

**PRELIMINARY REPORT  
CARTER CENTER ELECTORAL EXPERT TEAM**

**General Elections, Bolivia 2020  
La Paz, October 23, 2020**

**INTRODUCTION**

In response to the invitation extended by the ~~CEC~~ ~~the~~ ~~CEC~~ ~~international~~ ~~election~~ ~~observer~~ ~~mission~~ ~~to~~ ~~Bolivia~~ ~~but~~ ~~had~~ ~~to~~ ~~adapt~~ ~~its~~ ~~plans~~ ~~in~~ ~~response~~ ~~to~~ ~~the~~ ~~logistical~~ ~~and~~ ~~health~~ ~~conditions~~ ~~imposed~~ ~~by~~ ~~the~~ ~~COVID-19~~ ~~pandemic~~. As a result, The Carter Center maintained its support for Bolivian democratic elections by establishing an international electoral expert team (EET) to closely monitor the electoral process through videoconference meetings with the principal stakeholders, as well as analysis of the legal framework for the elections, and other relevant sources of information. The team began its work remotely



- Despite the welcome return of presidential debates after a long absence, there was little space in general for program proposals in the campaign, which was somewhat dominated by accusations and criminal cases' being brought against candidates and political actors in general. In this respect, The Carter Center noted a proliferation of criminal cases brought by the government against MAS leaders, as well as arrests of several MAS candidates in connection with the roadblocks in July and August. The Carter Center regrets that almost 50 violent incidents took place over the course of the campaign, although fortunately they did not have grave consequences.
- The Carter Center notes since the October 2019 elections, the National Association of Bolivian Press (*Asociación Nacional de la Prensa de Bolivia*, ANPB) has reported more than 50 cases of assault, threats, and intimidation against media professionals, as well as attacks on their media headquarters. No specific government or judicial protection scheme exists, despite an increase in violent incidents.

ultimately enabled unanimous approval of three postponement laws that were rapidly promulgated by interim President Añez.

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After the withdrawal of Añez's Juntos coalition, former President Jorge Quiroga's Libre 21 alliance, and Acción Democrática Nacionalista

although the use of state resources for campaign purposes is prohibited by law, the associated sanctions









Biosecurity measures, and the fact that in about one-third of cases (35% according to Observa Bolivia, 26% according to OCD) party agents exercised their right to record observations on the results form, slowed the completion of tally sheets, which in turn delayed delivery of results to the official counting centers at the TEDs and to the TSE for the out-of-country vote.

### **Results Aggregation and Publication**

The TSE decided to cancel the system for rapid results information, the DIREPRE (*Sistema de Difusión de Resultados Preliminares*), as after mu 0 -1.152 TD.7(n)5 (u0r6T (R)6 (E)4.3 ( )2 (a)-0 Tc8D.7(n)5 24ap)D )s 31.9

## **Freedom of the Press**

The constitution guarantees the “right to freedom of expression, opinion and information, right of reply and rectification, and the right to freely express ideas through any medium.” It extends these rights to journalists and grants media and press associations the right to self-regulate their codes of ethics. In addition, the constitution prohibits monopolies or cartels, promotes the creation of community media, and grants the right to indigenous nations and peoples to create their own media and communication networks. For its part, the Telecommunications Law aims to prevent concentration of media powers by allocating one-third of the broadcast frequencies to the public sector, one-third to the private sector, and one-third to social movements and *pueblos indígenas originario campesinos* (indigenous rural native peoples). However, in practice, the private sector dominates three-quarters of the 1,400 available radio and television frequencies.

The Press Law, almost a century old, provides for press-related offenses to be dealt with by special courts, in principle to protect journalists from abusive criminal prosecution. However, in practice the press courts are barely functional, resulting in a lack of protection for press workers, particularly in times of political conflict. Since the October 2019 elections, the

as senator. The TSE and its president, Salvador Romero, were the target of false and misleading messages aimed at undermining trust in the electoral process, which increased as election day approached.

In September, Facebook announced in a report that it had suspended the accounts of CLS Strategies, a public relations firm based in Washington, D.C. This company was found to have made malicious use of anonymous profiles to manipulate political discourse in Venezuela, Mexico, and Bolivia, which violates the rules of the social network regarding noninterference in foreign countries. In the case of Bolivia, CLS Strategies acted by propagating and emphasizing the narrative of fraud in the October 2019 elections and supporting Añez's administration, which shortly after admitted that the firm was hired to seek "support for the Bolivian democracy." Since the withdrawal of this company, the number of hoaxes aimed at undermining the reputation of MAS drastically declined.

### **Impact of COVID-19 on the Election**

Between Feb. 21 and Oct. 18, 2020, at least 73 countries and territories across the globe postponed elections due to COVID-19. Bolivia is among them, as it had to postpone elections twice. The TSE prepared a

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process, the TSE urged political organizations to comply with the requirements for gender parity and alternance and has provided technical support to that end. As a result, for the first time, all political organizations presented gender-balanced candidate lists, where women represented 52% of all lists for the National Assembly and supranational assemblies.

In 2012 Bolivia promulgated Law 243 prohibiting harassment and political violence against women. This law has enabled cases to be presented and has made harassment and violence more visible. Complaints on this matter can be presented through four main channels (administrative, criminal, constitutional, and electoral). The law states that the TSE body is only responsible for receiving complaints and for referring cases to the public prosecutor's office. The 2020 TSE regulation on electoral offenses and sanctions constitutes a positive development, as it includes a chapter addressing harassment and political violence, provides for such cases to be given priority, and establishes sanctions and protection measures.

### **Participation of Indigenous Peoples**

Bolivia has ratified the International Labor Organization's Convention 169 on Indigenous and Tribal Peoples and, most importantly, has enacted Law 3760, which enshrined the United Nations Declaration on the Rights of Indigenous Peoples into binding national law. Bolivia has taken other positive steps in this regard, including establishing seven special constituencies for indigenous communities in the Lower House, establishing the right and procedure to constitute autonomous native rural entities, and creating a legal obligation for the government to consult with indigenous peoples on certain decisions.

However, some obstacles remain. First, while indigenous peoples' legislative representation has increased, this has not been reflected in the power distribution within Congress. Indigenous peoples have been generally excluded from leadership positions (presidency, vice-presidencies, and secretaries) and leadership of key commissions. Second, the constitution of indigenous autonomies has faced lengthy and complicated processes. Moreover, indigenous self-government is sometimes rejected by parts of the population (mainly women and youth), as rule by indigenous customs has sometimes meant that only elder men can act as representatives. The Carter Center considers it would be worthwhile to explore mechanisms to harmonize constitutional rights with indigenous community customs.

The Carter Center highlights the work of the Supreme Electoral Tribunal (TSE) to facilitate the participation of indigenous peoples in the current election. The TSE has developed printed and audiovisual materials in indigenous languages. The printed training material was produced in six languages: Quechua, Aymara, Guaraní, Bésiro, Tsimane, and Spanish while the audiovisual material was produced in Spanish, Spanish sign language, Aymara, Quechua and Guaraní. A key development is that the TSE, for the first time, reached out directly to indigenous communities to explain biosecurity measures and voting procedures. By hiring 23 indigenous facilitators, recommended by their own communities and who speak the local language, the TSE improved the reach and effectiveness of the training and voter information.

### **People with Disabilities**

The Carter Center commends the measures taken to facilitate voting for people with disabilities. The Electoral Law provides for assisted voting for people with disabilities and citizens over 60 years old. Upon request, th-12.6 (q)oplld. Ul, tcLd5El15..6 6 (e)9.2 (dur)6.age, tlt wtoplmunh9is.2 (t)-4TJ-0.0 oveiveo tth 4.7 (pr)-3.9 -1.6 (s)

minister for decolonization and the National and Departmental Committees against Racism and all forms