

LEGAL SYSTEM OF BOLIVIA

Bolivia is constituted as a unitary, independent, free, sovereign, multiethnic, and multicultural republic. It has adopted representative democracy as its form of government.

The Constitution of Bolivia, amended February 20, 2004, establishes that the people deliberate and govern through their representatives and through the Constitutional Assembly, the Citizen Legislative Initiative, and the Referendum, all provided for in the Constitution and regulated by law.

The key State organs are the Legislature, Executive, and the Judiciary.

The Legislative branch is embodied in the National Congress, which is made up of a Chamber of Deputies (130 members) and a Senate (27 members). Its main function is to adopt, abrogate, derogate, modify and interpret the laws. It also oversees the activities of the executive branch, the local (municipal) governments and other autonomous state organs.

Executive authority is exercised by the President of the Republic together with the Ministers of State. The President and Vice-President of the Republic are elected by popular vote for a period of five years. The President of the Republic may be re-elected only once after at least one constitutional term.

The Judiciary is exercised by the Supreme Court of Justice, the Constitutional Court, and the Superior District Courts, corresponding to each department based on the country's geographic distribution, and by the courts and judges of first instance. Establishing exceptional courts or tribunals is not allowed.

The Supreme Court is the highest court of justice for regular, contentious, and contentious-administrative matters. It is made up of 12 ministers who are elected by the National Congress for a 10-year term. Constitutional review is entrusted to the Constitutional Court, which is made up of five judges designated by the National Congress. In addition there is a Judicial Council that serves as the administrative and disciplinary organ of the Judiciary.

In the Republic of Bolivia one also finds entities endowed with constitutional autonomy known as Municipal Governments (*gobiernos municipales* or local governments), constituted by a mayor and municipal council, all elected by popular vote. Constitutional autonomy for local governments consists of regulatory, executive and administrative and technical power within the scope of judicial authority and territorial jurisdiction of each local government. Based on their attributes and authorities, under their constitutional and statutory mandate, local governments have a direct link with the community.

Moreover, from a territorial standpoint, Bolivia is divided into nine departments in which the Executive branch is represented by the Departmental Prefects in a regime of administrative decentralization.¹ The departmental prefectures are also constituted by a Departmental Council whose members are delegated by local councils for each province.

¹ According to Article 109 of the Constitution:

I. In each Department, the Executive Branch is responsible for and administered by a Prefect, who is appointed by the President of the Republic.

II. The Prefect exercises the function of General Commander of the Department, appoints and supervises the Sub-prefects in the provinces and the magistrate in the cantons, as well as the departmental administrative authorities whose appointment has not been reserved to other authorities.

In the context of the Constitution, several public entities are established that are undertaking important and vital activities for the country's development. These include the following:

- Office of the Comptroller-General of the Republic, entrusted with fiscal control of the operations of the autonomous and autarchic entities and the mixed-economy companies. The Comptroller-General is directly under the President of the Republic and is appointed by the President from a slate submitted by the Senate, and serves for a period of 10 years.
- The National Electoral Court, which is the main organ of the electoral regime whose composition, jurisdiction and scope of authority are established by special laws.
- The Public Ministry, which is in charge of promoting the various actions to defend legality, and the interests of the State and society. Its authority is exercised through the Committees designated by the legislative chambers, by the Attorney General of the Republic who is elected by two-thirds vote of the members present at the National Congress, and by all other employees who constitute it, in keeping with the special law.
- The Office of the Human Rights Ombudsman (*Defensoría del Pueblo*), whose essential power is to be watchful for the rights and guarantees of persons and the defense and promotion of human rights.

III. The remaining functions are established by law.

IV. The Senators and Representatives of Congress may be appointed Departmental Prefects, with their parliamentary functions suspended during the time they hold this position.