia: Follow-up to the recommendations of UN bodies, with the support of Misan Care, FMSI and CCIG.

respondents), 65.3% consider themselves mestizo (926 respondents). Of the total number of people participating in the study, 76.4% (1,185) live in urban areas, 11.8% (183) live in peri-urban areas and 11.8% (183) live in rural areas.

20. A comparative table of femicides registered during the first semesters of the last five years shows the following data: in 2020, there were 59 cases (from January to June); in 2021, there were 60 cases, in 2022, there were 48 cases, in 2023 there were 47 cases, and in 2024 there were 45 cases in the same period. Between January and June 2024, there were 63 cases of attempted femicide, 24126 reported cases of violence, there were 1,466 cases of sexual abuse against women, 1,274 cases of rape against children and adolescents, 1,725 cases of sexual abuse, 861 cases of rape, 18,239 cases of family or domestic violence and 51 children, adolescents and young people have been orphaned by femicide in Bolivia.²²

21. Likewise, Costa Rica, in recommendation 115.190²³, proposes: *allocating resources for the creation of state programmes that promote the economic empowerment of women.*

22. During the months of January to April 2022, awareness-raising workshops were given to 200 FELCV, FELCC and ITCUP officials by the Plurinational Victim Assistance Service. In addition, the SEPMUD shows that by June 2022, 10,761 public servants from the Ministries of the State of the Executive Branch have completed the mandatory violence prevention course, 1,189 are currently taking the course, making a total of 11,950 public servants complying with D.S. 3981. This data represents a 60% compliance with the decree until the first semester of 2022. 8700 public servants from the municipality of Quillacollo-Cochabamba were trained on human rights, harassment at work, legal interruption of pregnancy, prevention of violence against children and adolescents, Law No. 348 and other topics related to human rights, mainly, the training, called 'Depatriarchalisation and Women's Rights', is carried out in the School of Public Management with the participation of about 100 public servants from different ministries of State. The data provided on the training does not cover all staff. In addition, the continuous rotation of personnel is highlighted, which severely limits training efforts.²⁴

23. On women's empowerment, the Bolivian state adopted South Africa's recommendation 115.178²⁵, whose indicator is to verify the programmes developed for the promotion of women.

²² Data from Prosecutor's Office General at of the Nation and the Foundation Voices Libres:

<https://www.facebook.com/FundacionVocesLibres>

²³ Increase the human and financial resources of state institutions responsible for combating violence. against women and gender stereotypes, receive and investigate complaints of violence against women and provide specialised care and shelter to victims and their families, and allocate resources for the creation of state programmes to promote women's economic empowerment.

²⁴ <https://www.sepmud.gob.bo/wp-content/uploads/2022/09/Boletin-Virtual-2-UMEPP.pdf>

²⁵ Intensify efforts to promote women's entrepreneurship in urban and rural areas (Accepted)

24. In this regard, the Productive Development Bank (BDP) presented on 22 May 2022 the comprehensive programme called "Mujer BDP", which promotes the launch of new ventures and the empowerment of women in the country and is unique within the national financial system. This programme will enable women to launch new ventures with training and financing. Due to the recent creation of this programme, concrete data to assess its effectiveness are not yet available. Within the scope of the consultations carried out in this project, only 4.45% of those surveyed stated that they had received support for micro-enterprises.²⁶

25. Singapore with recommendation 115.181²⁷ and Haiti in 115.193²⁸. They suggest intensifying their awareness-raising efforts to prevent violence at the local level, especially in rural areas, as well as regulating content that is harmful to the mental health of children and women, especially the hyper-sexualisation of girls.

26 The regulation in force in 2014 is considered inadequate, which is why in 2019, the recommendation to redouble these efforts was addressed to Bolivia. On 19 August 2022, the Attorney General's Office, through the Directorate of the Specialised Prosecutor's Office for Gender and Juvenile Crimes, held an inter-institutional technical roundtable to establish communication strategies against gender-based violence, a meeting that was held via zoom with the participation of the Vice-Ministry of Communication and representatives of other institutions. Due to the recent holding of this Inter-institutional Technical Roundtable, there is still no concrete data available to evaluate its effectiveness.²⁹

27. The Bolivian legislation that addresses the issue of physical, psychological, and sexual violence in adolescents is as follows: **Law N° 548**³⁰ which establishes a series of actions to prevent violence against children and adolescents and to provide specialised attention to the victims of any situation of violence as a priority (Art. 15). It also guarantees the protection of all children and adolescents (Art. 148 and 149), the prevention, reduction and elimination of violence, aggression and/or harassment in educational units and/or centres, with collective actions in the educational community (Art. 152). **Law N° 263**³¹ establishes free care, social priority, the best interest of the child, dignity and freedom, confidentiality, non-re-victimisation, presumption of nationality, interculturality and harmony (Art. 6), protection of children and adolescents (Art. 30).

²⁶ <https://www.prensa-latina.cu/2021/06/02/proponen-en-bolivia-modificaciones-a-ley-de-proteccion-a-mujer>

²⁷ Intensify its awareness-raising efforts at the local level, especially in rural areas, to prevent and eliminate violence against women. (Accepted)

²⁸ Strengthen efforts to combat violence against women and girls by regulating the media's dissemination of harmful content that contributes to psychological, physical and sexual violence and the hyper-sexualisation of women and girls. (Accepted)

²⁹ <https://www.comunicacion.gob.bo/?q=20141107/17320#:~:text=Seg%C3%BAn%20la%20reglamentaci%C3%B3n%20de%20la%20Ley%20348%2C%20en,con%20mensajes%20preventivos%20de%20cualquier%20forma%20de%20violencia>

³⁰ a.

³⁰ Child and Adolescent Code Law n° 548 of 17 July 2014.

³¹ Comprehensive Law against Trafficking and Smuggling of Persons Law No. 263 enacted on 31 July 2012.

28. On assistance to victims, thank the Bolivian state for accepting recommendation 115.189³² from Chile on shelters for women victims of violence.

29. At the moment there is no centralised information on shelters for women victims of violence, only three shelters are known to exist in La Paz, Potosí and Oruro; there is no information on other new shelters in other departments. On the official websites of the Municipal Integral Legal Services (SLIM) and the Plurinational Service for Women and Depatriarchalisation there is no information in this regard. Within the scope of the consultations carried out in this project, only 12.75% of the respondents stated that they had been received in shelters for victims of violence.

30. Law 348 prohibits conciliation³³. Members of the police themselves suggest conciliation due to a lack of time and personnel to attend to cases, and this is harmful in terms of violence against women in family environments; among the effects of the use of conciliation are more frequent aggressions and greater violence; increased fear of the victim to denounce. Often, the use of conciliation leads to femicide, because the aggressor mainly exercises emotional blackmail towards his victim, arguing that he will change, that it will not happen again and that for the children it is better for the family to stay together. There is also pressure from the environment, especially from the aggressor's family, with the argument of "social prestige". Due to economic dependence, the victim thinks that she will lose her economic support.

31. Regarding access to justice, despite the fact that the law regulates the role of forensic doctors specialising in gender violence³⁴, women victims of domestic violence report the existence of administrative bureaucracy in the issuing and homologation of forensic certificates, re-victimising and discouraging them from continuing with the complaint. There is no standardised criteria for doctors to issue certificates of incapacity, as a result of which there is no agreed Critical Care Route.

32. Recommendations:

a) Intensify spaces for the prevention of gender-based violence in a permanent and joint manner between the Bolivian state and social institutions.

³² Intensify measures to prevent physical and psychological violence against women, increase resources for victim assistance and establish shelters in municipalities and governorates (Implemented or in progress).

³³ Art. 46 Paragraph I of Law 348 stipulates that: "Conciliation is prohibited in any act of violence against women, which compromises their life and sexual integrity. No institution receiving complaints, nor its personnel, may promote conciliation or enter into any type of agreement between the woman and her aggressor, under liability".

³⁴ Art. 64 of Law No. 348 states: "Forensic doctors specialising in gender violence shall be appointed, who shall attend to women in situations of violence with the utmost respect, care, warmth and understanding. The reports they issue, under their responsibility, must be expeditious and timely, avoiding as far as possible repeated and unnecessary medical examinations".

Civil society organisations working with children and women in vulnerable populations, especially in rural areas.

- b) Increase financial resources to provide qualified, stable and institutionalised personnel to ensure adequate, dignified and professional care in cases of violence against children and women.*
- c) Ensure a budget for the implementation of shelters in municipalities and governorates with trained and institutionally stable staff, especially for children orphaned by femicide and women and children who are victims of violence.*
- d) Establish channels of regulatory control over media dissemination of harmful content that contributes to psychological, physical and sexual violence and the hyper-sexualisation of women and girls.*

D. INDIGENOUS PEOPLES

33. Bolivia accepted the recommendations on free, prior and informed consultation with indigenous peoples contained in the 2019 UPR³⁵. Bolivia included the rights of indigenous peoples in the 2009 Political Constitution of the State³⁶. and has advanced regulations in this area; but there is neither the institutional framework nor the judicial independence to ensure compliance.³⁷

34. Between 12 and 15 June 2024, the authors of this report surveyed indigenous leaders who participated in the Pan-Amazon Social Forum³⁸. Sixty-two per cent of those consulted do not perceive that they are consulted on decisions affecting their lands and environmental resources. 71% are not aware of the process for obtaining the free, prior and informed consent of indigenous peoples before implementing projects in their territories. Bolivia has a sectoral law that recognises and guarantees the right to prior consultation in the hydrocarbons sector, but it is not fully applied.³⁹

35. On the Programmes and respect for indigenous peoples' rights is essential to determine the effectiveness of the policies implemented. Eighty-seven percent of respondents

³⁵ 115.220 Continue to take measures to further promote the rights of indigenous peoples, in particular their rights to their ancestral lands (Cambodia); 115.221 Ensure that indigenous peoples are consulted on decisions affecting their traditional land and environmental resources, in particular proposals for infrastructure development projects, in accordance with the concept of free, prior and informed consent (Australia); 115.222 Maintain a systematic dialogue with indigenous peoples, especially those living in protected areas and in areas heavily affected by forest fires, to ensure that their rights are protected (Canada); 115.223 Implement the provisions of international instruments relating to the rights of indigenous peoples, especially with regard to prior consultation (Peru); 115.224. Ensure the protection of indigenous peoples in voluntary isolation by protecting their territories (Peru); 115.225. Adjust the legal framework of the mining and hydrocarbon sector in accordance with the provisions of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), in accordance with ILO Convention No. 169, including by reforming the Mining and Metallurgy Law (Law No. 535) and Supreme Decree No. 2298, to guarantee the right to free, prior and informed consent (Denmark); 115.226 Consolidate progress made in the promotion of the rights of indigenous peoples and communities and their inclusion (Dominican Republic) 115.227 Guarantee the right to consultation and free consent, prior and informed consultation of indigenous peoples regarding projects that may affect them, in line with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the UN Declaration on the Rights of Indigenous Peoples and the jurisprudence of the Inter-American Court of Human Rights (Germany); 115.228 Guarantee the right to free, prior and informed consultation of indigenous peoples regarding projects that may affect them (Luxembourg).

³⁶ <http://www.gacetaoficialdebolivia.gob.bo/app/webroot/archivos/CONSTITUCION.pdf>

³⁷ <https://emba.com.bo/el-desafio-de-la-crisis-ambiental-en-bolivia-un-analisis-de-la-brecha-entre-la-legislacion-y-la-institucionalidad/>, Moreno Baldivieso.

³⁸ <https://www.forosocialpanamazonico.com/>

³⁹ <https://jubileobolivia.com/Publicaciones/Hidrocarburos---Mineria---Energia/gobernanza-en-el-sector-hidrocarburos>

They consider that the programmes implemented by the government are not respectful, adequate or effective; and 92% believe that the state does not respect free, prior and informed consent in projects that affect indigenous peoples' territories and resources. There is an urgent need to enforce norms and strengthen the independence of the judiciary and public institutions to oversee and control these matters.⁴⁰ The community members think that "there is no conscience on the part of the state because, although the community said no to the government's works, the companies still came in to destroy our rivers and communities". This reflects the fact that the government does not respect the will of the indigenous communities and prioritises business interests. One respondent argued: "There is no conscience. The government only sees its interests, but does not see the effects for the people, for us." Another felt "the state does not respect our rights. Our people are dispossessed, they have thrown us away like rubbish". This generates a feeling of abandonment and marginalisation, which is evidence of a dehumanisation and devaluation of indigenous cultural identity.

36. On participation and communication in consultations, 67% of the leaders surveyed did not participate in or observe consultations with indigenous peoples prior to the implementation of projects. They propose "education and training of communities on their rights and how to assert them".

37. Regarding communication channels, 96% of respondents consider that there is inadequate communication between state authorities and indigenous peoples' representatives regarding consultation on projects that may affect them.

38. Regarding consultations before the implementation of projects according to international regulations, 100% of the respondents, 58% of them Tsimanes, do not believe that the consultations carried out by the State prior to the implementation of projects have been free, prior and informed, as established by the ILO Convention on Indigenous and Tribal Peoples and the United Nations Declaration on the Rights of Indigenous Peoples.

39. Recommendations

- ***Promote the rights of indigenous peoples, in particular those related to their ancestral lands, by training their leaders and providing protection for defenders.***
- ***Guarantee the right to consultation and free, prior and informed consent of indigenous peoples with regard to projects that may affect them; in line with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the UN Declaration on the Rights of Indigenous Peoples and the jurisprudence of the Inter-American Court of Human Rights.***

⁴⁰ <https://naturerightswatch.com/por-que-bolivia-no-reconoce-los-derechos-de-la-naturaleza/>
<https://fundacionsolon.org/2021/05/06/los-derechos-de-la-madre-tierra/>
- <https://jornada.com.bo/piden-a-bolivia-cumplir-normas-ambientales/>

- *Guarantee transparency in prior consultations with indigenous peoples, publishing the processes so that the general population has access to this information.*