

UPR Fourth Cycle Bolivia 2025



ADHMA

ALIANZA POR LOS DERECHOS
HUMANOS Y EL MEDIO AMBIENTE

Indigenous Peoples, Environment, Environmental defenders



EVIDENCE OF VIOLATIONS TO THE RIGHTS OF INDIGENOUS PEOPLE, THE ENVIRONMENT AND ENVIRONMENTAL DEFENDERS

MERCURY CONTAMINATION FROM GOLD MINING IN BOLIVIA

In the last UPR Cycle, the Bolivian State received 7 recommendations on the right to a healthy environment, highlighting the sustainable management of water, the preservation of natural reserves, the proper use, handling and elimination of toxic substances in mining and agricultural activities, and the prevention of natural disasters. It also received 14 recommendations on the rights of indigenous peoples, emphasizing the protection of their territories, the right to free and informed prior consultation, framed in international standards, and the need for adjustments to the legal framework in mining and hydrocarbons to guarantee the rights of indigenous peoples.

Due to the exponential growth of gold extraction in Bolivia, under a regime of exceptions, flexibility and privileges for miners, and due to the unregulated use and commercialization of mercury, violations have increased of human rights, the right to health, the right to life, the right to water, and a healthy, balanced and sustainable environment in quantity and intensity. Violations have also increased of healthy eating, the integrity of territories, particularly in indigenous populations whose territoriality, lifestyle and basic food source depend on the Amazon rivers where the greatest impact of gold mining occurs. The most serious cases are among the indigenous peoples of Esse Eija, Leco, Takana and Pacahuara.

According to a study by CONTIOCAP, CEDIB and the University of Cartagena, the concentrations of mercury in human hair and fish, in samples taken from the Beni, Madre de Dios and Mamoré rivers, greatly exceeded the reference values. According to this research, in inhabitants of indigenous communities affected by gold mining, the average levels of mercury range between 10 and 20 ppm and in some cases exceed 20 ppm, reaching up to 30 ppm. This requires a detailed neurological evaluation. Despite having signed the Minamata Convention, the Bolivian State has not yet fulfilled its main commitment: to develop a plan to regulate the use of mercury to prevent its devastating impacts on health. The State is not fully complying with the immediate actions it must take to prevent environmental contamination in order to safeguard the right to life and health of people, as well as the collective rights of indigenous peoples who live in regions contaminated by mercury. And this problem also affects other countries in the region, as Bolivia has become a distribution center for illegal mercury in South America.

SPECIFIC AND DIFFERENTIATED IMPACTS OF MERCURY CONTAMINATION ON INDIGENOUS WOMEN

According to a study by IPEN (2021), mercury contamination has a differentiated impact on women; the effects can be much more harmful to their overall health, given gender roles and conditions. The high toxicity of mercury can cause severe neurological, renal and cardiovascular damage, seriously affecting women's ability to carry out their daily tasks. In many indigenous communities, women play a crucial role in the local economy through agriculture, fishing and artisanal work; therefore, exposure to mercury reduces their ability to work and support their families, increasing poverty, economic dependence and inequality gaps.

Women, historically oppressed and discriminated against, in addition to suffering the consequences of mercury contamination of their territories, also face the repercussions on their own bodies. These

facts are evidence of a clear violation of the right to a dignified life, to physical, mental and reproductive health, to personal integrity and to the prohibition of all forms of discrimination.

FIRES AND ACCELERATED DEFORESTATION

For 11 years, the government has relaxed environmental standards and implemented regulations that authorize deforestation and forest burning to promote the expansion of the agricultural frontier and livestock farming on lands not suitable for these activities. Using the excuse of "guaranteeing food security," the measures have caused an escalation of deforestation and uncontrolled burning, favoring traffickers and land speculators, as well as large and medium-sized producers of monocultures, mainly soy. These measures are in contradiction with the regulations established in the Political Constitution of the State and the country's commitments to Climate Change.

According to data from Global Forest Watch, in the last three years, Bolivia is among the three countries with the highest rate of loss of primary tropical forests. All these events occur in a scenario of weakening of state institutions for environmental regulation.

The cyclical disasters caused by fires have a major impact on indigenous territories and traditional peasant communities, which see their crops, agroforestry production areas, water sources and even their homes and animals devastated. Likewise, the impact of fires is strong in protected areas. After the fires, deforested lands remain on which the risk of being converted to the land market and extractive activities increases. In all these events, rights are violated in a chained manner. The right to health is connected to the right to life, to water, to a healthy environment and to adequate food. The extension and repetition of fires is leading indigenous communities to expulsion and territorial dispossession.

HUMAN RIGHTS DEFENDERS AND THE ENVIRONMENT IN CONTEXTS OF EXTRACTIVISM AND REDUCTION OF CIVIC SPACE

In the third cycle of the UPR, the Bolivian State received 15 recommendations to improve its performance in protecting human rights defenders; 4 of these recommendations make explicit reference to the defense of environmental and territorial rights.

Due to the intensification of extractive activities, the risk for human rights defenders in environmental matters has increased. This is further aggravated in the context of the narrowing of civic space, linked to the deterioration of democratic institutions and the rule of law.

In breach of the recommendations of several countries in the Third Cycle of the UPR (Recommendations: 115.67; 115.62; 115.68; 115.84), the Bolivian State has not modified or abrogated norms that reduce civic space and that put in risk the work of human rights defenders. Law No. 351 and its Regulatory Decree No. 1597 of 2013, which include clauses that violate the right to free association, remain in force.

These regulations are used to keep civil society organizations in a permanent state of anxiety, due to a latent threat of illegalization for those who focus their work on defending human rights within a framework of critical independence from political power.

Women defenders of land and territory in Bolivia face threats from state authorities, civilians allied to political power, and extractive companies. These threats seek to prevent their work defending

territorial and environmental rights. The intimidation includes actions directed at their bodies, sexuality, emotional relationships, and family ties.

DETERIORATION OF DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW IN BOLIVIA

Not only has the Bolivian State not implemented the 21 recommendations on the independence and reform of the justice system, and the transparency of the electoral system, but it has gone in the opposite direction, making the Executive Body control all powers. Milestones of this process are: the dismantling of the Judicial Career; the unconstitutional extension of mandates of high judicial authorities;

the control of the Plurinational Constitutional Court (TCP) by the ruling party. The latter leading to a failed judicial reform, despite the fact that there is a broad consensus on its urgent need.

In the last five years, at least 5 reports from official international organizations and other independent civil society organizations have expressed concern about the deterioration of Justice and the Rule of Law in Bolivia. These are: Report of the Independent Interdisciplinary Group of Experts (GIEI); Report of the Rapporteur on the independence of Judges and Lawyers; Report of the IACHR's In Loco visit to Bolivia 2023; Annual reports 2022 and 2023 of HRW and Amnesty International.

RECOMMENDATIONS TO THE BOLIVIAN STATE

MERCURY CONTAMINATION AND ITS IMPACT ON THE RIGHT TO A HEALTHY ENVIRONMENT AND THE RIGHTS OF INDIGENOUS PEOPLES

1. Develop and implement a National Action Plan on the use and management of mercury by December 2025.
2. Review and abrogate Law 535 on Mining and Metallurgy, which allows unconstitutional privileges to the so-called "cooperative" mining sector.
3. Ensure that all mining activities in indigenous territories are preceded by a process of prior, free and informed consultation, adjusted to the international standards of this right and respecting the norms and procedures of indigenous peoples, starting in 2024.
4. Reduce mercury emissions in cooperative mining by 50% in the next three years and train 2,000 cooperative miners in mercury-free mining techniques within two years.

IMPACTS ON THE RIGHTS OF INDIGENOUS WOMEN DUE TO MERCURY CONTAMINATION

1. Abrogate the mining law 535, in those provisions that promote extractive activities in protected areas and indigenous territories, especially those that may have an impact on the life and health of its inhabitants, especially women, girls, youth and adolescents.
2. Determine by the beginning of 2026 with greater precision the number of people affected by gold mining through a comprehensive study in the territories where related activities are and have been carried out.
3. Establish a mechanism, before the next UPR, for comprehensive restitution for women victims of mercury contamination.

DEFORESTATION, FIRES AND THE IMPACTS ON HUMAN RIGHTS

1. Abrogate laws 337, 502, 739, 740, 741, 952, 1098, 3874, 1171 and supreme decrees 3874 and 4334, that encourage fires and deforestation through uncontrolled burning.

2. Take comprehensive preventive actions against fires, and immediate actions before their expansion to protected areas and indigenous territories, where extreme protection measures must be taken.
3. Increase by 50% the amount of resources allocated to the prevention and combating of forest fires within the next two years.

HUMAN RIGHTS AND ENVIRONMENTAL DEFENDERS

1. Abrogate Law 351 and its Regulatory Decree No. 1597, as well as all regulations that violate the right to defend human rights, particularly the right to free association.
2. In accordance with the recommendations of the Committee on the Elimination of Racial Discrimination, in its report CERD/C/BOL/CO/21-24, the State must investigate all attacks and allegations of reprisals, intimidation, threats and disproportionate recourse to criminal proceedings against human rights defenders, in particular against leaders and members of nations, indigenous peoples and native peasants, and particularly against women defenders of land and the environment.
3. Create and implement protection policies for human rights defenders, guaranteeing fundamental rights such as access to information and strengthening investigation bodies for crimes committed against human rights defenders, to avoid all impunity.

DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW IN BOLIVIA

1. Guarantee the external independence of the judiciary body in Bolivia by creating, within the next 12 months, a technical, plural and independent body from political actors, responsible for the selection processes of judges for the high courts.
2. Establish an independent, transparent and agile mechanism to ensure the independence of justice at all levels; a mechanism whose constitutional basis will be in the articles on social control and citizen participation.

COMMUNITIES AND INSTITUTIONS THAT ADHERE TO THIS REPORT

ARA
Alianza por los Ríos Amazónicos



ASOCIACIÓN DE COMUNIDADES
AYLLU JESÚS DE MACHACA
NACIÓN PACAJES



Ayllu Fundo Rustico Acre Antequera

Ayllu Cala Cala
Potosí



Centro de Documentación e Información Bolivia



CENTRO DE ECOLOGÍA Y PUEBLOS ANTIQUEROS
ORURO | BOLIVIA



CENTRO DE INVESTIGACIÓN DE DERECHOS HUMANOS Y DERECHOS DE LA NATURALEZA



COLECTIVO DE DERECHOS HUMANOS



Comunidad indígena
El Poetsá

RESERVA DE FLORA Y FAUNA TARIQUÍA
COMUNIDAD CHURUMAS

COMUNIDAD INDÍGENA ORIGINARIA
CHUCARASI

COMUNIDAD INDÍGENA ORIGINARIA
SANTA ANA

COMUNIDAD INDÍGENA ORIGINARIA
SEQUE JAHUIRA

COMUNIDADES CANTÓN CHIQUIACÁ
TARIQUÍA

RESISTENCIA HIDROELÉCTRICA ROSITAS
COMUNIDADES VALLE GRANDE



COORDINADORA PARA LA DEFENSA DE LA MADRE TIERRA



CODMA
Coordinadora en Defensa de la Madre Tierra



CODAPMA
Coordinadora en Defensa de la Autodeterminación de los Pueblos y del Medio Ambiente



CONTIOCAP
Coordinadora Nacional de Defensa de Territorios Indígenas Originarios Comunitarios y Areas Protegidas



Proyecto Hombres Nuevos Bolivia



Por el Bien del Bambino



DERECHOS HUMANOS Y JUSTICIA



Instituto de Investigación Facultad de Humanidades



O.C.M.A.



Organización Comunal de la Mujer Amazónica



ORGANIZACIÓN QUECHUA TSIMANE DEL SECTOR YUKI



PLATAFORMA EN DEFENSA DE LAS ÁREAS PROTEGIDAS DE LA PROVINCIA ABEL ITURRIZALDE



PRODUCTIVIDAD BIOSFERA Y MEDIO AMBIENTE



PROTECTION INTERNATIONAL



Sub Central
TARIQUÍA



TCO TACANA II



JACHA MARKA TAPACARI CONDOR APACHETA



TIOC WHEENHAYEK



TIOC Sullkuta Colchani