



# Mapping Solitary Confinement: Bolivia country report

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Cite as:

Ruiz, U. (2021) Solitary Confinement in Bolivia. In S. Shalev, *Mapping Solitary Confinement* (online). <https://www.solitaryconfinement.org/mapping-solitary-confinement>

## 1. Country general Criminal Justice System facts & numbers

According to “[National Statistics Institute](#)” data, in 2019 there were 51 penal detention institutions in Bolivia. The penitentiary population was made of 18,2008 people deprived of liberty (159 prisoners x 100.000 inhabitants). Its make-up was as follows:

- 16,933 man and 1,275 women.
- 17,485 Bolivian and 723 foreign nationals.
- 6,495 were sentenced to prison and 11,713 were detained pre-trial.

This indicates a problem of overcrowding in the Bolivian penitentiary system<sup>1</sup>.

## 2. Legislative and administrative bases for use of solitary confinement

In Bolivia, solitary confinement can be applied as a disciplinary sanction for serious misconduct (art. 132 [Ley de la Ejecución Penal y Supervisión](#) (Law on Penal Enforcement and Supervision), or very serious misconduct (art. 133 [Ley de la Ejecución Penal y Supervisión](#)), and as a regime of life in high security prisons (art. 78 [Penal Enforcement and Supervision Act](#)) and the closed prison regime (art. 143 [Penal Enforcement and Supervision Act](#)).

## 3. Reasons for use, process, and administrative regulations

### a. As disciplinary punishment

Following disciplinary proceedings carried out with procedural guarantees (122-124 [Penal Enforcement and Supervision Act](#)), the Director of the prison shall impose solitary confinement as a punishment up to ten uninterrupted days (art. 132 [Penal Enforcement and Supervision Act](#)) as a response to the commission of a serious misconduct.

The following behaviours are considered serious misconducts (art. 129 [Penal Enforcement and Supervision Act](#)):

1. Refusing to carry out common work or educational activities without justification.
2. Deliberately and seriously damaging or rendering useless the facilities or equipment of the prison.
3. Physically assaulting or coercing other inmates.
4. Deliberately damaging or rendering useless the belongings of other inmates.



5. Physically or mentally intimidating another person.
6. Interfering with or disobeying security regulations.
7. Consumption of alcohol, narcotics, or unauthorised drugs.
8. Stealing tools from the workshops.

According to art. 122-124 of the [Penal Enforcement and Supervision Act](#), the Director of the prison shall impose solitary confinement as a punishment up to twenty interrupted days (art. 133 [Penal Enforcement and Supervision Act](#)) as a response to the commission of a very serious misconduct.

The following behaviours are considered very serious misconduct (art. 130 [Penal Enforcement and Supervision Act](#)):

1. Committing four serious misconducts within a period of six months.
2. Failure to comply with the sanction imposed for serious misconduct.
3. Evading or attempting to escape, as well as collaborating in the escape or attempted escape of other inmates.
4. Inciting or participating in violent movements to disrupt order and discipline.
5. Endangering the life or integrity of other inmates, prison staff or other people.
6. Introducing, concealing, supplying, or facilitating alcohol, narcotics, unauthorised drugs, weapons, explosives, or any other object prohibited by internal prison regulations.
7. Physically assaulting or coercing any official or private individual, either inside or outside the establishment.
8. Committing an offence, without prejudice to the corresponding criminal liability.
9. Refusing to attend court proceedings without justification.
10. Sexual harassment.

When the person is punished with solitary confinement, he/she shall undergo a daily medical examination. The doctor shall inform the director of the establishment so that the necessary measures may be taken to ensure the health of the inmate (art. 135 [Penal Enforcement and Supervision Act](#)).

## b. High security prisons

There are high security prisons [*Penitenciarias de Alta Seguridad*] (art. 78 [Penal Enforcement and Supervision Act](#)), which provide a rigorous material and physical security precaution in order to avoid escapes. High security prisons are aimed at prisoners whose detention needs more interior or exterior security.

## c. Closed prison regime

According to article 143 of [Penal Enforcement and Supervision Act](#), closed prison regime is characterized by a strict control of inmate's activity and the limitation with his/her external relationships.

## 4. Protected populations

No solitary confinement shall be imposed as a sanction on pregnant inmates or mothers with breastfeeding children (art 134 [Penal Enforcement and Supervision Act](#)).

In no case shall juveniles be punished by being kept in solitary confinement in their cells or in other cells specially designed for this purpose (art. 153 [Penal Enforcement and Supervision Act](#)).



## 5. Jurisprudence on solitary confinement

- A prisoner was sent to disciplinary segregation without the opportunity to defend himself or appeal the disciplinary decision. This action constitutes an infringement of his rights of defence and right to appeal, and moreover, no disciplinary segregation can be executed until the resolution of the second hearing [[Tribunal Constitucional Plurinacional, Sala Primera Especializada, Sentencia 1422/2014, 7 de julio de 2014, revisión la Resolución 09/2013](#)].
- After committing extortion against other inmates, a prisoner, who had been diagnosed with obesity and renal colic by prison's doctor, was sent to a "punishment cell". The Court ruled that even the prisoner suffers from serious diseases, has not been proved that the imposition of solitary confinement jeopardized the rights to life, health and liberty. However, the Court considered the imposition of disciplinary segregation did not follow the legal procedure, being unlawful. [[Tribunal Constitucional Plurinacional, Sala Segunda, Sentencia 0773/2015-S2, 8 de julio de 2015, revisión la Resolución 01/2015](#)]
- Infringement of his rights to liberty and personal security, citing articles 23.I and III and 125 of the Political Constitution of the State. [[Tribunal Constitucional Plurinacional, Sala Segunda, Sentencia 1809/2014, 19 de septiembre de 2014, revisión la Resolución 01/2014](#)]
- Prison staff assaulted physically three prisoners and after the aggression they put them in solitary confinement cells regardless of disciplinary proceeding. These facts are an infringement of the rights set out in articles 115 of the Political Constitution of the State and 8 of the American Convention on Human Rights. [[Tribunal Constitucional Plurinacional, Sala Tercera, Sentencia 0125/2014-S3 Sucre, 5 de noviembre de 2014, revisión la Resolución 7/2014](#)]
- A prisoner was punished with solitary confinement. He had health problems and during the execution of the sanction, he was not allowed to leave the cell to meet his medical appointment. These practices violated the right to life and health. [[Tribunal Constitucional Plurinacional, Sala Segunda, Sentencia 0178/2014-S2, 24 de noviembre de 2014, revisión la Resolución 022/2014](#)]

## 6. Reports on the use of solitary confinement

Defensoría del pueblo [Ombudsman's Office] is a Plurinational State institution at the service of the people for the defense of human rights, paying attention to vulnerable populations and disadvantaged sectors. An ombudsman report from [2018](#) concluded that it has been shown that 100% of the isolation cells do not have the minimum infrastructure or the minimum conditions of habitability, subjecting prisoners to extreme humiliations that not only threaten their physical integrity but also their mental health, making this prison experience dehumanising and destructive, causing irreversible consequences that do not help in their rehabilitation and social reintegration.

## 7. Relevant academic / research resources on solitary confinement

Bolivian Ombudsman: "Prisons and persons deprived of liberty in Bolivia" [in Spanish ]: <https://www.youtube.com/watch?v=FZ-XK84h60k>

Pinto, J.C (2008). La vida cotidiana en la cárcel [*Regular life in prison*]. *Derechos humanos y acción defensorial*, 3(4), pp. 595-662. Available at: <https://biblioteca.corteidh.or.cr/documento/57007>