

Universal Periodic Review (34th session, October-November 2019)
Contribution of UNESCO

Bolivia (Plurinational State of)
(Right to Education)

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party (17/08/2017)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	04/10/1976 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	28/02/2006 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	04/08/2006 Ratification			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Constitution of 2009 of Bolivia**¹ enshrines the right to education in **Article 17**. **Article 14** of the Constitution provides that no one should be discriminated against on grounds of sex, color, age, sexual orientation, culture, nationality, citizenship, language, religion, etc. According to **Article 77**, education constitutes a supreme function and first financing responsibility of the State, which has the obligation to promote, guarantee and manage it. **Article 78** grants that education is multilingual and the State shall provide technical and vocational education. **Article 79** provides for human rights education and **Article 81** states that state education is compulsory until the end of secondary level. The Constitution stipulates that people with disabilities should be granted the same rights with regard to education (**Articles 70 and 71**), notably by establishing special curriculum (**Article 85**). In addition, the State shall with priority support students with less economic opportunities to have access to the different levels of the education system through feeding programmes, clothes, transport, school material, etc. (**Article 82**). Moreover, *Title II, Chapter VI*, Section II is dedicated to Education and Higher education and regulates public and private universities (Articles 91 to 97).

2. The **Education Law n° 070 of 2010** provides that everyone has the right to education in a universal, productive, free, integral and intercultural way, without discrimination (**Article 1.1**)². **Article 1.8** makes public education free and compulsory until obtaining the diploma of secondary education. The **Education Law n° 070 of 2010** focuses on ‘decolonizing’ education, and states that education is intracultural, intercultural and multilingual in the entire system (**Article 1.5 – 1.6**).³ **Article 7** specifies the policy as to multilingual instruction, with education initiated in the mother tongue or Spanish depending on the predominant community, and promotes the teaching of a foreign language.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. The Plurinational Constitution of the State of Bolivia, enacted in 2009, guarantees freedom of expression (Article 106, paragraph II), opinion and information as well as the right to freely broadcast ideas by any medium, without prior censorship.⁴

4. The Bolivian Penal Code adopted in 2003 establishes under Articles 309, 310 and 311 sanctions for the offenses of defamation, and under article 246, punishment for the use of personal

¹ The Constitution of Bolivia, 2009. https://www.constituteproject.org/constitution/Bolivia_2009.pdf

² Unofficial translation of Education Law no. 070 of 2010. <http://uil.unesco.org/i/doc/lifelong-learning/policies/bolivia-education-law-avelino-sin-ani-elizardo-perez.pdf>

³ Ibid.

⁴ UNESCO MDIs, <https://unesdoc.unesco.org/ark:/48223/pf0000246906> (p. 21)

data or confidential information of others "in order to affect the image and dignity of the victim."⁵

5. The Constitution in Article 106 provides that the state “guarantees the right to communication and the right to information”. Further, Article 21, subsection 6, guarantees Bolivian citizens the right “to access information”.

6. Nevertheless, Bolivia has no specific law guaranteeing access to public information.

Implementation of legislation:

7. The Law on Telecommunication, Technology and ICT and Communication⁷ establishes the Telecommunication and Transportation Regulation and Supervision Authority (ATT), which regulates the broadcasting sector. The Authority operates under the auspices of the Ministry of Public Works, Services and Housing.⁸

Safety of Journalists:

8. Since 2008, UNESCO has condemned the killing of one journalist in Bolivia. The case has been resolved.

III. Review and specific recommendations

A. Education

9. During the last UPR cycle, Bolivia received recommendations to improve educational infrastructure, combat discrimination in education and ensure that girls, children with disabilities, indigenous peoples, Afro-Bolivians and other disadvantaged communities and groups are able to exercise fully their right to education.

Policy framework

- The Ministry of Education issues every year specific resolutions for each subsystem with the aim of “regulating the procedures of the organization and implementation of educational and school management”.⁹

⁵ <http://senado.gob.bo/sites/default/files/LEY%201005%20C%C3%B3digo%20del%20Sistema%20Penal%2014-12-17%20PL%20122-17-18.pdf>

⁶ <https://knightcenter.utexas.edu/blog/00-19174-bolivian-journalists-declare-emergency-regarding-parts-new-penal-code-criminalize-defa>

⁷ <https://att.gob.bo/sites/default/files/archivospdf/Ley%20164%20%20Ley%20General%20de%20Telecomunicaciones%2C%20Tecnolog%C3%ADas%20de%20Informaci%C3%B3n%20y%20Comunicaci%C3%B3n.pdf>

⁸ UNESCO MDIs, <https://unesdoc.unesco.org/ark:/48223/pf0000246906> (p. 27)

⁹ Ibid, p. 3.

Funding

- In 2014 government education expenditure as percentage of GDP was 7.1%, education share of total government expenditure 16.8%.¹⁰

Access to education

- The Bolivian education system provides 2 years of compulsory and free pre-primary education and 12 years of compulsory and free primary and secondary education.¹¹
- There is a gross enrolment rate of 99% at primary level (2017), although completion rates do fall throughout the system, with 96% completing primary, 92% completing lower secondary and 80% completing upper secondary (2013).¹²
- Bolivia's achievements in fulfilling child and adolescent rights to education are significant, but exclusion is also evident as a result of uneven progress: 4 out of 10 children of preschool age are not enrolled, one in ten primary schoolchildren do not transition to secondary school, and 4% of children drop out before completing their schooling.¹³
- Children in remote rural areas often drop out of school due to difficulties with access. In 2012, 18% of adolescents between 12 and 17 years of age living in rural areas dropped out, compared to 8% in urban areas.¹⁴

Quality education

- Quality education is critical to ensure adequate learning outcomes and it is particularly important to measure the results of the education reform and implementation of the new intra, intercultural and plurilingual education model (EIIP). Currently, Bolivia does not have any strong method to measure quality of education.¹⁵

School dropout

- School dropout rates can be high, often due to children's engagement in economic activities (mainly affecting boys) – in 2008, 28% of Bolivian population between 5 and 17 years were involved in economic activities.¹⁶

Literacy

- Literacy rate of adults was 92% in 2015, with 77% of illiterates being female.¹⁷

Disabilities

¹⁰ Global Education Monitoring Report, 2019, p. 285. <https://unesdoc.unesco.org/ark:/48223/pf0000265866>

¹¹ Ibid, p. 284.

¹² Ibid, p. 294.

¹³ Unicef Country Report 2015, Bolivia, p. 29. https://www.unicef.org/about/annualreport/files/Bolivia_2015_COAR.pdf

¹⁴ Ibid, p. 25.

¹⁵ UNICEF Bolivia: Country programme strategy notes for 2018-2022, 2017, p. 26.

http://files.unicef.org/transparency/documents/Final%20PSN%20Bolivia_100517.pdf

¹⁶ UNICEF Bolivia: Country programme strategy notes for 2018-2022, 2017, p. 26.

http://files.unicef.org/transparency/documents/Final%20PSN%20Bolivia_100517.pdf

¹⁷ Global Education Monitoring Report 2019, p. 311. <http://unesdoc.unesco.org/images/0026/002658/265866E.pdf>

- Children with disabilities have lower levels of school enrolment and high dropout rates. Most of those who are enrolled are in special, segregated schools.¹⁸

National minorities

- **Law n° 045 against Racism and any Form of Discrimination of 2010**¹⁹ states that the State shall promote the implementation of institutional policies of prevention and fight against racism and discrimination in universities, public and private institutes and in the national education system at preschool, primary and secondary levels. The State shall also promote human rights education in formal and non-formal education curriculum in order to promote respect of diversity.
- Bolivia “has the highest share of indigenous peoples in the Americas, with 42 per cent of the country’s 10 million population forming more than 37 indigenous nations.”²⁰
- To ensure that the right to education of minorities is protected, the State of Bolivia has developed regionalized curricula, the publication of alphabets and school booklets in indigenous languages, the establishment of indigenous universities, scholarships and educational material for indigenous peoples and the establishment of the Plurinational Institute for the Study of Languages and Cultures.²¹
- Respecting diversity, the **2010 Education Law** was developed in conjunction with social organizations, mainly with indigenous and aboriginal farming peoples, intercultural communities and Afro-Bolivian people to aim for an education system that is intracultural, intercultural and multilingual.²²
- It has been noted that indigenous peoples face two large challenges in their access to education: insufficient access to education facilities, and exclusion of their culture and traditions from formal education curricula. Although legislation reinforces bilingual and intercultural education, its implementation remains weak. Access to formal education for indigenous peoples and communities is severely restricted, particularly in rural areas. Illiteracy rate remains high for the indigenous population, especially for indigenous women in rural areas.²³

¹⁸ Concluding Observations of the CRPD, 2016, para 55.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/BOL/CO/1&Lang=En

¹⁹ Unofficial Translation of Law no. 045 of 2010. <https://www.acnur.org/fileadmin/Documentos/BDL/2014/9502.pdf>

²⁰ UNICEF Bolivia: Country programme strategy notes for 2018-2022, 2017, p. 3.

http://files.unicef.org/transparency/documents/Final%20PSN%20Bolivia_100517.pdf

²¹ Bolivia Report submitted for the Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education, 2016, p. 10. http://www.unesco.org/education/edurights/media/resources/file/Reporte_-_Convencion_relativa_a_la_lucha_contra_las_discriminaciones_en_la_esfera_de_la_enseanza-1960.pdf

²² Ibid, p. 10.

²³ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 2013, p. 9. <https://documents-ddsny.un.org/doc/UNDOC/GEN/G13/133/17/PDF/G1313317.pdf?OpenElement>

Gender

- The gender gap in Bolivian education has decreased substantially since 2001. In 2012, enrolment rates were practically identical in the aggregate of all levels of general education: 81.8% for women and 82.2% for men.²⁴
- There are still concerns surrounding the high prevalence of gender-based violence and elevated rates of teenage pregnancy (18 per cent on average) which can hinder completion of education. Gender inequality in society means that even with similar levels of education, men earn 47% more than women for the same work.²⁵

Specific recommendations:

10. Bolivia should be encouraged to:
 1. Consider ways to reduce child labour and incentivize children to stay in school whether it be through offering alternative forms of secondary education, improving the quality of education to increase the chance of better jobs in the future, or other means.
 2. Ensure further access to education for persons with disabilities, women and children, members of indigenous communities and those living in remote, rural areas.
 3. Improve further the quality of education offered to indigenous groups and communities, Afro-Bolivians and other disadvantaged groups and continue to develop a culturally responsive educational environment.
 4. Develop educational monitoring systems to measure learning outcomes and the effect of policy reform on the quality of education.
 5. Develop initiatives that reduce instances of adolescent pregnancies and gender-based violence, including by increasing access to comprehensive sexuality education and adequate sexual and reproductive health services.
 6. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
 7. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.²⁶

B. Freedom of opinion and expression

11. The Government is encouraged to introduce freedom of information legislation.
12. The Government is recommended to decriminalize defamation and place it within the civil code that is in accordance with international standards.

²⁴ Bolivia Report submitted for the Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education, 2016, p. 1. http://www.unesco.org/education/edurights/media/resources/file/Reporte_-_Convencion_relativa_a_la_lucha_contra_las_discriminaciones_en_la_esfera_de_la_enseanza-1960.pdf

²⁵ UNICEF Bolivia: Country programme strategy notes for 2018-2022, 2017, p. 3. http://files.unicef.org/transparency/documents/Final%20PSN%20Bolivia_100517.pdf

²⁶ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

13. The Government is encouraged to strengthen independence of the Telecommunication and Transportation Regulation and Supervision Authority.

14. The Government is encouraged to continue to investigate any future cases of killed journalists, and continue to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists.

C. Cultural rights

15. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁷, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁸ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²⁹, Bolivia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Bolivia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

16. **Bolivia** submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). **Bolivia** reported that the guiding principles of the 1974 Recommendation, including the principles of respect for autonomy, freedom of research, non-discrimination, and respect for the human rights of researchers, are guaranteed by the Constitution of Bolivia (Plurinational State of). Furthermore, Bolivia reported that the scientific researchers' right to disseminate the results of research is guaranteed to all Bolivian researchers who have the possibility to register their publications for free through local institutions such as the Intellectual Property Service – SENAPI (supported by Law). Furthermore, Bolivia indicated that through the Bolivian Information System Programme, Bolivian scientists have free access to a broad range of full text and bibliographic databases designed for research. Bolivia indicated that scientific research, technological advancement and

²⁷ Periodic Report available at: <http://whc.unesco.org/archive/2013/whc13-37com-10A-en.pdf>

²⁸ Periodic Report available at: <https://ich.unesco.org/en/state/bolivia-plurinational-state-of-BO?info=periodic-reporting>

²⁹ Periodic Report available at: <https://en.unesco.org/creativity/governance/periodic-reports/2017/bolivia-plurinational-state>

education are among national development priorities. According to the Bolivia national report, the re-nationalization of hydrocarbons industry increased the budgets of the Bolivian public universities that are beneficiaries of hydrocarbons tax revenue, which allows them to fund scientific activities in an independent manner. The amount allocated to universities is 8.62% of total tax received by Bolivian hydrocarbons exports. Bolivia indicated that the Ministry of Education through its Science and Technology Vice-ministry leads research networks, which gather together more than 400 Bolivian researchers. Among the research networks there are working groups on biodiversity, water resources and environmental issues, as well as on ancestral knowledge with a focus on revalorizing indigenous knowledge. These networks receive mobility support and access to publications. In future, **Bolivia** is encouraged to report to UNESCO on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.