

RECOMMENDATIONS

THE FOLLOWING RECOMMENDATIONS ARE DIRECTED AT THE PLURINATIONAL STATE OF BOLIVIA BASED ON CONTRIBUTIONS MADE BY THE FOUNDATION INTERNETBOLIVIA.ORG AND DERECHOS DIGITALES.

During the previous cycle, the Plurinational State of Bolivia committed to fulfilling various human rights obligations that, to date, remain mostly unfulfilled. Although none of these obligations focus on the digital sphere, it is also true that human rights apply equally to both the digital and offline world.

The following recommendations focus on the State's obligations regarding the prevention of gender-based violence, freedom of expression, access to information, privacy, and protection of personal data.

The complete report by the Foundation InternetBolivia.org and Derechos Digitales on the state of human rights in the digital environment in Bolivia is available here.

WWW.INTERNETBOLIVIA.ORG/CAMINOS-POSIBLES



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→ **PLURINATIONAL STATE OF BOLIVIA**

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THIS PRESENTATION IS A JOINT CONTRIBUTION OF INTERNETBOLIVIA.ORG FOUNDATION AND DERECHOS DIGITALES TO THE FOURTH CYCLE OF THE UNIVERSAL PERIODIC REVIEW (UPR) MECHANISM FOR THE PLURINATIONAL STATE OF BOLIVIA.

Embajada de la República Federal de Alemania La Paz

INTERNET BOLIVIA .ORG

@ DERECHOS DIGITALES América Latina

RECOMMENDATIONS FOR BOLIVIA ON



HUMAN RIGHTS IN DIGITAL ENVIRONMENTS



◆ WOMEN'S RIGHT TO A LIFE FREE FROM VIOLENCE

Bolivia committed to strengthening legislation and public policies to combat gender-based violence, including in the political sphere.

IMPLEMENTATION STATUS:
PARTIALLY COMPLIANT.



The legislation on **gender-based violence** and political violence has **weaknesses** and is **outdated, not explicitly recognizing digital violence**, which hinders its prevention, documentation, judicial processing, and reparation to victims.

Different bills that incorporate aspects of digital violence have been introduced in the Legislative Assembly, but they are not comprehensive and have not been discussed or approved. Also, the State **lacks statistics on digital violence**, which makes it **difficult to design public policies to effectively address this issue**.

RECOMMENDATIONS TO THE STATE:

- 1 Develop public policies aimed at **closing the digital divide** through universal internet access for the benefit of women and other vulnerable populations, ensuring digital **security** measures, **privacy**, and **freedom from violence**.
- 2 Strengthen the regulatory framework to combat gender-based violence to improve **prevention mechanisms, facilitate reporting**, ensure **investigation**, and provide **reparation** for female victims, **addressing digital violence comprehensively**.

Bolivia committed to institutional strengthening of technical capacities and resource allocation in the administration of justice and addressing cases of gender-based violence.

- 3 Generate **public statistics with a human rights perspective** related to the phenomenon of **gender-based violence** both online and offline; the **state of the digital divide**, and other matters of public interest.

IMPLEMENTATION STATUS:
NON-COMPLIANT



The State has **not deployed concrete public policy actions** to judicially address cases of digital violence, nor has it adopted measures to strengthen the investigative competencies and capacities of judicial and criminal investigation personnel, **particularly in handling and obtaining digital evidence and international judicial cooperation processes**.

RECOMMENDATIONS TO THE STATE:

- 1 Create institutional mechanisms and **pathways for the attention, prevention, and physical and psychological support of women victims of digital violence**, especially those who are **victims located in rural areas, women with disabilities and those part of vulnerable communities**.
- 2 Develop **human rights-based training processes** aimed at judicial personnel and other public officials dedicated to the care, **investigation, and intersectional approach for the protection of women victims of gender-based violence both online and offline**.

◆ FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

Bolivia committed to creating legislation for access to public information and implementing the Escazú Agreement.

IMPLEMENTATION STATUS:
NON-COMPLIANT.



The State **does not have access to information law, which makes it difficult for citizens to control and obtain public information**, including environmental information. Numerous bills have been submitted, but none have been approved in the Legislative Assembly.

The absence of a legal framework is aggravated by the **increase in political violence cases and disinformation campaigns**. There have been attempts to **establish undue restrictions on freedom of expression and to sanction the dissemination of information considered "false"**.

RECOMMENDATIONS TO THE STATE

- 1 Issue a **regulatory framework with human rights standards on access to information**, in compliance with the protection of personal data, freedom of expression, and the obligations of the Escazú Agreement.
- 2 **Refrain from pursuing regulatory initiatives that seek to unduly limit the exercise of the right to freedom of expression** under the guise of **punishing or persecuting** the spread of "false news" or the use of social networks.

◆ NATIONAL MECHANISMS FOR IMPLEMENTATION, REPORTING AND FOLLOW-UP (NMIRFS)

Bolivia must strengthen the Plurinational System for Follow-up, Monitoring, and Statistics on Human Rights Recommendations (SIPLUS) and the mechanisms for reporting to international human rights bodies.

IMPLEMENTATION STATUS:
NON-COMPLIANT.



The **SIPLUS mechanism functions poorly**. The information it provides on the follow-up, implementation, and reporting of the state of human rights is inadequate. The web portal of this mechanism often does not work or is under maintenance. To date, there are **no active and functional institutional channels for providing public information** on the implementation status of the UPR recommendations accepted by the country.

RECOMMENDATIONS TO THE STATE:

- 1 **Strengthen, provide autonomy and resources** to the Plurinational System for Follow-up, Monitoring, and Statistics on Human Rights Recommendations (**SIPLUS**) so that it delivers information on the state of human rights at the national level.

◆ PRIVACY AND PERSONAL DATA PROTECTION

The State **does not have a personal data protection law**. Legislative proposals have been presented, but none have been debated in the Legislative Assembly.

There is a **draft bill prepared by the AGETIC** (Agency for Electronic Government and Information and Communication Technologies), but it has **not yet been submitted** to the Legislative Assembly, **despite receiving continuous feedback from civil society**.

The **absence of a legal framework is critical** as, in the last four years, there have been incidents related to **threats or breaches of personal data protection by the State** as well as private sector actors.

RECOMMENDATIONS TO THE STATE:

- 1 Issue a regulatory framework aligned with human rights standards concerning the right to privacy and personal data protection, applicable to public and private sector actors, including the creation of an independent and autonomous authority responsible for its supervision, control, and oversight.