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Report of the Working Group on the Universal Periodic Review*

Plurinational State of Bolivia

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

* The present document was not edited before being sent to the United Nations translation services.

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| 1 | The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was signed on 12 February 2010 and is currently being reviewed for ratification. The Second Optional Protocol to the International Covenant on Civil and Political Rights is currently being reviewed for signature. |
| 2, 39, 40, 41, 42 | The Judiciary Bill currently before the Plurinational Legislative Assembly aims to eradicate political patronage, corruption and impunity within the judicial system. A ballot to elect the judicial authorities by universal suffrage has been scheduled for 5 December 2010, in fulfilment of the terms of the Constitution, which also establishes the principle of independence of State powers and the primacy of the rule of law. The Government will continue to promote the work of the integrated justice centres, within the framework of the new Constitution. |
| 3, 9, 10, 12, 28, 71 | Responsibility for coordinating follow-up of the recommendations made during the UPR, as well as those issued by treaty bodies and special procedures, falls to the National Human Rights Council, which is composed of representatives of State ministries and civil society. The Council continues its work in this area, in implementation of the new Constitution and the National Human Rights Action Plan, which also incorporates the voluntary human rights objectives adopted by resolution 9/12 of the Human Rights Council. |
| 4, 21, 22, 23, 74 | The draft law on the elimination of racism and all forms of discrimination was presented to the Plurinational Legislative Assembly on 24 May, the date on which the National Day of Struggle against Racism and Discrimination is observed. The draft bill aims to foster the dignity, equality, harmony, inclusion, social and gender equality, the common good and solidarity of Bolivians. It also prohibits and sanctions all forms of racism and discrimination. |
| 5, 24, 25 | Equality of opportunity is enshrined in the Constitution and has been mainstreamed in domestic government policies, especially poverty reduction policies. The Government has begun the process of analysing and revising the Criminal Code and the Criminal Procedure Code to ensure that the gender perspective and women's rights are duly reflected. Fifty per cent of the executive branch of Government are women, and campaigns are under way to increase women's participation on equal terms in other areas of decision-making. |
| 6, 7 | A comprehensive draft law on human trafficking and smuggling that includes child-protection measures and is based on the commitments assumed under the Palermo Protocol and other international human rights instruments was submitted to the Plurinational Legislative Assembly in April 2010. Thus, the Government is working to complement and strengthen the work of the National Council against Human Trafficking. |
| 8, 14, 15, 16, 29, 49 | To promote and protect children's rights, the Government is working to implement the Child Development Project — a programme for the protection of children's rights comprising education, health care and housing components — that forms part of the new draft Plurinational Children's Plan. The Guidelines for the Alternative Care of Children will be included in the draft |

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- Plurinational Community Development Plan for the social inclusion of children and adolescents and the protection of their rights. In addition, the offices of the children's ombudsmen are now fully operational and children living in detention centres have access to nutrition, health care and educational services.
- 11 The Bolivian Government is engaged in a democratic and cultural revolution that will enable the entire population to enjoy the life with dignity denied them by the neoliberal policies of past governments. The actions it is taking in pursuit of this transformation are underpinned by the new Constitution, which fully recognizes all human rights within a framework of equality and social justice for all.
- 13, 17, 60, 62, 63, 65 The Government continues to implement its poverty reduction programme, in pursuit of which it has drawn up the National Development Plan in order to drive changes in macroeconomic and structural policy that would eradicate poverty and ensure full enjoyment of economic, social and cultural rights. Components of the National Development Plan include the "Plan Vida" (Plan for Life), a four-pronged initiative encompassing nutrition, basic services, health, education and industry. It is hoped that 100 of the country's 332 municipalities will be included in the first phase of the initiative.
- 18, 19 The Bolivian Government is an active member of the United Nations and other international organizations and is firmly committed to further developing its international relationships, prioritizing the protection of human rights and the rights of mother Earth. It has already extended a standing invitation to all special procedures and has been making efforts to arrange visits from the Subcommittee on Prevention of Torture and the Special Rapporteur on Racial Discrimination this year. It intends to schedule other visits for next year.
- 26 The right not to be discriminated against on grounds of sexual orientation or gender identity is recognized in the Constitution. The Government is endeavouring to combat discrimination against population groups with a different sexual orientation and gender identity, particularly among the police, the military and the judiciary.
- 27 Bolivia has approved and ratified by law the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Constitution establishes the precedence of ratified human rights treaties over the domestic legal order and stipulates that all rights and obligations recognized therein shall be interpreted in conformity with the international treaties.
- 30, 31, 32, 33, 57 The campaigns to raise awareness of domestic violence are continuing, in furtherance of the National Programme for Combating Gender-based Violence, which includes a victim care unit. The Government is also working on developing a unified register of cases of violence against women that will provide a source of official data on domestic violence in all Bolivian municipalities, as well as on the draft law against gender-based violence and political harassment. The draft will be widely circulated among civil society organizations so that their opinions may be incorporated into the final text.

- 34, 35, 36, 37, 38 The preparatory work for the programme to eradicate servitude and forced labour has been completed and the Government is endeavouring to secure the resources required for its prompt implementation. It also continues to work to eradicate the worst forms of child labour and to seek technical and financial assistance from the international community for the social reintegration of working children.
- 43, 44 The Government has appointed the relevant judges and they should be serving the population by the end of the year. An election of the judicial authorities by direct universal suffrage is scheduled for 5 December 2010, pursuant to the Constitution, which also establishes the principle of independence of State powers and the primacy of the rule of law.
- 45, 46, 48 Work continues on enforcement of implementing all the provisions of the new Constitution that relate to the exercise of the rights of indigenous peoples. To this end, it is working towards implementing the jurisdiction of original, indigenous and campesino communities within the institutional structure of the new judicial authority. The guiding principle of all these initiatives is respect for human rights, as established in the Constitution.
- 47 In May 2010, the Government promulgated the Criminal Regulatory System Amendment Act, that enhances citizen protection by safeguarding constitutional guarantees and, in particular, providing protection for the victims of violence.
- 50 Lynching is recognized as a criminal offence and punishable as homicide in the Bolivian justice system. The Government is fighting this crime through legislation and the due process of law. Campaigns to prevent such offences are also currently in progress.
- 51 The Government has demonstrated its firm commitment to eradicating impunity for the authors of human rights violations. To this end it continues its endeavours to bring all persons accused of such offences to justice, as well as to guarantee due process for those charged.
- 53 In March 2010, the Plurinational Legislative Assembly approved the Act on the fight against corruption, illegal enrichment and scrutiny of wealth, referred to as the Marcelo Quiroga Santa Cruz Act, in honour of the socialist party leader assassinated during the former military dictatorship. The aim of this Act is to prevent, investigate, prosecute and punish corruption, including any acts of corruption that may have been committed by public servants, and to provide for the recovery of State property through the competent courts.
- 54, 72 The Constitution and the National Human Rights Action Plan provide for the inclusion of human rights education and training in the school system. The Education Bill, known as the Avelino Siñani – Elizardo Pérez Bill, is currently being revised to incorporate the relevant provision. Law enforcement officials, judges and police officers are receiving human rights training and instruction.

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52, 55, 56, 58	Media independence and diversity are guaranteed under the Constitution and a multiplicity of media operates freely in the country. The Government is currently working on a Telecommunications Bill, which, once drafted, will be widely circulated among representatives of civil society so that their opinions can be taken into account. The development of bilingual community radio stations that facilitate access to channels of communication and freedom of expression for rural dwellers continues to be encouraged.
59	The National Employment Plan, which prioritizes productive and social sectors, serves as a vehicle for advancing Bolivia's economic development and increasing job creation. It encourages the creation of social enterprises as a means of guaranteeing supplies of low-cost food and medicine. Financial resources are being allocated to a number of productive sectors, including electricity and hydrocarbons.
61	The Government continues to implement the rural productive development programme under which incentives are offered for food production, with the aim of guaranteeing food security, and land is redistributed among those actually working it. The main recipients of aid are peasant and indigenous farmers, small producers and medium-sized and large agribusinesses.
64	The health sector's Zero Malnutrition Programme fosters socially inclusive best practices in nutrition and childcare by strengthening institutional capacity for nutritional care and treatment of illnesses prevalent among under-fives, and identification and treatment of malnourished children, which includes the provision of micronutrients and fortified foods. The Government is ready and willing to share its experiences in this field bilaterally and/or multilaterally.
66	The Moto Méndez Mission run with assistance from Cuba and Venezuela within the framework of the Bolivarian Alliance for the Americas (Alianza Bolivariana para los Pueblos de América – ALBA) is currently working on identifying and assisting persons with disabilities.
67, 69, 70	The Bolivian Government is continuing its efforts to extend the scope of the Zero Malnutrition Programme and the Juana Azurduy subsidy for pregnant women, both of them initiatives that have afforded a significant reduction in maternal and infant mortality rates, although the Government acknowledges the continuing challenges in this area. It is also continuing its efforts to implement and expand the scope of the national health and education programmes.
73	Following the success of the National Literacy Programme, "Yo, sí puedo" (I can do it), the Government is currently in the process of implementing the "Yo sí puedo seguir" (I can go further) programme. Both programmes receive assistance from Cuba and Venezuela within the framework of the Bolivarian Alliance for the Americas.
75, 76, 77, 78	The rights of indigenous peoples and migrants are fully recognized in the Constitution. The Government continues its work to achieve full respect for their rights, in accordance with the international commitments it has assumed.

- 1 The Government is currently preparing the reports due under the following instruments: the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families. The methodology that the State party uses to prepare these reports involves extensive civil society consultation, reflecting the social oversight function exercised by civil society in the development of the State's public policies.
- 2 The National Human Rights Council is responsible for the implementation of the National Human Rights Action Plan entitled Bolivia: Dignity for a Good Life 2009–2013 and promotes application of the recommendations made by the international human rights protection mechanisms. The Ministry of Justice organized workshops on follow-up to the universal periodic review for public servants, in which 15 ministers and 17 deputy ministers, as well the representative of the Office of the High Commissioner for Human Rights, participated.
- 3 The mandate of the Office of the High Commissioner for Human Rights in Bolivia has been renewed through the exchange of the relevant official notes.
- 4 The bill on the elimination of racism and all forms of discrimination was presented to the Plurinational Legislative Assembly on 24 May, the date on which the National Day of Struggle against Racism and Discrimination is observed. The bill aims to foster the dignity, equality, harmony, inclusion, social and gender equality, common welfare and solidarity of Bolivians. It also prohibits and sanctions all forms of racism and discrimination. The proposed bill contains both preventive and punitive provisions, imposing an obligation on the State to allocate financial resources for the elimination of discrimination and racism and the promotion of human rights.
- 5 The anti-corruption Act, known as the Marcelo Quiroga Santa Cruz Act in honour of the socialist party leader murdered during the military dictatorship, was promulgated on 31 March. The purpose of the Act is to fight corruption and illicit enrichment and govern the scrutiny of wealth. The Act also provides for the creation of a national anti-corruption council to investigate enrichment and the laundering of illegal proceeds.
- 6 The Plurinational Legislative Assembly has elected a new Ombudsman for Bolivia, pursuant to the new Constitution. The procedure established in the Constitution was strictly respected via public invitation prior to a public merit-based examination of professional capacity. A human rights activist who previously chaired the Permanent Human Rights Assembly, one of Bolivia's oldest and most respected civil society organizations, has been appointed to the position.
- 7 On 13 February 2010 the Government promulgated Act No. 003 for restructuring the judicial authority. The purpose of this Act is to "use the period of transition for the introduction of the judiciary, the Plurinational Constitutional Tribunal and the Public Prosecutor's Office, in order to ensure efficiency and continuity of service in the administration of justice and to

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- initiate the call for candidates for election as judges, judges of the Supreme Court of Justice, the Agricultural and Environmental Court and the Plurinational Constitutional Tribunal, and members of the Magistrates' Council". The Act was promulgated in recognition of the need to establish transitional legal provisions to allow for the continuity of the judiciary's work. The aforementioned elections have been scheduled for 5 December 2010.
- 8 Implementation of the National Human Rights Action Plan continues through the specific actions already described in the universal periodic review report. In 2010, the National Human Rights Council is assigning priority to anti-discrimination and human rights education campaigns, having established specialist commissions to assume responsibility for these areas. Other work under way includes the development of migrant protection and torture prevention programmes. The technical and financial resources necessary for the implementation of the Plan have already been secured.
- 9 In exercise of the commitment assumed by the Plurinational State of Bolivia with regard to the need to facilitate access to files on human rights violations committed during the military dictatorship, the armed forces have been instructed to declassify the military archives for the period between June 1979 and December 1980. The Ministry of Justice is overseeing this task, in conjunction with the association of relatives of martyrs and disappeared detainees (ASOFAMD) and the Ombudsman's Office.
- 10 The most important proceedings begun to date are those initiated against former Bolivian President Gonzalo Sánchez de Lozada and his associates (former Ministers of State) in relation to the "gas war" that took place in 2003. The relevant formalities have been concluded and the Bolivian Government, through the Ministry of Foreign Affairs, has filed the corresponding extradition request with the United States Government. The application is currently with the Department of Justice for review, pending the analysis required for referral to the ordinary courts for a ruling on the legitimacy of the extradition of the accused. Bolivia is continuing its efforts to secure the extradition of the persons accused of human rights violations and crimes against humanity, it is dependent to a great extent on the cooperation of the authorities in the countries to which the key accused have fled.
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