

## **BOLIVIA: POLARIZATION, VIOLENCE AND PERSECUTION**

### **Executive Summary**

Bolivia is in a situation of partial restriction of free speech and freedom of the press. After the 2019 political crisis, the climate of division, violent polarization, threats and attacks against those labeled as "adversaries" has worsened. Both in the government of Jeanine Áñez and Luis Arce, stigmatizing, attacking, intimidating, hindering not only journalistic work but also freedom of expression and citizen protest became instruments of political control. With the MAS' returning to power, the scenario for the exercise of journalism is on thin ice, in the midst of the attempt to set up the "coup d'État" version of the facts. The distribution of pro-government advertising represents the most effective –and at the same time subtle– instrument to exert control over the media, while the surge of judicial persecution in the country promotes censorship and self-censorship processes that have impacted citizens and the democratic system itself.

### **Introduction**

The situation regarding free speech and freedom of the press in Bolivia has escalated negatively after the socio-political conflicts unleashed by the process and results of the failed October 2019 general elections. The climate of political polarization has endured since 2016 with the Constitutional Referendum, which sought to modify the presidential reelection limit, and the disregard of its results by the Movimiento Al Socialismo (MAS). For 2020 and 2021, the COVID-19 health crisis has further weakened the conditions for journalists to do their job. Also, we must add the climate of the highly confrontational and violent 2020 and 2021 political-electoral campaigns, as well as the change of national, departmental and municipal governments. All of the above are cumulative factors that have driven stigmatizing and hate speeches against journalists and the media, on the one hand, and against social movements, on the other, to further extents.

The recent electoral processes (October 2020 general elections and March-April 2021 elections of Departmental, Regional and Municipal Authorities) have been a hotspot for attacks, threats, smear campaigns and, in general, systematic violence aimed at journalists and the media from different fronts, as well as at citizen organizations or social movements in dispute. Making up the context of these acts of violence, there are confrontations between political organizations and forces supporting either side (MAS and opponents of MAS), which have hindered and infringed the work of journalists at different degrees and realms.

After MAS' new electoral victory, in October 2020, and its return to power, an adverse climate has been unleashed on several journalists and media due to allegations of alleged alliances and legitimizing actions with the transitional term of Jeanine Áñez and the tragic events of October and November 2019 in the country.

For this reason, Bolivia scores in the 2020-2021 Chapultepec Index in a situation of partial restriction of freedom of expression and freedom of the press (52.71/100), below the global average of 55.61, among 22 countries in the Americas.

Several facts recorded and disclosed along the twelve months of observation (August 2020-July 2021) tell about tensions and serious aggressions directed at journalists while covering social and political conflicts and electoral campaigns, primarily; threats for ongoing journalistic investigations; fake news discrediting the work of journalists critical of the current government; cyber-violence and cyber-bullying through digital platforms and actions or threats of legal actions, among others. Although there have been no reports of murders, kidnappings and disappearances of journalists or destruction of media offices, violence has been on the rise with different types of physical injuries committed against journalists, destruction and confiscation of equipment, forced deletion of photographic and audiovisual records or evidence collected by press workers at the scene of the events.

It must be added to this the legislative attempts of the MAS caucus to restrict free speech and freedom of the press by means of regulations basically linked to the use of socio-virtual networks and tax charges on digital services; or, from the legal void, the distribution of pro-government advertising as a way for the government to exert pressure on and subjugation of the media. Journalists and media unions have made permanent, firm and clear public statements against the violations and demanding guarantees for journalistic work, besides demanding to clarify and investigate the facts, which have been almost completely left aside from police or judicial tasks.

## **Analysis of Results**

### **The Government as Aggressor**

From the institutional action of the Legislative Environment, the score was 3.45, with a mild influence. Although the regulatory framework in the country ensures full exercise of the freedom of expression and freedom of the press rights, there have been attempts to restrain them within the discussion of two draft bills, both proposed by the MAS caucus at the Plurinational Legislative Assembly between 2020 and 2021.

The first of them, in August 2020, in the heat of the general election campaign, the House of Representatives, took back the controversy about the "Bill that sanctions the inappropriate use of social networks in the Plurinational State of Bolivia" (PL 733-19), after the dissemination of inappropriate and offensive images against the dignity of women that allegedly corresponded to Chair of the House of Representatives Eva Copa, from MAS (Aguilar, 2020). Although legislators did not get to discuss the document, it generated high opposition and contestation from the public when the new attempt at criminalizing the use of socio-virtual networks became known, so it was frozen within the 2020 presidential campaign.

The second try by legislators took place in May 2021 when Draft Bill 164 was discussed to have the Value Added Tax (VAT) extended to digital services operating in Bolivia, such as Netflix, Spotify, Amazon Prime Video, video game purchases, subscriptions to foreign digital newspapers, among others. From the point of view of analysts and the perception of users, this tax proposal was considered to be harmful to final consumers; first, because it would make access to these services more expensive and, second, because it would also lead to progressive restrictions (Vásquez, 2021). Likewise, the proposal was an initiative stemmed from MAS caucus and was laid off until the regulation gets "socialized".

On the other hand, the Judicial Environment scored 3.57 with a mild incidence. Although no sentences or precautionary measures were issued, and no proceedings were initiated against journalists, neither did they proceed to investigate and prosecute those responsible for street aggressions or other types of those against journalists. Some actions have rather been evaluated as restraints to the exercise of journalism. For example, limiting access to journalists for the coverage of the inauguration of 25 judges in the Departmental Court of Justice of La Paz, in June 2021, which included a former departmental prosecutor under investigation for hiding evidence in a trial an innocent man ended up jailed for four years thereupon (ANP, June 3, 2021).

Likewise, the action of a prosecutor investigating the death of a police officer in the Department of La Paz coca-growing area of Yungas, in the midst of conflicts with coca growers in the region. The judicial authority required two local radio stations to hand over lists of people the broadcast stations interviewed during the confrontation period as “evidence” for the corresponding investigations. The executives of the two radio stations refused to comply such a request invoking the inviolability of press secrecy (ANP, July 10, 2021).

Another case tells about an indicted lawyer’s request who requested information aimed at prosecuting journalists covering his case for alleged slander and defamation (April, 2021). Also invoking the protection of the news source, the editors of three print media, El Deber, Los Tiempos and Opinión, out of 12 to whom this request was made, rejected the request, sent through a sentencing judge. The National Press Association (Asociación Nacional de la Prensa, ANP) issued a statement on the matter, to safeguard the rights of journalists. From this environment, there have been no investigation in any of the reported cases of attacks on journalists, nor have those responsible been punished.

Lastly, the Executive Environment scored 3.87 with mild unfavorable influence. The struggle of the October 2020 electoral campaigns highlighted a picture of aggressions and violence against journalistic work; the change of government caused that smear campaigns and “hate lists” against several communicators (activities which pointed out that the media persons had been favored with “special contracts” from the transitional term of Jeanine Añez) were unleashed from fake accounts in socio-digital networks. Those affected strongly denied such accusations (Opinion, April 26, 2021).

In one more circumstance, during a press conference, the Minister of Education himself rebuked a journalist from newspaper Página Siete and accused him of not relying on the official version of the complaints under investigation by the Attorney General’s Office of La Paz on alleged acts of corruption within that government agency (ANF, July 28, 2021); both the journalist and the newspaper he works for filed the complaint before the ANP along with evidence that they unsuccessfully tried to contact the authority regarding his version on the subject. An additional flagship case is that of the land grab and the efforts to set up radars for the Armed Forces in the Catholic-Church owned area of San Ignacio de Velasco, Santa Cruz de la Sierra, which would have an impact over the transmission antennas of radio Juan XXIII and Channel 9. These broadcasting media belonging to the Church have provided community service to the region during many years, which is why they are endorsed by the community and the installation of the antennas is now in a hiatus (ANF, April 19, 2021).

In terms of broadcasting bands distribution policies, in August 2021 it was announced a call aimed at projects for the Assignment of Broadcasting Bands for the community social sector and the sector of Indigenous Peasant Peoples, intercultural and Afro-Bolivian communities (ATT, 2021). These actions fall within the framework of the Broadcasting Band Assignment Plan for Broadcasting Services and the provisions of the Telecommunications and Information and

Communication Technologies Act, and the right of access to the radio electric spectrum by four sectors: i) government; ii) private; iii) community social; and iv) indigenous native peasant peoples, intercultural and Afro-Bolivian communities. Results are expected for the respective analysis of their relevance and transparency.

## **Realm A: Violent Restrictions to Information and Hazards Resulting from Expressing Themselves**

The political conflict and polarization exacerbated by the October and November 2019 post-electoral events, which resulted in the resignation of former President Evo Morales and the presidential succession of Jeanine Áñez, had two parties violently confront each other in the streets: on the one hand, MAS supporting militants and movements, and on the other hand, protest movements against the manipulation of electoral data, as evidenced by the OAS Electoral Observation Mission. Aggressions between one and the other side have been constant and have become the scenario of permanent aggressiveness that both the citizens and journalists have assumed. In particular, the pro-government MAS factions have been the protagonists of violent acts that have violated other groups and organizations' rights of expression and protest.

In turn, the street confrontation has a correlate of intense denigration in the digital space. The violent and denigrating cyberactivism from fake accounts of the so-called "digital warriors" has been fierce, above all due to the struggle of versions between the electoral fraud versus the "coup d'État" version of the facts by MAS. Several accounts of socio-digital networks have been barred, messed with, for taking positions of upfront opposition to official narratives and policies. For example, the hacking of and content deletion from journalist Carlos Valverde's Facebook page (Ijurko, December 17, 2020). Valverde has whistleblown several instances of irregularities and corruption by MAS, and his account reached 670,000 followers. Or the relentless attacks and insults on institutional sites and accounts of media and journalists.

Likewise, from the government's media (Bolivia TV, Red Patria Nueva, newspaper Ahora el Pueblo, Agencia Boliviana de Información) information and opinion spots are occupied only by MAS government or pro-government sources, lacking the necessary and fundamental balance and plurality. These media are tirelessly used as the "coup d'État" version of the facts' replicators. Fortunately, and as a counterpart, several critical journalists have returned to take media spots in recent months when previously, and systematically, they were cornered during the 2006-2019 period.

## **Realm B: Exercise of Journalism, Risks and Stigmas from Informing**

The exercise of journalism remains under threat and has been furthermore weakened by political and social violence and the pandemic scenario. With the November 2020 change of administration, smear campaigns have been driven against long-career journalists, establishing "hate lists" to "lynch them in the media". For example, Evo Morales' tweet (@evopueblo) accused Bolivia Verifica, a fake news verification site, and its head of receiving funding from the US. (ANF, July 11, 2021).

In the absence of a Bill of Access to Public Information, the government has relied on different methods to exert pressure or control over the media. In February 2021, Minister of Justice

Iván Lima announced the establishment of the debate on the Draft Bill on Access to Public Information, a regulation that has been delayed on several occasions due to the distrust that produced the decisions and proposals made by MAS among the unions and associations of journalists and media in the country. However, the issue has not addressed again on the legislative or public agenda (Los Tiempos, February 07, 2021).

Judicial attempts to force the disclosure of source secrecy have been unsuccessful. Trade organizations have always been sturdy to have the right enforced, within the framework of the Political Constitution of the State and the Printing Press Law. As commented regarding the Judicial and Executive environments, some situations led to limit the work of journalists or to rebuke those of media who are critical, accusing them of being biased and liars. This practice was openly implemented during the years of Evo Morales' term, who labeled the media as his "archenemy".

### **Realm C: The Reign of Indifference and Impunity**

Whether by using law enforcement (the police or military corps), or by the very supporters of the party in power, or by government supporters, the government has allowed attacks to journalists in the midst of street conflicts and face-offs. These attacks have gone unpunished, and no one responsible for such offenses has been prosecuted. The instance of a journalist who was injured by a policeman who shot him with tear gas directly in the face while making his telephone dispatch is a daily and tangible example of the frequent actions against the media and journalists, without investigation or prosecution (ANP, April 07, 2021).

Additionally, digital platforms set up to disseminate hate speech, intimidation, threats and mudslinging against journalists and media have not been investigated or given penalties (October 2020). "Hate lists" against 22 journalists who, allegedly, would have been allies of the Añez government and its actions –the Sacaba and Senkata massacres (in November 2019)– were calling for a "media lynching" (ANP, 01 April 2021).

The Ombudsman's Office, whose first authority is also accused of being a MAS supporter, requested an investigation into these events, reminding the government of its obligation to ensure freedom of expression and look into every act of violence against the press and other agencies (Ombudsman's Office, 2020); however, no action was taken and the government remains indifferent and fails to comply with its duty to get under investigation and prosecute the perpetrators of these acts.

### **Realm D: Pro-Government Advertising, The Most Effective Control**

In Bolivia, there is no regulation making the distribution of pro-government advertising transparent and justified. Decisions to assign government advertising to private or community media err on being gratuitous and following political criteria of pressure, economic asphyxiation or media cooptation. The MAS' government –both in the 2006-2019 period and in this new 2020-2021 round– has used the direct control through advertising funding method. In April 2021, through Supreme Executive Order 4484, it was increased the Vice-Ministry of Communication's budget to a total amount of approximately USD 16 million, out of which more than USD 100,000

were allocated to the Indigenous Peoples Radio Stations (Radios de los Pueblos Originarios, RPIO), which support and submit to the official network (Fundación Construir, 2021).

During the Añez term, in 2020, through information from the Ministry of Communication, the flow of funds for advertising obtained by the so-called “para-state” media, in particular channels ATB and PAT and newspaper La Razón, was made public. For example, the two television stations received between 2017 and 2019 an approximate amount of USD 29 million, while more than 100 national, regional and local-wide newspapers in the country barely received between them about USD 12 million for the same period (Flores, May 13, 2020). This triggered attacks and mudslinging towards those media, under allegations of being MAS’ “palos blancos” – that is, they have dummy owners covering up the real owners; a covert form to divert public resources to enrich groups associated with the government– (El Diario, May 15, 2020).

Official advertising, which lacks a clear rule defining distribution criteria, has become a method that: i) suffocates the media that assume a critical position towards the government and its authorities; ii) enriches groups associated with the government party itself; iii) blackmails the media to promote censorship and self-censorship on issues that harm the political circles of the government in power.

## Conclusions

It is evident that the country’s framework of polarization and political conflict has worsened after the 2019 political crisis and the COVID-19 pandemic, and all of this has led to a situation in which infringement of free speech and freedom of the press is present, clearly impacting the right of citizens to be informed and access to communication, and with countless records of aggressions from late 2019 and 2020 (see Unitas, 2021; ITEI, 2020).

Jeanine Añez's term and the new administration of Luis Arce, from MAS, have fueled more attacks on the work of journalists, accusations and threats, in addition to the ever-increasing violence that prevents citizens from freely expressing themselves. The tradition of MAS in its first and second stages (2006-2019 and 2020 to date) has been to label the mass media and journalists as “liars”, “enemies”, “right-wing cronies”, “opponents”, among other epithets. In the midst of MAS’ struggle of versions of the facts to make the “coup d’État” version prevail as the cause of the serious events and the November 2019’s toll of victims, several journalists have been the target of smear campaign, speeches and “hate lists” in which allegedly they are allies of Añez’ interim government.

Building up on the climate of social and political tension are legislative attempts to debate or approve restrictive laws against freedom of expression, particularly in socio-virtual networks, free from government control. Also attempts to create new taxes for subscription-based digital services. Likewise, the online skirmish exposes “digital warriors” who permanently rage against media and journalists. The strategy of hacking accounts and the deletion of information of some journalist critical of the government has not been lacking.

From the Judicial environment, prosecutorial orders that try to disclose sources of journalistic information, thus breaching the right to keep secrecy of the source. But, undoubtedly, the most effective method to directly control the media is that of pro-government advertising, not touched by any clear regulation whatsoever, which this allows to damage or benefit some or others, depending of what is convenient to the government of the day.

It can be concluded that Bolivia presents a thin-ice scenario for free speech and freedom of the press that is on the verge of going from a “partial restriction” to a “high restriction”. Citizens, mass media and journalists are “partially free” to express themselves and to do their job of informing. In some cases, the limits such as violence and direct threats are blatant; in others they are more subtle (e.g. the distribution of pro-government advertising that brings on censorship or self-censorship).

Such conditions are being nurtured in a climate of political polarization that unequally confronts official forces, state apparatuses and civilian groups supporting the government, on the one hand, and the political opposition, critical and anti-government sectors of the MAS government, on the other. So, constant violence remains in all areas, leaving those who do not subscribe to the government's position and policies in a situation of defenselessness.

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### Statements by Journalists Organizations

## **Asociación de Periodistas de La Paz (APLP)**

October 28, 2020

Enérgico repudio a las “listas del odio” contra periodistas

<https://www.facebook.com/photo/?fbid=1036745440098703&set=a.138116453294944>

February 11, 2021

Debate del anteproyecto de Ley de acceso a la información pública

<https://www.facebook.com/photo/?fbid=1110384722734774&set=a.138116453294944>

April 02, 2021

Rechazo a denuncias sin pruebas contra periodistas. (*Rejection of complaints without evidence against journalists*) <https://www.facebook.com/aplapaz/photos/a.300087346679968/4041632915858707/>

April 26, 2021

Rechazo a querrela interpuesta por el abogado sentenciado Jhasmani Torrico contra colegas periodistas.

<https://www.facebook.com/photo/?fbid=1157207024719210&set=a.138116453294944>

July 14, 2021

En repudio a las presiones de la Fiscalía contra periodistas de radios yungueñas.

<https://www.facebook.com/photo/?fbid=1206293819810530&set=a.138116453294944>

## **Asociación de Periodistas de Santa Cruz**

August 6, 2020

Rechazo a actos vandálicos en contra del colega David Sapiencia.

<https://www.facebook.com/722559494431725/photos/a.944122902275382/3361967120490936/>

October 22, 2020

Repudia la expulsión de periodistas de la Red Unitel de casa de campaña de CREEMOS.

<https://www.facebook.com/722559494431725/photos/a.944122902275382/3597019643652348/>

October 27, 2020

Enérgico repudio a las “listas del odio” contra periodistas.

<https://www.facebook.com/722559494431725/photos/a.944122902275382/3612106618810317/>

December 03, 2020

Enérgico repudio a amenazas masistas a la prensa.

<https://www.facebook.com/722559494431725/photos/a.944122902275382/3715247525162892/>

December 18, 2020

En defensa de Carlos Valverde Bravo.

<https://www.facebook.com/722559494431725/photos/a.944122902275382/3753733371314307/>

April 28, 2021

Alerta por fallo que exige revelar nombres de periodistas.

<https://www.facebook.com/photo/?fbid=287830336246363&set=a.284911936538203>

## **Association of Journalists of Chuquisaca**

April 27, 2021

Condena enérgicamente la grosera decisión de la justicia caso Jhasmani Torrico.

<https://www.facebook.com/APChuquisaca/photos/a.289198348696424/797486714534249/>