

**REPORT OF THE COALITION OF ORGANIZATIONS OF
CIVIL SOCIETY ON HUMAN RIGHTS FOR THE
UNIVERSAL PERIODIC EXAM (EPU) OF BOLIVIA 2019**

Bolivia, February 2019

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1. This report is the result of the evaluation of compliance with the recommendations to the Plurinational State of Bolivia in the 2014 EPU. It is presented by a national coalition of human rights networks with a national presence and representative human rights organizations working for civil, political, economic, social and cultural, rights of populations of children, adolescents, youth, women, sexual and generic diversities, people with disabilities and indigenous and Afro-Bolivian communities in all departments, who from the identification of pending actions we propose a set of challenges in the progressive advancement of compliance with human rights and suggest recommendations to be taken into account in interactive dialogue.
2. **EVALUATION AND MONITORING OF HUMAN RIGHTS POLICIES AND PROGRAMS (Recommendations 114.34 - 113.8 – 114.6 – 113.9 y 113.6).** The System of Human Rights Indicators and the Plurinational System of Monitoring and Statistics of Recommendations on Human Rights (SIPLUS)¹ has been implemented, however, there is no updated data from the 2015 management. ***It is recommended to periodically update the Systems of Human Rights Indicators and the Monitoring of International Recommendations in Human Rights.***
3. **NATIONAL PLAN OF ACTION ON HUMAN RIGHTS (Recommendation 113.7)** The National Plan of Action for Human Rights 2014 - 2018² was drawn up, despite the fact that it had already expired. There is no information on its execution, evaluation processes have not been developed with the participation of civil society. ***Accountability is recommended and public relations and participatory evaluations on the progress in the implementation of the policies and programs of the National Human Rights Action Plan.***
4. **INTERNATIONAL MECHANISMS OF HUMAN RIGHTS (Recommendations 113.1 – 113.4 – 113.2 – 113.3 – 114.1 – 114.2 y 114.3).** The adaptation of the criminal legislation to the Rome Statute is pending. Amendments have not been ratified to improve the implementation of four treaties³ and there is a delay in reporting to the Committee on the Rights of the Children and on Economic, Social and Cultural

¹ <http://www.siplusbolivia.gob.bo>

² <http://www.justicia.gob.bo/images/stories/pdf/PNADH-final-26082014.pdf>

³The Human Rights Community developed in 2009 the MONITORING SYSTEM FOR PROGRESS IN HUMAN RIGHTS (SIMOPREDH), in which it prioritized 14 rights and built indicators that would measure progress in its recognition, guarantee and protection. In 2012, thanks to the support of the Swiss Agency for Development and Cooperation, a web platform was created to make this system accessible via Internet to all people interested in the subject.

Rights⁴, among others. The arrangements of reports doesn't regularly observe spaces for dialogue and consultation with the organized civil society. ***Crimes defined in the Rome Statute must be included in the criminal legislation, ratification of treaty amendments and submission of pending reports to treaty monitoring bodies whose elaboration includes consultations with civil society, establishing mechanisms to operationalize and comply with its Recommendations, as well as the opinions in cases of violation of rights.***

5. **OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS IN BOLIVIA (Recommendation 114.4).** The mandate of the OHCHR concluded in December 2017 after three renewals, leaving the State without the technical assistance provided by this office. ***The open invitation to the special procedures of the Human Rights Council should be maintained and the relationship with the Regional Office of the OHCHR should be encouraged.***
6. **MILLENNIUM DEVELOPMENT GOALS (MDG)⁵ (Recommendation 114.5).** The Unit for Analysis of Social and Economic Policies (UDAPE) reported on important progress in reducing poverty, in the fight against malnutrition, in education, in the provision of basic services and equal opportunities for boys and girls⁶, however, several of the goals of the MDGs were not achieved⁷ and the gender approach was not mainstreamed. ***In this new stage, the Sustainable Development Goals (SDGs) should be the center of public policies and an articulating element between the Government, civil society, the private sector and international cooperation.***
7. **FIGHT AGAINST IMPUNITY (Recommendations 113.26 y 114.70).** In 2017 the Truth Commission⁸, was created, its technical secretariat depends on the Ministry of Justice. It is noted that this body would not coordinate with all organizations of victims of dictatorships⁹. There is concern that there is no progress in the declassification of Armed Forces files and no physical remains have been found of several victims of forced disappearance and murder during the dictatorships. ***The***

⁴ View

:https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=BOL&Lang=SP
⁵1990 and 2015.

⁶ Unit of Analysis of Social and Economic Policies (UDAPE). Eighth progress report on the Millennium Development Goals in Bolivia. La Paz, Bolivia, 2015

⁷ Of the 43 indicators of the Millennium Development Goals (MDGs) assumed by Bolivia, the Jubilee Foundation of the Catholic Church accessed information from 23 and of these, only three met the target set, view at : <http://www.nu.org.bo/noticias/naciones-unidas-en-linea/bolivia-solo-cumplio-3-de-23-metas-de-los-objetivos-de-desarrollo-del-milenio/>

⁸ Created in 2016 through Law No. 879. It begins to function in 2018. Created to clarify the murders, forced disappearances, torture, arbitrary arrests and sexual violence, understood as serious human rights violations, and based on motives political and ideological, occurred in Bolivia from November 4, 1964 to October 10, 1982.

⁹ Since 2012 a vigil has been installed in front of the Ministry of Justice of the Platform of Social Wrestlers against the Dictatorship that until 2018 has no answer.

Truth Commission must be accountable of public accounts for work and results, coordinate and implement the participation of the victims and their families without any discrimination and demand the declassification of the archives of the Armed Forces. The State must guarantee and develop comprehensive reparation processes for the victims of the dictatorship.

8. **DEFENDERS OF HUMAN RIGHTS (Recommendation 115.14).** There is no public policy, regulatory framework or operational mechanisms for the protection of human rights defenders; thus during some civil society mobilizations, arbitrary detentions have been reported.¹⁰ ***The State must implement a public policy, regulatory framework and operational mechanisms for the protection of human rights defenders that enables the investigation of allegations of attacks. Public recognition of the work of defenders is necessary, avoiding their stigmatization.***

9. **FREEDOM OF EXPRESSION AND ASSOCIATION (Recommendations 114.71 – 114.72 – 114.73 -114.74).** Judicial and administrative actions have been denounced against the media and journalists¹¹, in addition to questioning the selective granting of advertising that excludes media with an independent editorial line¹². Law No. 351, on the Granting of Legal Personalities, and its regulatory decree do not comply with international standards on freedom of association, in this sense, the Human Rights Committee recommended the modification of this rule in 2014 to the State and the Special Rapporteur of the United Nations on the Rights to Freedom of Peaceful Assembly and Association, Maina Kiai, raised an appeal called "amicus curiae", in which she provides legal arguments against Article 7.II.1 of Law 351 and Article 19 (g) of Supreme Decree 1597 on its implementation, regarding an abstract action of unconstitutionality by the Ombudsman that was not considered by the Constitutional Court.¹³ ***It is recommended to respect and make effective the constitutional normative framework on the right to freedom of association and the press, guaranteeing full compliance with the printing law. Regarding the right of association, Law No. 351 and the regulatory decree must be amended, in accordance with international standards, as well as simplifying and avoiding***

¹⁰ ABUSES OF POWER AGAINST DEFENDERS OF HUMAN RIGHTS, TERRITORY AND THE ENVIRONMENT, Report on Extractive and Rights in the Andean Region, Association for Human Rights (Aprodeh) Broederlijk Delen Lawyers Collective José Alvear Restrepo (Cajar) Documentation Center Information Bolivia (Cedib) Ecumenical Commission for Human Rights (Cedhu), Bogotá, La Paz, Lima, Quito and Brussels, March 2018, page 38

¹¹ View press releases here: <http://www.anp-bolivia.com/periodistas-y-politicos-denuncian-persecucion/> ; https://www.eldia.com.bo/index.php?cat=1&pla=3&id_articulo=266346; <https://www.eldeber.com.bo/bolivia/Entel-iniciara-juicio-penal-contr-Raul-Penaranda-20190103-7569.html>; http://correodelsur.com/sociedad/20160119_la-att-dice-que-la-radio-que-alberga-a-amalia-pando-es-ilegal.html; http://correodelsur.com/seguridad/20181127_john-arandia-se-siente-perseguido-inseguro-y-amenazado-por-la-policia.html;

¹² <https://mundo.sputniknews.com/americalatina/201805101078575748-america-latna-medios-homenaje-libertades/>

¹³ <https://sur.conectas.org/es/recuperar-espacios-civicos-con-litigacion-respaldada-por-la-onu/>

discretion in the procedures to grant and renew legal personalities, as well as other records that must comply with civil society organizations.

10. **FIGHT AGAINST DISCRIMINATION AND EQUALITY (Recommendations 113.45-114.31-114.32 – 114.33– 114.34 - 114.35 114.36 -114.38– 114.37 - 114.126 – 114.39-114.40 – 113.45 - 114.46).** The approval of the Multi sectoral Plan of the Plurinational State of Bolivia against Racism and all forms of Discrimination (2016-2020) and the training processes developed by the National Directorate for the Fight against Racism with public servants and the education system has been noted as high rates of bullying were detected, discrimination, against homosexuals, lesbians, bisexuals and transphobia, violence and criminalization. However, the General Directorate for the Fight against Racism under the Deputy Ministry of Decolonization does not have enough personnel and lacks the financial capacity to implement the plans approved by the Committee even though they were the result of a consultation processes with civil society. Advances in the agendas of groups in situations of vulnerability and decolonization are limited. It is worrying that the Committee does not take action against anti-rights groups that promote discrimination and hatred against the LGBTI community. Discrimination proceedings do not prosper in judicial courts¹⁴ and there is no database with information disaggregated by gender, gender identity, sexual orientation, race and ethnicity on the complaints presented. There are permanent attacks on the rights conquered by women from anti-fundamentalist and conservative rights groups, who handle the discourse of the existence of a supposed "gender ideology" that would go against social and moral values distorting gender issues and stigmatizing the feminist movement as well as LGBTI people, which encourages discrimination and violence towards them.

11. It is recommended to implement the Multi sectoral Plan against Racism with sufficient resources, create the Departmental Committees where they do not yet exist and strengthen the existing ones; guarantee the participation of civil society and implement affirmative action measures in favor of vulnerable groups. It is necessary to include anti-discrimination content in the educational field and to enhance the messages and reach of media campaigns, avoiding stereotypes and promoting a culture of respect for the dignity of all people. The State must punish acts of discrimination and incitement to hatred and violence, in addition to promoting campaigns to socialize the secular nature of the State that generates peaceful coexistence. Public institutions should refrain from using criteria and religious preceptor for the preparation and application of public policies, especially when they contravene human rights.

12. **JUSTICE ADMINISTRATION (Recommendations 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 -**

¹⁴The Office of the Attorney General of the State issued a report that shows that of 100% of known cases in criminal proceedings only 0.6% concluded with a judgment passed in the authority of res judicata.

114.64 - 114.65 y 114.66). The crisis of the justice system is a structural problem that is based on the lack of independence, the procedural delay, the absence of effective responses and cases of convicted people being innocent¹⁵ has impacted the credibility of the justice system¹⁶. The budget is insufficient, being less than 0.6% in the last 5 years¹⁷. The interim situation persists in the Judicial Branch and the Public Prosecutor's Office. By 2018, only 145 (13%) of the 1082 judges were institutionalized and enjoyed the guarantees of stability, a necessary condition for independence and impartiality¹⁸, the same happens with the Public Ministry, in 2018 it is estimated that less than 10% of prosecutors entered the fiscal career¹⁹.

13. Although the Follow-up Committee to the Conclusions of the Summit has been created and must comply with the justice reform agenda, this mechanism does not involve civil society, nor are there feedback processes with it. On the other hand, there are normative advances in civil matters, but structural problems in criminal matters remain; in terms of court coverage, only 48.08% of 339 municipalities have jurisdictional authority, the Public Ministry reaches 41% and SEPDEP 29% coverage²⁰. Excessive use of pretrial detention is used, 7 out of 10 detainees do not

15 Reynaldo Ramírez, was sentenced in 2015 to 30 years of imprisonment for the crime of femicide; in 2017, following a police report, the innocence of Ramírez was determined and he was released. More information here: <https://www.eldeber.com.bo/santacruz/La-historia-El-calvario-de-un-hombre-inocente-20170705-0041.html>. The judges of the sentencing court that sentenced Reynaldo and the prosecutor assigned to his case were prosecuted for the crime of breach of duty. The prosecuting in the Ramirez case requested that in addition to this crime be prosecuted by others such as delaying justice and malfeasance. More information here: <https://www.eldeber.com.bo/santacruz/Medidas-sustitutivas-para-quienes-lo-sentenciaron-20180403-9460.html>

In March 2018, the Tenth Criminal Sentencing Court of the City of La Paz sentenced Jhiery Fernández to 20 years of imprisonment for rape against "baby Alexander" that supposedly led to his death in 2014. This sentence occurred despite the existence of several contradictions in the expert opinions. In September 2018, an audio was leaked in the media in which supposedly one of the judges of the court determined the innocence of Fernandez and that the sentence came due to external pressures. More information here: <https://www.noticiasfides.com/nacional/seguridad/sentencian-a-20-anos-de-prision-a-medico-fernandez-por-caso-bebe-alexander-386777> y <http://www.lostiempos.com/actualidad/pais/20180918/jueza-admite-inocencia-medico-acusa-cocaricovelasco-guerrero>. Audio available here: <https://www.youtube.com/watch?v=Ne4mFA9DkVo> and you can consult the following link to know the media repercussion of the case here: <https://www.paginasiete.bo/seguridad/2018/9/17/jueza-admite-en-un-audio-que-no-violaron-alexander-que-el-medico-es-inocente-194068.html>.

¹⁶ The South Mail (*correo del sur*), Bolivia among the 10 countries with the worst justice, published on November 20, 2018, available online here: http://correodelsur.com/seguridad/20171120_bolivia-esta-entre-los-diez-paises-con-peor-justicia.html

¹⁷ According to data from the Ministry of Economy and Public Finance, the sum of the budget allocation assigned to the justice sector includes: i) Judicial Branch, ii) Plurinational Constitutional Court, iii) Public Ministry, iv) Public Defense (SEPDEP), v) Victim Advocacy (SEPDAVI), vi) School of Judges, and, vii) Ministry of Justice and Institutional Transparency, has been in percentages less than 0.6% in the last 5 years (2015-2019).

¹⁸ Report on the Situation of Judicial Independence in Bolivia, presented by Bolivian civil society organizations within the 169th period of the IACHR hearings held in Boulder (USA) on October 1, 2018.

¹⁹ Same.

²⁰ CIS-OACNUD, "Bolivian Judicial System: Good practices and work recommendations for the sector", page 91, 2017.

have an enforceable sentence²¹, this are serious levels of prison overcrowding, as of September 2018 there were 19,159 people deprived of liberty for an installed capacity of 5,805 in 51 prisons ²².

14. *It is recommended to guarantee the independence of the Judicial Branch, allocate more resources to the justice sector, put an end to internships in the judicial and fiscal careers and increase the coverage of judicial services to meet the needs of the population. Create an administrative career in SEPDEP and SEPDAVI. Strengthen citizen participation, adopt a law on access to public information and improve the effectiveness of prosecution and punishment of crimes of corruption.*

15. TORTURE (Recommendations 113.5 – 114.42 y 114.43). By Law No. 474 of December 30, 2013, the Service for the Prevention of Torture SEPRET was created, this instance depends on the Executive Body, in breach of the Recommendations and international standards on its independence, in addition to not rendering public accounts of its management. The crime of torture has not been modified according to international instruments²³ and it is observed that it is still used as a method of investigation, intimidation and punishment in detention centers and is recurrent in barracks²⁴. The frequent use of preventive detention²⁵ is considered a form of psychological torture to exercise cruel inhuman and degrading treatment. The overcrowding and lack of basic conditions of accommodation in penitentiaries shape cruel and inhuman treatment. There have been reports of cases of sexual violence committed by police in jails where women were detained preventively²⁶. Likewise, abortion continues to be penalized, despite the recommendations of the United Nations Committees that understand that forcing a child to conceive in certain circumstances is a form of torture²⁷.

16. *It is recommended to amend Law No. 474 granting the Service for the Prevention of Torture the necessary independence in compliance with international standards, with the full participation of civil society. This body must develop its public accountability independent of that of the Ministry of Justice. The prison system must be adapted to the Mandela and Bangkok rules, to define the crime of*

²¹ According to data from the National Directorate of Penitentiary System at 30% of 2018, the number of persons in pretrial detention was 68.13%.

²² According to data from the Directorate General of Penitentiary Regime, exposed at a departmental meeting of the Consultative Committee of the city of La Paz, on November 15, 2018.

²³ The Penal System Code that was abrogated contemplates modifications according to the international standards that must be recovered in the new legislative proposal that accommodates the Plurinational Legislative Assembly.

²⁴ http://www.la-razon.com/nacional/Estudio-tortura-presente-carceles-cuarteles_0_2971502829.html

²⁵ Approximately 70% of the prison population does not have a sentence.

²⁶ <https://www.fiscalia.gob.bo/index.php/noticias/1524-fiscalia-investiga-de-oficio-presunta-violacion-a-subdita-brasilena-en-rurrenabaque>

²⁷ During the first semester of 2017, about 2500 pregnancies (children born alive) of children between 10 and 12 years old were registered in the country.

torture in accordance with international standards; investigate and sanction torture cases and generate a statistical system on these cases. Mechanisms for the rehabilitation and reparation of victims should be implemented, including people convicted of crimes being innocent, it is also necessary to expand the causes that allow the interruption of pregnancy.

17. HUMAN SMUGGLING AND TRAFFICKING (Recommendations 114.48 -114.49 – 114.51 – 114.53 – 114.55-114.50- 114.52 y 114.53). The Multi sectoral Comprehensive Development Plan for the fight against Human Trafficking in 2016-2020 is counted²⁸, having formed service networks for victims. The Regional Action Guide for the early detection of situations of Human Trafficking in border crossings of MERCOSUR and Associated States was approved²⁹. The Special Anti-Crime Force (FELCC) created the Human Smuggling and Trafficking Division³⁰, dissemination and education actions have also been developed.³¹

18. It is observed that the Multi sectorial Plan has not been implemented in its entirety. The attention in the migration posts is not adequate and border control posts are scarce. There is no specialized staff or sufficient reception centers. From 2012 to 2016, 2,591 cases were registered, of which only 44 have reached a sentence³², corresponding to 1.7%.

19. *It is recommended to fully and effectively implement the Multi sectoral Integral Development Plan for the fight against Human Smuggling and Trafficking; implement comprehensive care protocols; harmonize operational and legal instruments against trafficking and develop an instrument to follow up on cases in which public servants are involved.*

20. *It is recommended to promote local inter-institutional networks of immediate attention, sufficient shelters; implement a Statistical Information System on Trafficking and related crimes and disseminate information, as well as a greater allocation of resources for the prosecution of crime and victim assistance, as well as training and specialization for public servants in the subject.*

21. ENVIRONMENT (Recommendations 113.13 - 114.29 – 114.125 - 114.131). Several actions have been taken to guarantee potable water, basic sanitation, water

²⁸ Plurinational Council against Human Smuggling and Trafficking. Report on the Multinational Policy to Combat Trafficking 2016. La Paz, 2016.

²⁹ Cambio Newspaper, <http://www.cambio.bo/?q=node/41622>

³⁰ Ministry of Justice and Institutional Transparency. National Plan to Combat Human Smuggling and Trafficking, 2015-2019. La Paz, 2015

³¹ Same

³² <https://www.paginasiete.bo/seguridad/2017/7/31/2591-denuncias-trata-llegaron-sentencia-anos-146578.html>

resources, irrigation and storm drainage³³ and increased the budget for it.³⁴ However, the increase of oil exploration, road construction³⁵, deforestation and extractive activities, in recent years, has modified and contaminated natural water sources, affecting the environment and health, all accompanied by regulatory flexibility that reduces protection³⁶. The importation of pesticides has increased six fold since 2004 to almost 63 thousand tons of active ingredients per year (INE 2018). More than 70% of the 229 registered active ingredients are highly dangerous for human health and the environment³⁷. According to the Bolivian Institute of Foreign Trade (IBCE), between 2015 and 2016 the import of mercury destined to gold mining increased 646 times, from 369 to 238,330 kilos³⁸, one of the highest figures in the region, responsible for the pollution of several rivers in Bolivia. The CEDIB³⁹ Taking data from the INE, states that less than 100 kilos of mercury were imported in 2010 and confirms that in 2016, 238,330 kilos were imported.

22. It is recommended to implement a comprehensive investment plan and sustainable public policies for the maintenance of watersheds, potable water supply, irrigation and preservation of natural reserves. The Supreme Decrees that protect the environment and the Law No. 969 of Protection, Integral and Sustainable Development of the TIPNIS that violates the intangibility of this indigenous territory must be repealed and the entry of highly polluting elements such as mercury must be restricted, in compliance with the commitments assumed in the Minamata Agreement and pesticides dangerous to human health and the environment.

23. POVERTY REDUCTION (Recommendations 113.12 – 114.10 – 114.11 – 114.12 – 114.13 – 114.14 -114.15 – 114.16 – 114.17 y 114.18). Extreme poverty was reduced by 36.7% during the year 2005 to 17.9% in 2017, which means that around 1.6

³³Ministry of Environment and Water, Initial Public Accountability Audience, 2018, http://www.mmaya.gob.bo/uploads/RENDICION_DE_INICIO_1_PRELIMINAR_A_PRESENTAR.pdf

³⁴<http://www.comunicacion.gob.bo/sites/default/files/media/publicaciones/BOLIVIA%202025%20-%2047-redes.pdf>

³⁵Law N ° 969 of Protection, Integral and Sustainable Development of the TIPNIS leaves without effect the intangibility of that indigenous territory allowing the construction of the road through the center of the Indigenous Territory and National Park Isiboró Séure (TIPNIS) seriously affecting the environment and violating various rights of indigenous peoples.

³⁶D.S. 2195/14 of November 28, on percentage allocation for compensation of environmental impacts in indigenous territories, D.S. 2298/15 of March 18 that modifies the D.S. 29033/07 on consultation and participation for hydrocarbon activities in indigenous territories and the D.S. 2366/15 of May 20, authorizing hydrocarbon activities in Protected Areas.

³⁷Ulrike Bickel: Master's Thesis in Environmental Protection, 2018: Use of pesticides by family farmers in Bolivia. Impacts on health, ecosystems and the peasant economy. Agro ecological alternatives and conclusions to achieve an orientation toward greater sustainability. www.welt-ernaehrung.de/wp-content/uploads/2018/11/Plaguicidas-en-Bolivia_tesis-UBickel.pdf.

³⁸ <https://www.pressreader.com/>

³⁹ Documentation and Information Center Bolivia, <https://cedib.org/bolivia-importacion-de-mercurio-expresado-en-kilogramos-por-ano/>

million people stopped being extremely poor. Likewise, moderate poverty in the same period was reduced from 59.6% to 37.3%, that is, approximately 1.5 million people stopped being poor. According to the United Nations Development Program (UNDP), Bolivia achieved the greatest reduction in poverty in the entire region⁴⁰. Conditional and unconditional transfers, such as the Juancito Pinto, Renta Dignidad and Bono Juana Azurduy Bonds, benefited 31% of the Bolivian population in 2016. However, the World Bank points out that even 1.8 million people live in extreme poverty, with the most vulnerable groups persisting. A study of the International Monetary Fund (IMF)⁴¹ presented in 2018, concluded that Bolivia has the largest informal economy among 158 countries, obtaining a percentage of 62.3% of GDP⁴², this implies the existence of casual workers without social rights. ***It is recommended to implement a sustainable employment policy, develop productive programs in rural areas, industrialize renewable natural resources, control and sanction smuggling more efficiently and carry out the fiscal pact that allows the development of the regions.***

24. EDUCATION (Recommendations 113.45 - 114.9 -114.22 – 114.28 – 114.24 – 114.25 – 114.26 - 114.23 114.23 y 114.27). Literacy and post-literacy programs have been implemented, Bolivia is in second place in the region in granting more resources for Education⁴³. In Bolivia, the schooling of the population aged 15 or over went from an average of 7.1 to 9.3 years in the period from 1996 to 2016. The educational gaps between urban and rural areas have been shortened and there is gender parity, except in poor municipalities. In 2012, the Plurinational Plan for Human Rights Education⁴⁴ was approved, but to date there is no information on the degree of implementation and the results achieved. Also, Supreme Decrees 1302 and 1320⁴⁵ were issued, which establish mechanisms for the eradication of violence against girls, boys and adolescents in education. Despite this, gender violence and discrimination due to gender identity and sexual orientation persists. To date there is no comprehensive, sustainable, secular public policy for education on sexuality and reproduction, which contributes to the prevention of unwanted pregnancies, unsafe abortions, sexual violence and contribution to informed decision-making⁴⁶.

25. *It is recommended to implement a consistent, relevant, integral and secular public policy in the education system, including education for sexuality and reproduction,*

⁴⁰ <http://www.comunicacion.gob.bo/?q=20170806/23979>

⁴¹ Study of dark economies around the world: what have we learned in the last 20 years?

⁴² <https://www.eldeber.com.bo/economia/FMI-Bolivia-tiene-la-economia-informal-mas-grande-del-mundo-20180724-0041.html>

⁴³ <https://www.minedu.gob.bo/files/publicaciones/unicom/Avanzamos/2018/Comunidad-53-min.pdf>

⁴⁴ Through Resolution CNDH 001/2012 of the National Human Rights Council issued on November 23, 2012, <https://www.ohchr.org/Documents/Issues/Education/Training/thirdphase/PlanofAction/NHRI/6.LaDefensoriadelPueblodeBolivia.pdf>

⁴⁵ <https://www.lexivox.org/norms/BO-DS-N1302.html>

⁴⁶ The Ministry of Education and Cultures worked for some years on the Plurinational Plan of Integral Sexuality for the plurinational education system, however, it was not promulgated.

gender equality, non-discrimination and non-violence, in addition to evaluating and reporting on the results of the Education Plan in Human Rights. Literacy and post-literacy programs should be strengthened.

26. **HEALTH (Recommendations 114.19 - 114.20 y 114.30).** There is an Integral System of Health Care⁴⁷ and the MI SALUD Program. In February 2019, Law 1152 of the Unified Health Insurance (SUS) was enacted. According to the National Institute of Health Insurance (INASES) to 2016 only 38.8% of the Bolivian population had access to health insurance, that is, approximately 6 million people did not have insurance. The investment in health shows an increase between 2012 and 2017⁴⁸ paradoxically, these resources were not executed in full. There are deficiencies in infrastructure, equipment and medication provision; 2.5 beds are needed per thousand inhabitants and Bolivia has only one, 2.5 doctors per thousand inhabitants are needed, but only 1.1 are counted; there should be at least 20 linear accelerators and only two or three of these devices are available⁴⁹.
27. It is worrying that the discrimination and stigma associated with HIV continues to be one of the main barriers to their care and prevention, despite the fact that Law No. 3729, "Law for HIV Prevention" facilitates the allocation of 2 million 286 thousand dollars for purchase of medicines and supplies and that international cooperation contributes 8 million for prevention⁵⁰.
28. ***It is recommended to guarantee the sustainability of Universal Health Insurance, strengthen coordination between the three levels of government and provide a comprehensive health service. SUS should be implemented in health centers and mobile hospital programs in indigenous territories.***
29. ***It is recommended to implement sustained care and prevention programs for people with HIV, including children exposed to the virus, in addition to developing permanent awareness programs to fight discrimination and stigmatization towards this population.***
30. **SEXUAL AND REPRODUCTIVE RIGHTS (Recommendations 114.21- 114.11-114.76- 114.112-114.77-113.30).** According to data from EDSA 2016, the coverage of women treated during pregnancy approaches 90% and in post-partum they reach almost 81%, while the delivery care exceeds 70%⁵¹. The Strategic Plan for Sexual

⁴⁷Center of Studies for the Labor and Agrarian Development - CEDLA. Group on Fiscal Policy and Development (GPDF). Health for all. The experiences of local health systems in Bolivia. La Paz, 2017. Page 9.

⁴⁸ Same page 37.

⁴⁹ Same page 70.

⁵⁰ Document from Bolivia to Lima, by the Montevideo Consensus.

⁵¹ https://bolivia.unfpa.org/sites/default/files/pub-pdf/1-informe_Bolivia-CONSENSO-MONTEVIDEO.pdf

Health and Reproductive Health 2016-2020⁵² was designed, however, to date there is no regulation to put it into effect. Also, the Plurinational Plan for the Prevention of Pregnancies in Adolescents and Youth 2015-2020 was approved. However, on average, 246 adolescent pregnancies are recorded every day, according to SNIS data. In 2016, a total of 13,332 births of girls under 15 years of age⁵³ were registered.

31. On the other hand, the Constitutional Court Plurinational dictated the Sentence N° 0206/2014, eliminating the judicial authorization for the access to the legal interruption of the pregnancy (ILE) in cases of violation and incest, besides declaring the constitutionality of the same as well as of the therapeutic abortion, however there are still obstacles in the services to ensure compliance and anti-rights groups even try to eliminate these grounds that allow safe, legal and free access to the ILE. There is no comprehensive law on sexual rights and reproductive rights and lack of information and access to modern and safe contraceptive methods, particularly in rural and indigenous areas, especially in the adolescent and young population, which limits the prevention of unwanted pregnancy and adolescent abortion, mainly rural areas.

32. *It is recommended to approve an Integral Law of Sexual Rights and Reproductive Rights and to implement the National Sexual and Reproductive Health Plan with sufficient technical and economic resources. Strengthen and improve the implementation of the Pregnancy Prevention Plan for Adolescents and Youth. Access to sexual and reproductive quality information and services must be guaranteed. Likewise, compliance with the Plurinational Constitutional Judgment No. 0206/2014 and the generation of regulations necessary to decriminalize abortion must be guaranteed in accordance with the Recommendations of the international human rights mechanisms.*

33. CHILDREN AND ADOLESCENTS. - (Recommendations, 113.19, 113.33, 113.34, 113.35 – 113.38 – 113.40 – 113.43 – 114.118 – 114.123, 113.30- 114.21 -114.11) It is worrying that there are still girls and boys living in prisons with their parents⁵⁴ and that they continue to be victims of violence, especially sexual violence, a situation aggravated by impunity and lack of action with due diligence of the justice system. There is a limited application of the Adolescent Criminal System (Law No. 548). Despite having implemented the Plurinational Plan of the Girl, Boy and Adolescent 2016-2021, there is no information about its progress and results. Although there are regulations and protocols to combat violence, the figures reveal that 83% of children and adolescents are physically and psychologically punished; three of every

⁵²<https://www.minsalud.gob.bo/1967-validan-plan-estrategico-nacional-de-salud-sexual-y-reproductiva-2016-2020>

⁵³ National Health Information System – SNIS, 2016.

⁵⁴ By 2018 there are 615 boys and girls living with their parents, of that total, the largest number, 420 (68%), are in La Paz; 99 in Santa Cruz and 55 in Cochabamba.

ten children are victims of psychological abuse; six out of ten of physical abuse and four of sexual violence (UNICEF, 2016).

34. It is worrying that there are cases of marriages and forced early unions of girls and adolescents, for the year 2012, of the total of adolescent girls (15 to 19 years old), 11.6% of the girls declare that they were united. The proportion of married and unites by simple ages shows that 4.0% of girls under 15 years of age were already united. This percentage increases with age: in those under 18, 16.0% are no longer single. The volume of the girls united could be higher, there is evidence that the prevalence of early marriages is high in the country. It is estimated for 2016 that they married or joined before age 15, 3% of the population in this age group and 22% of girls, adolescents were married or united before age 18.⁵⁵

35. *It is recommended that the State comply with current regulations for the prevention and protection against sexual violence against children and adolescents in the country and permanent prevention programs against all forms of violence. Ensure compliance with Article 106 of Law No. 548⁵⁶, on the protection and security that should be provided to children with parents deprived of their liberty. Likewise, the Restorative Justice of adolescents with criminal responsibility must be complied with.*

36. YOUTH (Recommendation 114.75). In 2013, the Plurinational Youth System⁵⁷ was created and the Multi sectoral Plan for the Comprehensive Development of Youth was drawn up, which must be approved by the Ministry of Planning⁵⁸. Fourteen Municipal Councils were created⁵⁹. It is observed that the processes of incidence and participation of the youth tend to be joint, there is little budget, limited functioning of the Municipal Youth Councils. The centrist adult culture and the ignorance of issues about sexuality, sexual and reproductive rights generates limitations in the decision-making of young people about their own body.

37. *The State must strengthen the Plurinational Directorate, the Plurinational Council, the Departmental and Municipal Youth Councils. Guarantee that youth access information, technical and economic resources to participate in spaces of public institutions, inclusive and free of political-party interference. Likewise, the exercise of their sexual and reproductive rights must be guaranteed.*

⁵⁵ Plan International Bolivia, Report on the Study of Marriage and Forced Unions of Girls in Bolivia, July 2018, page 27,

⁵⁶ Integrate them into extended or substitute families, shelters for the duration of the deprivation of liberty and in areas adjacent to prisons in child development centers or day care centers for children under six years of age.

⁵⁷ In compliance with Law No. 342 of Youth.

⁵⁸As of February 2019 it is not approved.

⁵⁹ Coroico, Viacha, Llallagua, Uncía, Tupiza, Camargo, Sopachuy, San Lucas, Sucre, La Paz, Santa Cruz, El Alto, Punata, Tiquipaya) and three Governorates (Potosí, Santa Cruz, Chuquisaca)

38. PEOPLE WITH DISABILITIES (Recommendation 114.124). Up to 2015 seven thousand children and young people with disabilities attended a regular classroom, which represents an increase of 300% in relation to 2002⁶⁰, despite this, progress is very limited, since the architectural and cultural barriers that make exercise of the right to education, the vast majority of educational units do not have inclusion programs and specialized teachers to work with people with disabilities, persisting a welfare vision. There are no official and disaggregated data on the status of persons with disabilities.

39. *It is recommended to implement educational and inter sectoral policies for the inclusion of people with disabilities at all levels of regular education, with teachers trained to work with this population, including content on human rights and sexual and reproductive rights. In addition to generating specific data about the situation of this population.*

40. PEOPLE DEPRIVED OF LIBERTY (Recommendations 113.23, 114.63 – 114.56 – 113.17 – 113.25 – 114.114, 113.15 – 113.17 - 113.14 - 113.18 -114.47 -113.16 y 114.69). The Law on Decongestion and Effectiveness of the Criminal Procedure System has been enacted in 2014 and the National Plan for Decongestion of the Criminal System has been implemented, and five Presidential Decrees of pardon and amnesty have been issued, the last in April 2018⁶¹. In addition, there were no actions to improve the living conditions of the prison population. The Minister of Government informed that 70% of the total number of people are in preventive detention⁶², evidencing overcrowding. Prison overcrowding in 2016 reached 250%⁶³, the allocation of economic and human resources is low, the conditions of detention do not comply with the minimum rules of the United Nations and the Bangkok rules, affecting the safety of the prison population⁶⁴, as well, In recent years there have been violent conflicts that ended in the death of inmates in some prisons. The penitentiary system does not comply with rehabilitation and social reintegration and there is no Criminal Policy that contemplates the socio-cultural realities of the GLBTI community, people with disabilities and women.

41. *It is recommended to implement reforms to the Bolivian penitentiary system, based on the Mandela and Bangkok rules, which include effective social reintegration policies, classification of inmates, specific procedures and*

⁶⁰ <http://eju.tv/2015/01/al-menos-7-mil-alumnos-con-discapacidad-estudian-en-colegios-de-bolivia/>

⁶¹ Presidential Decree No. 3519 of April 3, 2018.

⁶² <https://www.boliviaentusmanos.com/noticias/bolivia/298961/romero-70-de-privados-de-libertad-en-bolivia-tiene-detencion-preventiva.html>

⁶³ The Application of Preventive Detention in the Departments of Cochabamba and La Paz, Office of the High Commissioner of the United Nations for Human Rights, 2016, page 18.

⁶⁴ Construir Foundation. Good practices and access to justice for the population deprived of liberty in Bolivia, from the Construir Foundation. La Paz, 2015

differential treatment for the GLBTI community, disabled people and women. In addition to providing you with sufficient budget and necessary infrastructure. The regulations that preventive detention is an exceptional measure must be complied with.

42. MIGRANTS (Recommendations 113.27 -114.41 y 114.78). Since 2016⁶⁵, several plans have been implemented to regularize the stay of foreigners⁶⁶, the last one in October 2018. Among the negative aspects, discrimination and xenophobia persist due to stereotypes referring particularly to people of Peruvian, Colombian and Venezuelan origin. Various means of communication contribute to the stigmatization of this population reproducing in many cases the stereotypes, which enables them to get work and rent housing⁶⁷.

43. *It is recommended to adopt measures to eliminate discriminatory perceptions and promote the integration of migrants in society by guaranteeing their rights. Strengthen the actions of the Committee to Combat Discrimination in relation to the migrant population.*

44. INDIGENOUS, PROVINCIAL (PEASANT) AND AFROBOLIVIAN COMMUNITIES (Recommendations 113.46, 114.29, 114.130, 114.132, 114.135 y 114.127). There are advances regarding the literacy rates⁶⁸ and school attendance rates of indigenous people⁶⁹. Regionalized curricula have been implemented, although they only reached a total of 7 out of 47 indigenous people and 36 languages⁷⁰, in addition to implementing telecentres in rural areas with computer equipment and teaching materials. Law No. 848 declares the national decade called Afro-descendants, Recognition, Justice and Development (2015-2024).

45. The systematic failure to consult the indigenous people is observed specifically in the mining, hydrocarbon and large infrastructure sectors⁷¹. On access to land and

⁶⁵ From the National Census of Immigration Regularization.

⁶⁶The data shows 60,647 registered migrants from 84 countries; of these, 38,036 (62.7%) are settled in Santa Cruz and 37.3% are in the other departments. The Brazilian colony is the one with the greatest presence in the country, followed by Peruvians, Colombians, Chileans and Argentines. Among the first ten on the list are also Americans, Chinese and Spanish.

⁶⁷Bethel Núñez, Representative of the Observatory of Racism and Discrimination.

⁶⁸It shows that the original indigenous peasant Chiriguano population has the highest percentage of literacy (99.0%), followed by the original indigenous peasant village Ayllu Porco (98.9%) and then the Sirionó (98.1%), the Joaquiniano (97.9%), Guarayo (97.5%), Huari (97.5%), Moré (97.5%), Qhapaq Uma Suyu (97.4%), Itonoma (97.4%), Canichana (97.2%), Aroma (97.2%) and Uru Chipayas (97.2%).

⁶⁹Qhapaq Uma Suyu 96.4%, Uchu pamionas 92.5%, Chiriguano 92.3%, Monkox 92.3%, Bésiro 92%, Tapiete 90.6%, Pacahuara 90%, Corque 90%, Chichas 88.8%, Ayllu Jila 88.6%, Jacha Carangas 88.4% and Ayllu Porco with 88.1%.

⁷⁰ <http://www.paginasiete.bo/sociedad/2017/9/9/baja-analfabetismo-27-indice-bajo-historia-151427.html>

⁷¹ <http://fobomade.org.bo/2017/08/03/derecho-a-la-consulta-previa-libre-e-informada-de-los-pueblos-indigenas-en-bolivia/>

territory, indigenous peoples suffer constant enslavement⁷²; likewise, of settlers who, with arbitrary authorizations issued by INRA, usurp the legally titled indigenous territories⁷³. The Plurinational Electoral Body is not an ideal body to supervise prior consultation processes on mining issues, since they do not have a specialty in these matters. On the other hand, Law No. 450 of Indigenous Protection in voluntary isolation and especially vulnerable has not been regulated and measures have not been implemented to protect the lives and territories of indigenous peoples at greater risk. Programs for the recovery and revitalization of native languages are postponed and justice operators are mostly unaware of the rights of indigenous and Afro-descendant communities⁷⁴.

46. *The State must strengthen literacy programs for indigenous and Afro-descendant peoples, provide the rural population with sufficient educational units, incorporate indigenous universities into the national university system, and allocate greater resources for intracultural and intercultural education policies. It is necessary to guarantee that no settlement authorizations are granted on indigenous territories and the State must promote prior consultation processes with indigenous peoples in good faith with broad participation in their implementation of civil society organizations.*

47. *It must safeguard the lives of extremely vulnerable, uncontacted people and voluntary isolation, implementing measures to delimit its territory and protect it from activities that put them at risk, as well as creating a specialized state instance in prior consultation, with the participation of civil society, to ensure that processes are carried out properly.*

48. *Train and specialize system operators in indigenous issues and strengthen indigenous justice. Generate statistical data disaggregated by gender and ethno-racial of the Afro-Bolivian people, in all sectors and institutions of the State for decision-making and appropriate actions in the framework of the International Decade for People of African Descent (2015-2014) and resolution 69/016 of the Program of Activities of the Decade and Incorporate an ethno-racial perspective in the System of Integral Planning of the State in order to respond to the problems of Afro-Bolivian populations.*

⁷² <https://cejis.org/pronunciamiento-del-encuentro-resistiendo-desde-los-territorios-indigenas/>

⁷³ Subcentral of Indigenous Councils of the Multiethnic Indigenous Territory I, Subcentral of the Indigenous Territory Isiboro Sécure National Park (TIPNIS), Indigenous Central of Communities Originating of Lomerío (CICOL), Guaraní Captaincy North Charagua (2018) Memory of the Meeting Resistances of the indigenous territories. Bases for a coordinated action. CEJIS-APCOB-CEDIB-CIPCA-TIERRA-Collective Tree. Santa Cruz de la Sierra

⁷⁴ CNAMIB (2017) Human Rights of indigenous people. Situation report 2016 (Bolivia). IWGIA-NINA-ORÉ. Santa Cruz de la Sierra

ORGANIZATIONS OF THE COALITION

1. ABO
2. ABP Cacao Beni
3. AGRUPACION MUJERES TRABAJANDO POR LA IGUALDAD amTIDES
4. AIPE
5. Alta JVD2 Barrios Mineros
6. AMTSC
7. APAP
8. APCOB
9. APISASC/HD
10. APP Bolivia
11. APPI
12. APROSAH
13. Asamblea del Pueblo Guaraní
14. Asamblea Permanente de Derechos Humanos de Bolivia
15. Asamblea Permanente de Derechos Humanos de Cochabamba
16. Asamblea Permanente de Derechos Humanos de La Paz
17. Asamblea Permanente de Derechos Humanos de Pando
18. Asamblea Permanente de Derechos Humanos de Tarija
19. Asamblea Permanente Derechos Humanos de Chuquisaca
20. Asociación Aguayo
21. Asociación de Comerciantes Minoristas
22. Asociación de Padres, Madres y Familias de Niños, Niñas y Jóvenes con discapacidad Jach'a Uru
23. Asociación de Víctimas
24. Asociación Discapacidad Estudiantes UMSS
25. Asociación Nacional de Periodistas
26. Asociación Padres con Autismo Potosí
27. Asociación Psinergia
28. ASOCRUZ
29. Aywiña
30. CAEP
31. Campaña Boliviana por el Derecho de la Educación
32. CANOB
33. CAOI
34. Capítulo Boliviano de Derechos Humanos, Democracia y Desarrollo
35. CCNAGUA
36. CDST
37. CECASEM
38. CEDIB

39. CEJIS - BENI
40. CEJIS – Santa Cruz
41. Central Campesina de San Jacinto
42. Centro Afroboliviano para el Desarrollo Integral y Comunitario (CADIC)
43. Centro de Cultura Popular CCP- AMAZ
44. Centro de Madres Tomas Frías - Potosí
45. Centro Femenino Victoria
46. Centro Rebeldía
47. CEPROSI
48. CETA-CJA
49. CICOL
50. CIPCA
51. CIPCA BENI
52. CIP-SJ
53. CISTAC
54. Colegio de Trabajadores Social
55. Comité Cívico Femenino
56. Comité Impulsor de la Agenda Política y Legislativa desde las Mujeres
57. Comunidad de Derechos Humanos
58. CONAGUA
59. CONATROSC
60. Consejo Deporte
61. Consejo Municipal de la Mujer
62. Cooperativa 10 de noviembre
63. Cooperativa Villa Imperial
64. Cruz Roja Bolivia Filial Santa Cruz
65. D.M.S.C.
66. D-10
67. Derechos en Acción
68. DESAFIO
69. ECAM
70. EEA - Imata Beni
71. FEBOS
72. FEDECOMIN
73. FEDEMETRA Medicina Tradicional
74. Federación de Mujeres Huanuni
75. Federación Gremial
76. FEJUVE Cercado
77. FENACIEBO
78. FENATRAHOB
79. Fondo de Mujeres Bolivia

80. FORO AMUPEI
81. FRATER
82. Fundación Colectivo Cabildeo
83. Fundación CONSTRUIR
84. Fundación Esperanza Desarrollo y Dignidad (FEODIG)
85. Fundación Munasim Kullakita
86. Fundación para el Periodismo
87. Fundación Tribuna Constitucional
88. Fundación UNIR
89. Fundación Viva
90. Fusindo
91. GOTIC Betanzos
92. IIMS (Instituto de Investigaciones Médico Sociales)
93. INTERTEAM
94. IPAS Bolivia
95. ISALP
96. ITEI
97. JCI Santa Cruz
98. JEBUF
99. JIS
100. Libertades Laicas
101. Litoral
102. Manope
103. Misión Internacional de Justicia (IJM)
104. MPA
105. Mujeres por la Amazonia
106. Ni una Menos
107. Observatorio de Derechos
108. PADEM
109. Plataforma de Mujeres por la Ciudadanía y la Equidad
110. Plataforma Unidos por Tariquía
111. Promotoras Comunitarias
112. PROMUTAR
113. Red Chimpu Waini
114. Red HABITAD
115. Red Paridad MUPET-ACOP
116. Red Viva
117. SCED
118. SEMTA LA PAZ
119. Sindical Koriteca
120. Sindicato de Trabajadoras Asalariadas del Hogar de Sucre

121. SINOSTRAP
122. Sirparispa
123. SITRAHOS
124. SITRAHPAN
125. Sub Central TIPNIS
126. Teo Movimiento SPIM Beni
127. TIERRA
128. U.E. Cobija "A"
129. U.E. José Manuel P.
130. UATF
131. UDABOL
132. UMBO-CIM ORURO
133. UNITAS
134. Universidad Privada DOMINGO SAVIO
135. Urbanización Hamancollo Pampa Sola
136. Veeduría Ciudadana de Derechos Humanos
137. Voluntarios San Lorenzo
138. WIÑAY