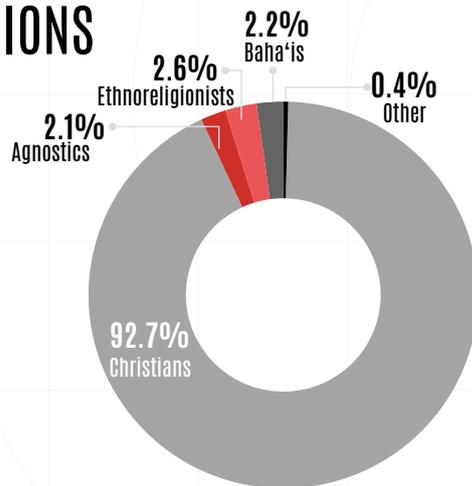




BOLIVIA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Constitution¹ of the Plurinational State of Bolivia states that the country was founded anew “with the strength of our Pachamama and with gratefulness to God.”

Article 1 of the constitution stipulates that Bolivia is an “inter-cultural” state based on cultural pluralism. Article 4 proclaims that “the State is independent of religion” and “respects and guarantees freedom of religion and spiritual beliefs”. According to article 21 (3), Bolivians have the right “To freedom of belief, spirituality, religion and cult, expressed individually or collectively, in public and in private, for legal purposes.”

Under Article 14 (II), “The State prohibits and punishes all forms of discrimination based on [. . .] religious belief”. According to the same article (III), “The State guarantees [. . .], without discrimination, the free and effective exercise of the rights established in this Constitution, the laws and international human rights treaties.”

Article 21 (3 and 4) recognises the right “to freedom of thought, spirituality, religion” as well as worship and

association. The “cultural identity, religious beliefs, spiritualities, practices, customs, and [. . .] world view” of indigenous nations and peoples are expressly protected by Article 30 (2). Their sacred places and “traditional teachings and knowledge, their traditional medicine, languages, rituals, symbols and dress [must] be valued, respected and promoted” Article 30 (7 and 9).

In addition, the freedom to teach religion in educational facilities is guaranteed. Article 86 states, “There shall be no discrimination on the basis of religious choice with respect to the acceptance and permanence of students” in such facilities.

Religious entities have the right to administer educational facilities (Article 87). Article 88 (II) recognises, “the right of mothers and fathers to choose the education that is appropriate for their daughters and sons”.

The constitution has a section dedicated to cultures, stating that: “The State considers as a strength the existence of native indigenous, rural cultures, which are custodians of knowledge, wisdom, values, spiritualities and world views” (Article 98, II). Article 99 states that the cultural riches from religion are part of the cultural heritage of the Bolivian people.

The Holy See and Bolivia signed an agreement in 1986 on religious assistance in the Armed Forces and the National Police.²

Law No. 1161 on Religious Freedom, Religious Organisations and Spiritual Beliefs was promulgated in April 2019, requiring religious or spiritual organizations to register with the Ministry of Foreign Affairs (MFA) and report about their legal, social, financial and religious activities.³

INCIDENTS AND DEVELOPMENTS

In the past two years, a number of laws were adopted on religious cultural heritage. In July 2018, the St Francis Minor Basilica was one three locations declared part of the country's material cultural heritage.⁴ In July and August of the same year, the Yarituses ritual⁵ and the Festival of the Virgin of the Anguish (Virgen de las Angustias) were declared an intangible part of Bolivia's cultural heritage.⁶ In June 2019, a bill was introduced concerning the designation of the Colonial Church Apostle Santiago as a building of historical and architectural cultural heritage.⁷

In December 2018, the government signed an agreement with Evangelical communities to speed up the approval of the Law on Religious Freedom, first drafted in 2014, which addresses freedom of religion and the independence of the state, recognition of democratic institutionalism and coordination in social programs.⁸

The Law on Religious Freedom was enacted in April 2019 by President Morales. Though generally accepted, certain smaller non-Evangelical Protestant religious communities with "house churches" refused to register, viewing the oversight of their economic resources as an interference by the state in the right to freedom of religion.⁹ The president used the occasion to criticise the Catholic Church's evangelisation during Bolivia's colonial history, and decried the opposition to the new law by some members of the clergy.¹⁰

In March 2019, the Inter-American Commission on Human Rights (IACHR) announced that an amicable settlement was reached in a case in which the rights to conscientious objection of a Jehovah's Witness were violated. The IACHR praised Bolivia for its efforts to implement the agreement.¹¹ In contrast, in April 2019, Bolivia's National Health Fund opened an internal in-

vestigation against two doctors who refused to perform an abortion on the basis of conscientious objection.¹²

In May 2019, the first Framework Cooperation Agreement was signed with the Evangelical Methodist Church. In this occasion, the president expressed appreciation for the contribution of different Churches to the country.¹³

Amid Bolivia's political crisis, religion was instrumentalised by various political actors. In November 2019, Evo Morales claimed that his detractors were using religion to commit acts of hooliganism and discrimination.¹⁴ In March 2020, given the extent of biblical quotes in campaigning, presidential candidate Luis Fernando Camacho said that he was not using religion in his campaign. The election law bans the use of religious symbols and references.¹⁵

In November 2019, the newly installed acting president of Bolivia, Jeanine Áñez, noted that "the Bible was back in the [presidential] palace," and resumed using religious symbols.¹⁶

In January 2020, a judge ordered that an infant receive a blood transfusion despite opposition from his parents on religious grounds.¹⁷

With respect to the COVID-19 pandemic, the mayor of an indigenous town was arrested in April 2020 for allowing a religious festival to go ahead despite a government ban.¹⁸

In light of the situation, the acting president called for a day of "fasting and prayer" to defeat the coronavirus.¹⁹ For her part, the Church provided social support, whilst some nuns organised soup kitchens and helped the most vulnerable.²⁰

In August 2020, the Catholic Bishops' Conference of Bolivia said that it was ready for dialogue amid the ongoing political and health crisis.²¹

The election results in November 2020 favoured Luis Arce, from the party "Movimiento al Socialismo", and who is very close to former president Evo Morales. Considerable political and social changes could take place in the near future.²²

PROSPECTS FOR RELIGIOUS FREEDOM

No episodes of religious intolerance or discrimination have been reported in Bolivia in the period under re-

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view. Religion is present in public life, but it is at risk of being politicised. It is worth noting that the government reached a friendly agreement in a case of conscientious objection that was brought before the Inter-American Commission on Human Rights. The situation could change in view of the return of the Socialist government but, generally the outlook remains positive.

SOURCES / ENDNOTES

- 1 Bolivia (Plurinational State of) 2009, Constitute Project, https://www.constituteproject.org/constitution/Bolivia_2009.pdf?lang=es (accessed 25th October 2020).
- 2 “Acuerdo entre la Santa Sede y la República de Bolivia sobre asistencia religiosa a las fuerzas armadas y fuerzas de la policía nacional,” 1st December 1986, Vatican City State, http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19861201_santa-sede-bolivia_sp.html (accessed 15th March 2020).
- 3 “Ley N°1161. Ley de Libertad religiosa, Organizaciones Religiosas y de Creencias Espirituales,” 11th April 2019, Infoleyes, <https://bolivia.infoleyes.com/norma/7009/ley-de-libertad-religiosa-organizaciones-religiosas-y-de-creencias-espirituales-1161> (accessed 25th October 2020).
- 4 “Ley N°1078. 11-7-2018,” Infoleyes, <https://bolivia.infoleyes.com/norma/6805/ley-1078> (accessed 3rd January 2020)
- 5 “Ley N°1079. 11-7-2018,” Infoleyes, <https://bolivia.infoleyes.com/norma/6806/ley-1079> (accessed 3rd January 2020)
- 6 “Ley N°1092. 27-9-2018,” Infoleyes, <https://bolivia.infoleyes.com/norma/6831/ley-1092> (accessed 3rd January 2020).
- 7 “Proyecto de Ley – En tratamiento - Declaratoria de patrimonio cultural histórico y arquitectónico del Depto. de Oruro a la Iglesia Colonial Apóstol Santiago,” 1st October 2019, Cámara de Diputados, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, N° 1 (Year 15) October 2019, <http://ojs.uc.cl/index.php/bjur/article/view/3760> (accessed 6th January 2020).
- 8 “Iglesias evangélicas y el gobierno firman un convenio para aprobar ley de libertad religiosa,” El Chaco Informa, 25th December 2018, <https://elchacoinforma.com/iglesias-evangelicas-y-el-gobierno-firman-un-convenio-para-aprobar-ley-de-libertad-religiosa/> (accessed 3rd January 2020).
- 9 Office of International Religious Freedom, “Bolivia,” 2019 Report on International Religious Freedom, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/bolivia/>
- 10 Jesús Alancoa Paco, “Evo: ‘Ahora no estamos obligados a bautizarnos en la Iglesia Católica,’” El Deber, 11th April 2019, https://eldeber.com.bo/132607_evo-ahora-no-estamos-obligados-a-bautizarnos-en-la-iglesia-catolica (accessed 7th January 2020).
- 11 “Comunicado de Prensa. CIDH Felicita al Estado de Bolivia por alcanzar un cumplimiento total en el Informe de Solución Amistosa referido al Caso Alfredo Díaz Bustos,” 28th March 2019, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, N°7 (Year 14) May 2019, <http://ojs.uc.cl/index.php/bjur/article/view/1449> (accessed 7th January 2020).
- 12 “Caja Nacional de Salud – Tribunal Sumariante - Sumario a dos médicos que se negaron a practicar un aborto, por decisión de una Junta Médica,” 1st April 2019, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, N°6 (Year 14) abril 2019, <http://ojs.uc.cl/index.php/bjur/article/view/967> (accessed 7th January 2020).
- 13 “Gobierno e Iglesia Metodista firman acuerdo marco de cooperación institucional,” Noticias, 24th May 2019, Ministerio de la Presidencia, <https://www.presidencia.gob.bo/index.php/prensa/noticias/555-gobierno-e-iglesia-metodista-firman-acuerdo-marco-de-cooperacion-institucional> (accessed 7th January 2020).
- 14 Marcelo Campos Vélez, “Evo: ‘Ahora utilizan la religión para discriminar,’” El Deber, 7th November 2019, https://eldeber.com.bo/155855_evo-ahora-utilizan-la-religion-para-discriminar (accessed 6th January 2020).
- 15 María Silvia Trigo, “Religión y política: Luis Fernando camacho dice que no hace campaña con la fe,” El Deber, 5th March 2020, https://eldeber.com.bo/168519_religion-y-politica-luis-fernando-camacho-dice-que-no-hace-campana-con-la-fe (accessed 6th January 2020).
- 16 “La Biblia y la religión en la grave crisis que vive Bolivia,” CNN Español, 14th November 2019, <https://cnnespanol.cnn.com/2019/11/14/la-biblia-y-la-religion-en-la-isis-crisis-de-bolivia/> (accessed 6th January 2020).
- 17 “Padres se oponen a transfusión de sangre,” El Deber, 7th January 2020, https://eldeber.com.bo/161933_padres-se-oponen-a-transfusion-de-sangre (accessed 6th January 2020).
- 18 Diego Viera, “Detienen a alcalde en Bolivia por permitir fiesta religiosa donde se propagó el coronavirus,” Biobio Chile, 7th April 2020, <https://www.biobiochile.cl/noticias/internacional/america-latina/2020/04/07/detienen-a-alcalde-en-bolivia-por-permitir-fiesta-religiosa-donde-se-propago-el-coronavirus.shtml> (accessed 30th June 2020).
- 19 Ramón Jara A., “Presidenta de Bolivia convoca a jornada de ‘ayuno y oración’ para vencer coronavirus,” Emol, 27th April 2020, <https://www.emol.com/noticias/Internacional/2020/04/27/984402/Bolivia-Anez-coronavirus-oracion-ayuno.html> (accessed 30th June 2020).
- 20 “Por favor, recen’: religiosas ayudan a Bolivia durante la pandemia,” Deutsche Welle, 26th June 2020, <https://www.dw.com/es/por-favor-recen-religiosas-ayudan-a-bolivia-durante-la-pandemia/a-53959662> (accessed 30th June 2020).
- 21 “Violencia en Bolivia: obispos se ofrecen a facilitar diálogo,” Vatican News, 11th August 2020, <https://www.vaticannews.va/es/iglesia/news/2020-08/bolivia-obispos-comunicado-violencia-elecciones-coronavirus.html> (accessed 1st October 2020).
- 22 “Bolivia: el Nuevo presidente y el regreso de Morales,” Deutsche Welle, 12th November 2020, <https://www.dw.com/es/bolivia-el-nuevo-presidente-y-el-regreso-de-morales/a-55580541> (accessed 27th November 2020)