

Institute of Therapy and Research on Sequels of Torture and State Violence - Bolivia

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Access to justice for torture victims

PAST UPR RECOMMENDATIONS

- ▶ During the second UPR cycle, the UN Member States addressed a series of recommendations to the Bolivian State requiring to guarantee an efficient judicial system (114.59).

RECOMMENDATIONS

- ▶ Adopt a comprehensive law on torture establishing the definition thereof in addition to the obligation to investigate, prosecute and provide reparation for torture in conformity with the international standards in the UN Convention against Torture.
- ▶ Establish a structurally and financially independent and technically competent mechanism to investigate allegations of torture and other human rights violations against state officials promptly, impartially and in accordance with the standards of the Istanbul Protocol.

Detention conditions and monitoring

PAST UPR RECOMMENDATIONS

- ▶ During the second UPR cycle, the UN Member States addressed a series of recommendations to the Bolivian State requiring to guarantee an efficient judicial system (114.59).

RECOMMENDATIONS

- ▶ Modify Law N°474 in order to provide the Service for the Prevention of Torture with the necessary independence to meet the relevant international standards.
- ▶ The State must provide Guarantee free and unhindered access for human rights and mental health organizations within detention centers in order to allow them to supervise the services provided to detainees.
- ▶ Reform the Bolivian prison system on the basis of the Mandela and Bangkok Rules, having particular regard to their policies for social reinsertion, inmate classification, the treatment of LGBTI and disabled individuals and the adequate budget and infrastructure.



Detention conditions and monitoring II

Pre-trial detention

- ▶ 4.1. Reduce the use of preventive detention to decrease overcrowding in prisons and also reconsider the justification and exceptionality of this precautionary method.
- ▶ 4.2. Reduce the use of preventive detention, through a specific inter-institutional program – consisting of the three powers of the state, the SEPRET and the civil society. It should make explicit the objectives, stages, indicators and authorities subjected for periodic and lawful accountability.
- ▶ 4.3. Adopt legislative, judicial and administrative measures as a matter of urgency, to replace preventive detentions with alternative measures (house arrests, electronic monitoring, assisted freedom, etc.), prioritizing the people belonging to vulnerable groups, based on gender, sexual orientation, age, race, ethnicity or economic class.
- ▶ 4.4. Provide training for the judicial operators about the rules and standards which regulate preventive detention, with the addition that substantial aspects are litigated. Moreover, in oral hearings the need and proportionality of such measures (preventive detention) must be exceptional, well-founded and subjected to periodic review every three months.

Due process rights

PAST UPR RECOMMENDATIONS

- ▶ During the first and second UPR cycles, numerous recommendations were made in reference to the administration of justice (113.20 – 113.21 – 113.22- 113.24 –114.44- 114.45- 114.57 - 114.58 – 114.59 – 114.60 – 114.61 – 114.62 – 114.63 - 114.64 - 114.65 y 114.66).

RECOMMENDATIONS

- ▶ Ensure the independence of the judiciary and allocate sufficient resources for it to function effectively and expeditiously.
- ▶ Create an obligatory postgraduate qualification for all judges and public prosecutors relating to the provision of due process rights.
- ▶ Terminate the use of interim appointments in the judicial and prosecution career paths.



Access to reparation and rehabilitation for torture victims

PAST UPR RECOMMENDATIONS

- No recommendations were made relating to reparation and rehabilitation during the first and second UPR cycles.

RECOMMENDATIONS

- The Bolivian State should implement relevant policies and legislation to ensure that all victims of torture have access to reparations, including State-funded rehabilitation services.
- The Bolivian State must ensure that all professionals, including doctors, psychologists, social workers and lawyers, who come into direct contact with torture victims are trained in offering appropriate rehabilitation services.

The Commission of Truth and reparation for victims of the dictatorships

PAST UPR RECOMMENDATIONS

- During the second cycle of the UPR, Bolivia received and accepted recommendations to investigate, prosecute and provide reparations for human rights violations committed between 1964 and 1982 (113.26) and to create an independent and autonomous Truth Commission in accordance with international standards (114.70).

RECOMMENDATIONS

- The Truth Commission should provide public reports on its work to date and facilitate the participation of victims and their family members without discrimination.
- The State must provide the Commission of the Truth with sufficient resources for the fulfilment of its functions and guarantee its independence so that it can investigate human rights violations in conformity with international norms.
- The State must provide victims with timely and just compensation, including physical and psychological rehabilitation.
- The State should declassify the archives of the Armed Forces and guarantee unrestricted access to those involved in the investigation and to the victims themselves.