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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.



I. Introduction

1. In keeping with its commitments under the universal periodic review mechanism, the Plurinational State of Bolivia (hereinafter “Bolivia”, “the State” or “the Bolivian State”) is pleased to present to the Office of the United Nations High Commissioner for Human Rights its position on the 238 recommendations that it received during its review.

2. The present report was prepared by the Bolivian Inter-institutional Coordination Forum for the Drafting, Submission and Presentation of Reports,¹ headed by the Ministry of Justice and Institutional Transparency, after a process of broad consultation with 36 public entities representing the four branches of State and with civil society,² during which the recommendations received were reviewed.

3. The Bolivian Government recognizes that significant challenges exist in the area of human rights and reiterates its commitment to upholding these rights and promoting their realization throughout the country. The Government is committed to addressing the accepted recommendations in a timely manner, in coordination with the central State authorities, the autonomous territorial entities and civil society organizations, fostering the appropriate legal and structural changes and adopting the public policies needed to establish the conditions for full and unrestricted respect for human rights.

II. Recommendations accepted by the Bolivian State

4. Recommendations 115.1, 115.4, 115.7, 115.9, 115.10, 115.12, 115.13, 115.15, 115.16, 115.17, 115.18, 115.19, 115.20, 115.21, 115.22, 115.23, 115.24, 115.25, 115.26, 115.27, 115.28, 115.32, 115.33, 115.35, 115.40, 115.41, 115.42, 115.43, 115.44, 115.45, 115.47, 115.50, 115.53, 115.54, 115.55, 115.58, 115.63, 115.65, 115.66, 115.68, 115.70, 115.72, 115.73, 115.75, 115.80, 115.83, 115.85, 115.89, 115.90, 115.91, 115.92, 115.93, 115.94, 115.95, 115.96, 115.97, 115.98, 115.99, 115.100, 115.105, 115.106, 115.107, 115.108, 115.110, 115.112, 115.113, 115.114, 115.115, 115.117, 115.118, 115.119, 115.120, 115.121, 115.123, 115.124, 115.125, 115.126, 115.131, 115.132, 115.134, 115.136, 115.140, 115.141, 115.147, 115.149, 115.150, 115.159, 115.160, 115.161, 115.162, 115.163, 115.164, 115.165, 115.166, 115.167, 115.168, 115.169, 115.170, 115.172, 115.173, 115.175, 115.176, 115.177, 115.178, 115.179, 115.180, 115.181, 115.185, 115.187, 115.190, 115.191, 115.193, 115.198, 115.199, 115.201, 115.202, 115.211, 115.214, 115.216, 115.219, 115.221, 115.222, 115.223, 115.224, 115.228, 115.231, 115.232, 115.237, 115.238.

A. Recommendations accepted by the Bolivian State that have already been or are in the process of being implemented

5. Recommendations 115.2, 115.3, 115.5, 115.8, 115.14, 115.29, 115.34, 115.36, 115.37, 115.38, 115.46, 115.48, 115.51, 115.52, 115.56, 115.60, 115.61, 115.62, 115.64, 115.69, 115.74, 115.76, 115.78, 115.81, 115.84, 115.86, 115.87, 115.88, 115.104, 115.109, 115.111, 115.116, 115.122, 115.127, 115.128, 115.129, 115.130, 115.133, 115.135, 115.137, 115.138, 115.139, 115.145, 115.146, 115.148, 115.151, 115.158, 115.171, 115.174, 115.182, 115.183, 115.184, 115.186, 115.188, 115.189, 115.192, 115.194, 115.195, 115.196, 115.197, 115.200, 115.203, 115.204, 115.205, 115.206, 115.207, 115.208, 115.210, 115.212, 115.215, 115.220, 115.226, 115.230, 115.233, 115.234, 115.235, 115.236.

B. Recommendations partially accepted by the Bolivian State

Recommendation 115.39

6. The Bolivian State accepts the recommendation insofar as it pertains to the independence of the judiciary. With regard to the independence of electoral judges, however, such judges are appointed by the Departmental Electoral Courts and their mandate is limited to ensuring respect for political rights and safeguards during elections

and referendums and when officials are removed from office. The Plurinational Electoral Bureau is independent and autonomous.

III. Recommendations of which the Bolivian State takes note

Recommendations 115.6, 115.71, 115.142, 115.143 and 115.144

7. Bolivia is committed to adopting the measures necessary to prepare the relevant documents through the Comprehensive State Planning System, with due respect for periodicity.³

Recommendations 115.11, 115.67, 115.77, 115.82, 115.152, 115.155, 115.156, 115.157, 115.225, 115.227 and 115.229

8. The State takes note of the recommendations and will take the steps necessary to amend or implement the relevant legislation.

Recommendations 115.30 and 115.31

9. The Service for the Prevention of Torture⁴ is a decentralized public institution with nationwide reach⁵ that has administrative, financial, legal and technical autonomy and sufficient human and financial resources to operate independently.⁶ In establishing the Service as a decentralized body, the Government took account of the provisions of article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

10. The Service for the Prevention of Torture is the national mechanism for the prevention of torture and other cruel, inhuman, degrading or humiliating treatment or punishment in the Plurinational State of Bolivia.

11. Supreme Decree No. 2082 of 21 August 2014 governs the structure and operations of the Service for the Prevention of Torture and provides that it is competent to visit detention centres, prisons, special facilities, facilities for young offenders (juvenile justice system), military prisons, police and military training centres, military barracks and any other institution, without discrimination of any form, throughout the territory of Bolivia.

Recommendation 115.49

12. The State considers that there are no legal provisions in force which might limit access to justice for persons with disabilities. The necessary steps will nonetheless be taken to identify any provisions that might limit this right.

Recommendations 115.57 and 115.59

13. The Truth Commission was operational for a fixed period only and concluded its work on 20 December 2019. It had sufficient human and financial resources to operate and perform its duties.

Recommendation 115.79

14. The Bolivian Government does not engage in any form of pressure, monitoring or surveillance of reporters and journalists.

Recommendations 115.101, 115.102 and 115.103

15. Through Plurinational Constitutional Decision No. 0028/2017-ECA of 13 November, it was decided that the consequences of a change of gender identity should be discussed between the Plurinational Legislative Assembly and stakeholders in the community concerned with a view to formulating relevant legislation, in accordance with constitutional provisions.

16. The necessary steps will therefore be taken to establish a democratic space in which the issue can be discussed with the community concerned, in accordance with the Constitution, with a view to producing draft legislation.

Recommendations 115.153, 115.154, 115.155 and 115.156

17. Through Plurinational Constitutional Judgment No. 0206/2014 of 5 February, the Plurinational Constitutional Court abolished the requirement to obtain judicial authorization for access to legal abortion services when a pregnancy is the result of rape, statutory rape, incest or kidnapping and when the woman's life or health is at risk. As a result, in the latter circumstances an abortion may be performed upon presentation of a medical report explaining the need for the procedure, while, in the other circumstances mentioned, public and private sector health service providers may perform a legal termination of pregnancy upon presentation of a copy of the relevant police report.

18. Through Ministerial Decision No. 0027 of 29 January 2017, the Ministry of Health adopted the Technical Procedures for the Provision of Health Services in accordance with Plurinational Constitutional Judgment No. 0206/2014, which govern the provision of health-care services for the safe and legal termination of pregnancy.

19. In order to protect women's health and to ensure respect for sexual and reproductive rights by allowing safe and legal abortion services in all situations and for all women and girls within the framework of the aforementioned constitutional decision, the Ministry of Health has developed clinical protocols for health personnel on the use of misoprostol in gynaecology and obstetrics and a model for the comprehensive care of victims of sexual violence.

20. The Ombudsman's Office is responsible for ensuring that medical personnel comply with the Plurinational Constitutional Decision in practice and that they apply the above-mentioned protocols.

Recommendations 115.209, 115.213, 115.217 and 115.218

21. The Constitution expressly prohibits forced labour and child exploitation and provides that the activities carried out by children and adolescents in family and social settings must contribute to their comprehensive development and have a formative function, and that, to this end, their right to protection, safeguards for this protection and the institutional mechanisms in place to guarantee such protection should be set out in special regulations.

22. Through the promulgation of Act No. 1139 of 1 December 2018,⁷ pursuant to which it is no longer possible for exceptions to be made to the minimum working age, the State has undertaken to ensure that children between the ages of 14 and 18 years old who are working, whether for themselves or for someone else, enjoy the same rights as adult workers.

23. The bodies responsible for protecting children and adolescents at the national, departmental and municipal levels have a duty to remove children and adolescents from work situations that are unsafe, unhealthy or detrimental to their dignity, to prevent them from returning to dangerous activities and to provide advice and temporary support in order to guide them towards an area of work in which their rights are protected.

Notes

- ¹ The Inter-institutional Coordination Forum for the Drafting, Submission and Presentation of Reports of the Plurinational State of Bolivia was established pursuant to an inter-institutional cooperation agreement concluded on 1 December 2015. It comprises representatives of the Ministry of Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General's Office.
 - ² A consultation with the representatives of five coalitions was held in the city of La Paz of 3 February 2020.
 - ³ Act No. 777 of 21 January 2016.
 - ⁴ Act No. 474 of 30 December 2013.
 - ⁵ Supreme Decree No. 28631 of 8 March 2006.
 - ⁶ First final provision of Act No. 474.
 - ⁷ Promulgated in accordance with Plurinational Constitutional Judgment No. 025/2017 of 21 July.
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