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Plurinational State of Bolivia*

The present report is a summary of 17 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. Background and framework

A. Scope of international obligations

1. Amnesty International (AI) recommended that Bolivia ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.² In addition, AI recommended implementing the Rome Statute of the International Criminal Court in national law, and bringing such legislation in line with international law, including the definition of torture. It also recommended that Bolivia introduce a provision in domestic legislation on the non-applicability of statutory limitations for genocide and other crimes under international law.³

B. Constitutional and legislative framework

2. The Collective of Bolivian Human Rights Organizations and Institutions (JS2) indicated that the new 2009 Constitution includes a full and comprehensive catalogue of human rights, highlighting major successes achieved with regard to the rights of indigenous peoples.⁴ The Office of the Bolivian Ombudsman (Defensoría del Pueblo de Bolivia – DPB) made similar observations, but added that regulatory development is still required in accordance with the commitments undertaken by the State vis-à-vis the Bolivian people.⁵ The Union of South American Nations (UNASUR) emphasized that the rights recognized in the Constitution will be interpreted in accordance with international human rights treaties where the latter establish more favourable standards.⁶ According to the Council for the Defence of Human Rights and Freedom (CDDHHL), the constitutional text is radical and exclusive, and exacerbates long-standing problems of mistrust between ethnic groups.⁷

3. The Office of the Ombudsman⁸ and JS2⁹ pointed out that the new Constitution recognizes children and adolescents as holders of rights. The Bolivian Coalition of non-governmental organizations working on the rights of the child (JS1) recommended that the State should guarantee civil society participation in the process of amendment or revision of the Code for Children and Adolescents.¹⁰

C. Institutional and human rights infrastructure

4. JS1 recommended establishment of a department with similar rank to that of the Ombudsman, for the purpose of monitoring compliance with the rights of children and adolescents.¹¹

D. Policy measures

5. JS2 reported on the adoption of the National Human Rights Action Plan 2009–2013,¹² adding that its implementation constitutes a challenge and that the necessary technical and financial resources should be made available.¹³

6. A group of organizations (JS7) indicated that the 2007 National Development Plan promotes the full exercise of fundamental rights from a multicultural perspective.¹⁴ JS1 indicated that its social indicators do not provide for a prioritized and differentiated breakdown of boys, girls and adolescents.¹⁵

7. JS1 advocated the participatory development of the National Plan for Children and Adolescents, and the strengthening of the national and local structures responsible for drafting the plan.¹⁶ The Office of the Ombudsman stated that a national study on street children and adolescents was being developed to give impetus to public policy in this sphere.¹⁷

8. The International Federation for Human Rights (FIDH) recommended the elaboration and implementation of a comprehensive plan against racism and racist violence, with civil society participation.¹⁸

9. The Civil Society Report on Women's Rights (JS5) indicated that the adoption of the 2008 National Equal Opportunities Plan constituted a success.¹⁹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with special procedures

10. FIDH recommended, inter alia, issuing an invitation to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.²⁰ AI recommended that Bolivia issue a standing invitation to the Special Procedures of the UN Human Rights Council.²¹

2. Cooperation with the Office of the High Commissioner for Human Rights

11. JS2 noted that Act No. 3713 of 13 July 2007 had given rise to the opening of a branch office in Bolivia of the Office of the United Nations High Commissioner for Human Rights.²²

B. Implementation of international human rights obligations

1. Equality and non-discrimination

12. According to surveys by the Office of the Ombudsman, the groups most subject to discrimination in the country, in descending order, are indigenous people and peasant farmers (*campesinos*); homosexuals and lesbians; persons with disabilities; and older persons.²³ The Ombudsman's Office added that equality of opportunity for women is recognized in existing legislation.²⁴ However, they continue to be discriminated against in the political sphere and face difficulties in access to work, housing and land tenure.²⁵ JS1 indicated that exclusion continues to affect children and adolescents, whether for reasons of social inequality, ethnicity or gender, among others. According to JS1, a poor, indigenous girl is probably one of the figures most emblematic of social exclusion in Bolivia.²⁶

13. FIDH referred to stark racism against the indigenous population and the population in the west of the country, as well as to tensions that have become more manifest since the election of the first indigenous President in 2005.²⁷ FIDH noted, inter alia, the increase in claims for autonomy characterized by violence, especially those with racist overtones. It also highlighted impunity in respect of violent racist statements and the collusion and bias of some social communication media.²⁸ FIDH recommended enacting a law against discrimination and racism, and the adoption of legislative measures of a procedural and institutional nature for the criminal prosecution of this type of offence. It also recommended the proposal, promotion and consultation with the media on self-regulating standards, including codes of ethics, to prevent the use or dissemination of untruthful or

manipulative information, as well as the use in the media of discriminatory or racist stereotypes.²⁹ AI recommended that Bolivia investigate and take appropriate action against State officials, both regional and national, for discrimination against indigenous peoples.³⁰

14. The Initiative for Sexual Rights (JS4) indicated that there is no law specifically sanctioning discrimination on the grounds of sexual orientation and gender identity, in spite of the relevant provisions in the new Constitution.³¹ JS4, recommended, inter alia, that human rights training be provided in both the army and the police to reduce homophobia and transphobia in those sectors.³²

15. HelpAge International noted that social exclusion, mistreatment, lack of access to identity documents, misappropriation of land and property, and deficiencies in health services still affect older people, particularly in rural areas.³³ JS2 indicated that the ill-treatment of older persons is a phenomenon frequently tolerated by society.³⁴ The Office of the Ombudsman noted that Bolivia has no law on the protection of older persons, but drew attention to the fact that a National Plan for the Elderly is in the process of being adopted.³⁵

16. JS7 and the Office of the Ombudsman reported on the programme for the registration of persons with disabilities and the decree establishing the obligation for public and private institutions to recruit 4 per cent of their staff from the disabled population.³⁶ JS2 referred to the importance of assigning technical and financial resources to the implementation of plans and programmes geared to countering the exclusion and inequality suffered by persons with disabilities.³⁷

II. Right to life, liberty and security of the person

17. JS2, UNASUR, CDDHHL, AI and FIDH referred to the “Pando Massacre” which occurred on 11 September 2008.³⁸ JS2 drew attention, inter alia, to the failure of certain State bodies to intervene in order to prevent acts of violence and protect the victims.³⁹ AI indicated that the former Prefect of Pando has been under preventive detention since September 2008, charged for his role as suspected intellectual author of the violence.⁴⁰ The FIDH made a similar comment.⁴¹ AI recommended that Bolivia expedite impartial and comprehensive investigations into all of the events surrounding the violence in Pando, with the aim of identifying those responsible and bringing them to justice in a competent, independent and impartial court. It also recommended clarifying the roles of the armed forces, the police and judicial authorities before, during and after the violence in Pando, including any failure to respond to or stem the violence.⁴²

18. JS2 pointed to the continued existence of long-entrenched practices of torture inherited from the dictatorships, which took the form of cruel, inhuman and degrading treatment in police and military premises. It added that street children and adolescents were systematically subjected to torture and extortion by police officers.⁴³ JS1 made similar observations regarding the situation of street children.⁴⁴ JS2 welcomed the initiative by the Ministry of Foreign Affairs to invite civil society to participate in defining the guidelines for the process of establishing the National Mechanism for the Prevention of Torture, although no concrete results have been achieved to date.⁴⁵

19. JS2 noted that the prison population is confronted with a situation of overcrowding, inadequate food and failure to separate prisoners on the basis of age and offence. It also referred to the lack of public prison policies and of a serious programme of social rehabilitation and re-integration.⁴⁶ The Office of the Ombudsman pointed out that hundreds of children live with their parents in prisons.⁴⁷ Inter-American Commission on Human Rights (IACHR) recommended that Bolivia take judicial, legislative and other measures with a view to reducing overcrowding and improving living conditions in prisons, while ensuring that prisoners are treated with the respect due to the inherent dignity of human

beings. It also recommended ensuring that when children are lodged in detention centres together with their father or mother deprived of liberty, the best interest of the child is taken into account upon establishing pertinent policies, and particularly that they have access to special protection, food, health and educational services necessary for their proper development.⁴⁸

20. JS5 indicated that there had been no success in reducing the incidence of violence against women, adding that, according to estimates, 7 of every 10 reports of violence concerned women. JS5 emphasized the lack of laws governing femicide or gender-based murder of women, indicating that 439 such murders by spouses, common-law partners, parents or neighbours had been recorded between 2003 and 2004, and that, reportedly, there have been convictions in only 18 cases. JS5 also referred to the lack of specialized human resources, infrastructure and equipment for the proper functioning of the family protection units and comprehensive legal services.⁴⁹ The Office of the Ombudsman emphasized the need to amend Act No. 1674 against violence within the family, given the serious limitations on its effective implementation.⁵⁰

21. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment is lawful in the home and in alternative care settings. It added that there is no explicit prohibition in law of corporal punishment in schools and as a disciplinary measure in penal institutions. According to GIEACPC, corporal punishment is unlawful as a sentence for crime. However, sentences of corporal punishment may be ordered by community elders in traditional Indian justice systems.⁵¹ GIEACPC recommended that the Government introduce legislation, as a matter of urgency, to prohibit all corporal punishment of children in all settings.⁵²

22. JS1 indicated that Bolivia has become a country of transit, reception and export of children and adolescents used for purposes of economic exploitation and commercial sexual abuse.⁵³ As advancements, JS2 mentioned *inter alia* the ratification of the Palermo Protocol and the establishment of the National Council to combat trafficking in persons and the smuggling of migrants. However, it emphasized that the Comprehensive Act to combat people trafficking and smuggling of migrants has not yet been promulgated and that no action has been taken to strengthen the Council.⁵⁴

23. The Office of the Ombudsman indicated that little progress has been made with regard to the worst forms of child exploitation, such as sugar cane and chestnut harvesting. It also noted that children and adolescents work in exchange for food, accommodation and/or clothing, and in the best of cases attend school. The Office of the Ombudsman added that, in the rural context, child labour is seen as part of the process of socialization and is therefore encouraged from within the family.⁵⁵

24. JS2 noted that in the Chaco region, where the indigenous Guarani live, contemporary forms of slavery and conditions of servitude continue to exist.⁵⁶ AI also expressed concern about this situation.⁵⁷ The IACHR recommended, *inter alia*, that Bolivia give priority to measures for eradicating forced labour and bondage, and take immediate steps to strengthen the recognition and regularization of property for persons affected by this situation.⁵⁸

3. Administration of justice, including impunity and the rule of law

25. JS2 indicated that the Council on Compensation for the Victims of Political Violence under unconstitutional governments (CONREVIP) has not succeeded in providing compensation to victims, owing to a lack of economic resources. It added that more than 5,000 persons were tortured under the military dictatorships and that the torturers have benefited from impunity. JS2 emphasized that the opening up of archives is enabling light to be shed on cases of enforced disappearance.⁵⁹ AI recommended that Bolivia make

concerted efforts to locate and make available archives relating to human rights abuses committed during the period of military and authoritarian rule.⁶⁰

26. The Office of the Ombudsman reported that the censure proceedings against former President Sánchez de Lozada and his cabinet colleagues for violations of human rights committed in 2003 had entered their final stage.⁶¹ The Office of the Ombudsman urged the State to accelerate the process of extradition of the accused persons, since the case concerned crimes against humanity.⁶² While AI welcomed efforts to bring the case to justice, it noted that the process against Sánchez de Lozada and others should respect international standards on the rights of the accused.⁶³

27. JS2 stated that the judiciary was highly bureaucratic, inefficient and corrupt. It added that there was no real career judicial service guaranteeing the impartiality, appropriateness and continuity of judicial proceedings, thus leading to public distrust of the justice system.⁶⁴ The Office of the Ombudsman indicated that, owing to serious shortcomings in the system of administration of criminal justice, there were problems of judicial delay, high numbers of unconvicted prisoners and an increase in lynchings, inter alia.⁶⁵ AI noted that delays caused by unresolved jurisdictional battles, and numerous challenges against law officers involved in politically-sensitive cases create a state of legal uncertainty.⁶⁶

28. The Office of the Ombudsman indicated that the virtual paralysis of the Constitutional Tribunal was the most critical factor in the process of change being promoted by the current Government.⁶⁷ AI highlighted that since June 2009 the Constitutional Tribunal has no judges.⁶⁸ It recommended identifying means by which the Supreme Court and the Constitutional Tribunal can carry out their functions, especially through the designation of members of proven technical ability, moral probity and independence from any external influence. AI also recommended that Bolivia encourage enhanced collaboration and coordination between the branches of the State, and ensure that the Judiciary is able to fulfil its functions efficiently, independently and without political interference.⁶⁹

29. The IACHR observed that indigenous peoples and peasant communities face obstacles in presenting their claims before the official justice system.⁷⁰ IACHR also referred to gaps in the law with respect to guidelines for coordinating official justice with community justice, and the serious confusion that this has generated, whereby important groups continue to interpret lynchings as a reflection of indigenous justice, or as an alternative dispute settlement mechanism.⁷¹

30. The Office of the Ombudsman indicated that adolescents in conflict with the law still do not have specialized courts or separate detention centres, and they share prison facilities with adults.⁷² The JS1 noted that children from 11 to 16 years of age may be detained indefinitely in children's centres for suspected offences or for their own protection on the orders of a social worker.⁷³ The IACHR received information that, in practice, preventive detention is widely used for children between the ages of 16 and 18 years.⁷⁴ It recommended that deprivation of liberty be imposed only as a last resort, and that the necessary measures be taken to create establishments for the re-education of children in this situation.⁷⁵ It also recommended that Bolivia repeal the provisions of the Juvenile Code that establish "public threat" as grounds for preventive detention of children.⁷⁶

4. Right to privacy, marriage and family life

31. JS1 noted that, despite efforts to make it possible to issue the first birth certificate free of charge, many children and adolescents still did not have a birth certificate.⁷⁷ IACHR recommended that Bolivia guarantee access to the civil registry free of charge and take

steps to identify all children who have been prevented by various means from obtaining an identity document.⁷⁸

32. JS1 pointed out that in the case of children with no family of origin, the Code for Children and Adolescents established the obligation for the State to find the child's extended family or, failing that, a substitute family, before considering committal to shelters. However, this provision is not being observed. JS1 considers it urgently necessary to carry out a survey of the status of compliance with the rights of children and adolescents whilst in shelters or deprived of their family environment.⁷⁹

33. JS4 indicated that the Constitution excludes the possibility of giving legal recognition to same-sex couples through marriage or civil union. According to JS4, this situation adversely affects the right of such couples to form a family, to ensure inheritance rights and to have access to housing loans and social security benefits (i.e. sick leave to take care of the partner, spouse benefit, medical care), inter alia.⁸⁰ IGUALDAD LGBT made similar observations.⁸¹ JS4 added that, although the Human Rights Action Plan 2009–2013 provides for the preparation of a preliminary draft Civil Partnership Act for same-sex couples, no action in this respect has been initiated.⁸²

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

34. FIDH indicated that social organizations and human rights defenders work in a context of high risk. FIDH denounced the attacks, acts of harassment, threats and attempted murders of human rights defenders and peasant farmers' leaders fighting against impunity, or for the more equitable distribution of land.⁸³ AI expressed concern at reports of racially-motivated attacks against organizations and individuals working for the rights of Bolivia's indigenous peoples and *campesinos*.⁸⁴ The JS2 expressed similar concerns.⁸⁵

35. JS2 noted that Afro-Bolivian communities were denied political participation and representation in decision-making bodies and organs of the State, apart from not being taken into account by many authorities and institutions, or by the public at large, who stigmatized and looked down on them.⁸⁶

36. The Office of the Ombudsman indicated that only 24 per cent of government posts were occupied by women and that many of the latter complain of political harassment to force them to give up their posts.⁸⁷ The IACHR also received information about "political harassment" against women who win elections for public office.⁸⁸

37. JS1 referred to the need to increase the number of forums for decision-making and dialogue in which children and adolescents can express their ideas.⁸⁹ It added that the State should take measures by means of a law providing access to the media for children and adolescents, and guaranteeing that the information they receive does not impair their full development.⁹⁰

38. Conscience and Peace Tax International (CPTI) reported on a 2008 draft Military Service Act. It explained that under the 1976 National Defence Service Act there was no exemption from military service for conscientious objectors, nor was any such exemption proposed in the 2008 draft law.⁹¹ CPTI added that conscientious objectors and others who refuse to perform military service do not receive the *libreta militar*, a document that is required in order to enter university or obtain a passport.⁹² CPTI further reported on access to voluntary pre-military service for all 15 to 19 year olds,⁹³ and the possibility of fulfilling military service obligations before the age of 18 at the Navy Military School.⁹⁴

6. Right to work and to just and favourable conditions of work

39. JS2 reported that, although recent programmes, regulations and decrees have improved the situation of workers, they are inadequate. According to JS2, high levels of unemployment, underemployment and labour instability prevail. It added that the rate of unionization among wage-earners is no higher than 15 per cent and that it is still the practice, in both the public and the private sector, to declare strikes illegal.⁹⁵

40. JS5 indicated that, despite the growing integration of women into the labour market, they tend to remain segregated in unproductive and low-income occupations. JS5 emphasized, among other things, that women are the group most seriously affected by the lack of labour protection and social security. It added that, in the Act regulating Paid Domestic Work of 2003, there was a clear lack of adequate provision for health insurance.⁹⁶

7. Right to social security and to an adequate standard of living

41. According to JS1, 64 per cent of the population lives in poverty and less than half of Bolivian families have adequate sanitation. Chronic malnutrition and anaemia still persist in children under three years of age; diseases such as dysentery, malaria, and tuberculosis are common; and infant mortality rates are one of the highest in the region.⁹⁷

42. JS2 highlighted the recognition of the right to adequate food in the new Constitution, as well as in the National Development Plan and sectoral public policies. However, it pointed to the need for a comprehensive approach to this topic, which includes considerations related to food and nutritional security and food sovereignty, a legal framework governing all aspects of the right to food, including enforceability, and State institutions with broad and clearly defined powers.⁹⁸

43. The Office of the Ombudsman referred to the lack of universal health insurance for persons with disabilities.⁹⁹ It added that indigenous peoples had inadequate access to health care and that the benefits of the universal maternal and infant insurance scheme should be matched with the practices and expertise of traditional medicine.¹⁰⁰ JS2 noted that Afro-Bolivian women received neither pre- nor post-natal care, because of the continued lack of health centres in their communities.¹⁰¹

44. JS2 and JS5 highlighted the lack of balance in health service provision between urban and rural areas. They also indicated that the main obstacles to the exercise of sexual and reproductive rights are the difficulty of access to family planning methods (due to low levels of education and income) and discrimination on grounds of gender and ethnicity.¹⁰² JS5 referred to the number of women who die each year from pregnancy, delivery and post-partum complications, and added that mishandled abortions are the third most common cause of death among women in the country.¹⁰³ AI recommended that Bolivia allocate adequate resources to implement national policies to reduce maternal mortality; remove barriers preventing poor and indigenous women from accessing reproductive and maternal health care; and provide clear and accessible information to women about their sexual and reproductive rights and right to health.¹⁰⁴ JS2 noted that it is necessary for policies in this area to address important aspects such as sex education and that efforts should not focus exclusively on reproductive health.¹⁰⁵

45. The Office of the Ombudsman indicated that Bolivia has adopted an Act on HIV/AIDS Prevention, Human Rights Protection and Comprehensive Multidisciplinary Care for Persons Living with HIV. It added that, for the full implementation of that law, regulations are required which have not yet been enacted.¹⁰⁶

46. JS2 indicated that more than one million homes do not have adequate conditions of habitability.¹⁰⁷ The National Network of Human Settlements (JS6-RENASEH) indicated that the Solidarity-based Social Housing Programme (PVSS), the only existing Government

scheme for access to housing, is linked to market mechanisms which place emphasis on the participation of financial institutions and for-profit construction companies with high profit expectations.¹⁰⁸ JS2 and RENASEH emphasized that 67 per cent of the housing units provided by the PVSS do not have basic services (electric power, drinking water and sewerage). They also referred to the emergence over the last two years of so-called “homeless” (“sin techo”) movements which promote invasions of public or privately owned land for housing-related purposes. These invasions usually result in forced evictions, sometimes involving violence on the part of the authorities.¹⁰⁹ Concerning access to housing, RENASEH identified challenges such as, inter alia, formulating and implementing a State housing policy in accordance with the principles and objectives of the National Development Plan and the Constitution; prioritizing access to land and adequate housing for women heads of household; guaranteeing technical assistance and accessible financing; and establishing mechanisms to prevent the eviction of families who, out of a real need for a place to live, are obliged to occupy other people’s land.¹¹⁰

47. According to JS2, some 2.4 million citizens have no access to a system of drinking water.¹¹¹ JS5 indicated that women are most seriously affected by difficulties of access to water and added that there is no explicit policy connecting the right to water with gender.¹¹²

48. Agua Sustentable and Earthjustice (JS3) reported that climate change threatens Bolivians’ health and access to water; jeopardizes food security and subsistence livelihoods; and endangers local indigenous cultures. JS3 indicated that Bolivia must take serious steps to increase its efforts to protect the right of the glacier-dependent communities to a clean and ecologically sustainable environment.¹¹³

8. Right to education and to participate in the cultural life of the community

49. JS2 highlighted the low quality of the education received by children in State schools.¹¹⁴ The Office of the Ombudsman indicated that bilingual education has not been properly implemented and added that access to and continued attendance at educational facilities depend on the allegiance of the beneficiaries to regional governments.¹¹⁵

50. JS5 highlighted Government successes such as the literacy programme “Yo sí puedo” (Yes I can) and the post-literacy programme “Yo sí puedo seguir” (Yes I can go further).¹¹⁶ It also mentioned that the proposed Education Act does not contain a human rights and gender equity perspective.¹¹⁷ JS5 recommended guaranteeing access to the education system by creating the necessary conditions for continued attendance and graduation at different levels and in different sectors, with equality of opportunity. It also recommended guaranteeing a fair educational budget for all sectors of education.¹¹⁸

9. Minorities and indigenous peoples

51. JS2 noted that, despite the progress achieved, access to land and the regularization of agricultural land ownership by peasant farmers and indigenous people were advancing only slowly.¹¹⁹ The IACHR recommended that Bolivia guarantee effective enforcement of the new law relating to agrarian reform, adopting the necessary measures to eliminate the obstacles that have prevented access to land and territory for all sectors of Bolivian society.¹²⁰ IACHR added that in the process of land titling, the State must give priority to recognizing ancestral lands and territories of indigenous peoples, as essential for the survival of their cultural identity.¹²¹

52. JS2 expressed concern that various indigenous communities are suffering the harmful effects of environmental pollution as a result of the activities of extractive industries.¹²²

53. The Office of the Ombudsman referred to a decision by the Constitutional Tribunal, which states that the right of indigenous peoples to be consulted cannot be interpreted as a

requirement that they should give their authorization for production activities. The Office of the Ombudsman emphasized that there are gaps in the law relating to the question of consultation and that specific regulations need to be drafted.¹²³

54. JS2 mentioned that the Afro-Bolivian communities are considered a minority ethnic group, in the absence of statistical data. It added that Afro-Bolivians migrate to the cities because of lack of access to productive activities and land.¹²⁴

10. Migrants, refugees and asylum-seekers

55. JS5 referred to the increase in the proportion of female migrants, highlighting the economic and social situation of women as the main reasons.¹²⁵

56. The IACHR received complaints about lack of due process in the handling of refugee applications; difficulties in obtaining identity documents; and disregard of the guarantee against forced return of persons who have a well-founded fear for their lives or personal integrity. The IACHR recommended that Bolivia refrain from returning a person to his country of origin, by any means, if that person has valid refugee status in Bolivia.¹²⁶ It also recommended ensuring strict compliance with due process in administrative procedures relating to application for refugee status or its revocation.¹²⁷

III. Achievements, best practices, challenges and constraints

57. The Office of the Ombudsman emphasized that Bolivia was the first country to incorporate into law the Declaration on the Rights of Indigenous Peoples. However, a lengthy process of regulatory development was still needed to ensure that these rights are fully enforceable.¹²⁸

58. AI noted that despite high levels of poverty, particularly among *campesinos* and indigenous peoples, there have been positive developments in the area of economic, social and cultural rights.¹²⁹ JS2 highlighted as good practices a set of public policies for the redistribution of national income and the grants given to more vulnerable groups (the Bono Juancito Pinto, the Bono Juana Azurduy and the Dignity Pension), among others.¹³⁰

59. JS2 listed a number of challenges, including the transformation of all the rights recognized in international and national law into a tangible reality for the entire population; the adoption of a new legal, social, political and institutional order in accordance with the new Constitution; implementation of the National Human Rights Action Plan; adoption of legislation introducing penalties for racism and discrimination, as well as policies to prevent and to eradicate racism and discrimination; the strengthening of the system for the protection of human rights, including the judiciary in particular; and the improved and broader redistribution of social wealth.¹³¹

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

60. AI recommended that Bolivia ensure the prompt and full implementation of the recommendations of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, the United Nations Permanent Forum on Indigenous Issues, and the Inter American Commission on Human Rights.¹³²

V. Capacity-building and technical assistance

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with “A” status.

Civil Society:

AI	Amnesty International*, London, United Kingdom;
CDDHHL	Consejo de Defensa de los Derechos Humanos y la Libertad, Santa Cruz de la Sierra, Bolivia; Informe sobre violaciones a los derechos humanos y a las garantías constitucionales de las personas generadas desde el Gobierno de Bolivia presidida por Evo Morales Ayma.
CPTI	Conscience and Peace Tax International*, Thônex, Switzerland;
FIDH	Fédération Internationale des droits de l'homme*, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
Help Age.	Help Age. International*, La Paz, Bolivia;
IGUALDAD-LGBT	Fundacion IGUALDAD LGBT, Santa Cruz de la Sierra, Bolivia;
JS1 – Derechos de la Niñez	Joint Submission by: Coalición Boliviana de organizaciones no gubernamentales y sin fines de lucro que trabajan en la temática de derechos de la niñez (ADULAM; Aldeas Infantiles SOS, Ayuda en Acción; Cooperación para el Desarrollo, ECO Jóvenes, Plan Internacional; Visión Mundial Bolivia y Child Fund), Bolivia;
JS2 – Colectivo DDHH	Joint submission by: Colectivo de Organizaciones e Instituciones de Derechos Humanos de Bolivia. Organizaciones participantes: Capítulo Boliviano de Derechos Humanos, Democracia y Desarrollo (CBDHDD); Asamblea Permanente de los Derechos Humanos de Bolivia (APDHB); Comunidad de Derechos Humanos (CDH); AIPE; AIS Bolivia; Agua Sustentable; AMUPEI; Asociación Rehabilitación Integral en la Comunidad (RIC); Asociación RIC Cochabamba; ADESPROC – Libertad; APDH Beni; APDH Cochabamba; APDH Chuquisaca; APDH La Paz; APDH Oruro; APDH Pando; APDH Potosí; APDH Tarija; APDH Santa Cruz; ASOFAMD; Centro Afroboliviano para el Desarrollo Integral y Comunitario (CADIC); Casa de la Mujer; Católicas por el Derecho a Decidir (CDD); Capacitación y Derechos Ciudadanos (CDC); Centro Boliviano de Investigación y Acción Educativa (CEBIAE); Centro de Estudios Aplicados a los Derechos, Económicos, Sociales y Culturales (CEADESC); Centro de Documentación e Información Bolivia (CEDIB); Centro de Promoción de los Misioneros Oblatos de María Inmaculada (CEPROMI); Centro de Orientación Socio legal para el Adulto Mayor; Centro de Promoción de Radiofónica (CEPRA); Centro Vicente Cañas- Fundación Social Urumanta; CIPCA; Colectivo otras voces; Comisión Interinstitucional de Derechos Humanos de Cochabamba; CEHM Comunidad Educativa Hermano Manolo – Congregación Hermanos Cristianos; CONALPEDIS; Consorcio Boliviano de Juventudes (CONBOJUV); Conferencia Boliviana de Religiosos y Religiosas de Cochabamba (CBR); Coordinadora de la Mujer; Centro una Brisa de Esperanza CUBE; Defensa de Niñas y Niños Internacional sección Bolivia (DNI)

- Bolivia); DESAFIO; DNI – filial Cochabamba; Equipo Comunicación Alternativa con Mujeres (ECAM); Acción Andina; Ex Sense Internacional; Foro Boliviano sobre Medio Ambiente y Desarrollo (FOBOMADE); FOCOMADE; Fundación Solón; Fundación Mujeres del Sol; Red HABITAT; INFANTE, Promoción Integral de la Mujer y la Infancia; Instituto Investigación Cultural para Educación Popular (INDICEP); Instituto de Terapia e Investigación sobre las secuelas de la tortura y violencia Estatal (ITEI); MAP Internacional; Mosoj Yan; Pastoral de Movilidad Humana; Red Tinku; Red contra Agresiones sexuales a niños niñas y adolescentes; Red contra el Racismo; Red Nacional de Asentamientos Humanos RENASEH; Ayni Ruway; ALAS; CDI Cochabamba; CEJIS; LIDEMA.Bolivia;
- JS3 – AS-EarthJustice Joint submission by: Agua Sustentable y Earthjustice*, Oakland, USA;
- JS4 – Derechos Sexuales Joint submission by: La Iniciativa por los Derechos Sexuales – Coalición integrada por ACPD-Action Canada for Population and Development*; CREA-India; Mulabi-Espacio Latinoamericano de Sexualidades y Derechos; Polish Federation for Women and Family Planning y otras – Buenos Aires, Argentina;
- JS5 – Derechos de las Mujeres Joint submission by: la Articulación de Mujeres por la Equidad y la Igualdad – AMUPEI, Católicas por el Derecho a Decidir – CDC; Centro de Información y Desarrollo de la Mujer – CIDEM; Comité Latinoamericano y del Caribe para la Defensa de los Derechos de la Mujer – CLADEM*; Colectivo Cabildeo; Comunidad de Derechos Humanos; Coordinadora de la Mujer; Fundación La Paz; Fundación Solón; Red Boliviana de Mujeres Transformando la Economía-REMTE y Red Habitat, La Paz, Bolivia;
- JS6 – RENASEH Joint submission by: Red Nacional de Asentamientos Humanos, Bolivia;
- JS7 – ONGs Cubanas Joint submission by: Asociación Cubana de las Naciones Unidas*, MovPaz, CEE, FMC, Centro Félix Varela, ANEC, UNJC, OCLAE, UNEAC, OSPAAAL, Centro de Estudios sobre la Juventud, AMECA, Sociedad Cultural José Martí, Fundación Antonio Núñez Jiménez de la Naturaleza y el Hombre, CEAO*, La Habana, Cuba;
- National Human Rights Institution:*
DPB Defensoría del Pueblo de Bolivia**, Bolivia;
- Regional organizations:*
IACHR Inter-American Commission on Human Rights, Washington, USA;
1. Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia (OEA/Ser.L/V/II/Doc.34, 28 June 2007);
 2. Memorandum of Commitment, Hearing on Captive Communities (11 March 2008);
 3. Report No. 11/09, Petition 208-01, March 19, 2009;
 4. Report No. 40/08, Petition 270-07, July 23, 2008;
 5. Report No. 43/07, Petition 362-03, July 23, 2007;
 6. Report No. 82/07, Petition 269-05, October 15, 2007;
 7. Report No. 84/08, Petition 40-2003, October 30, 2008;
 8. Case 12,527, August 8, 2007;
 9. Report No.8/08, Case 11.426, March 4, 2008;
 10. Case of Ticona Estrada et al. V. Bolivia, Judgment of November 27, 2008.
 11. Access to justice for women victims of violence in the Americas, (OEA/Ser.L/V/II.Doc. 68 of 20 January 2007);
 12. Judgment of the IA Court of Human Rights in the Case 12,527 Renato Ticona Estrada et Al.v. Bolivia, November 27, 2008;

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13. Commission's application to the Inter-American Court regarding Case 12.529, Rainer Ibsen Cárdenas and José Luís Ibsen Peña. Unión de Naciones Suramericanas, Quito, Ecuador;

1. Comisión de UNASUR para el esclarecimiento de los hechos de Pando.

- ² AI, pp. 6–7.
- ³ AI, pp. 6–7.
- ⁴ JS2, pp. 1 and 9.
- ⁵ DPB, p. 5. See also JS5; JS2 and AI.
- ⁶ UNASUR, annex 1, para. 7.
- ⁷ CDDHHL, annex 1, p. 4.
- ⁸ DPB, p. 1.
- ⁹ JS2, p. 7.
- ¹⁰ JS1, p. 8.
- ¹¹ JS1, p. 9.
- ¹² JS2, p. 1.
- ¹³ JS2, p. 10.
- ¹⁴ JS7, para. 6. See also JS2.
- ¹⁵ JS1, p. 1.
- ¹⁶ JS1, pp. 3 and 8. See also JS2, p. 7.
- ¹⁷ DPB, p. 1.
- ¹⁸ FIDH, p. 5.
- ¹⁹ JS5, p. 6.
- ²⁰ FIDH, pp. 5–6.
- ²¹ AI, p. 7.
- ²² JS2, p. 2.
- ²³ DPB, p. 4.
- ²⁴ DPB, p. 2.
- ²⁵ DPB, p. 4.
- ²⁶ JS1, p. 4.
- ²⁷ FIDH, p. 1. See also JS2 and cases cited; CDDHHL, annex 1.
- ²⁸ FIDH, pp. 3–5.
- ²⁹ FIDH, pp. 5–6. See also DPB, p. 4.
- ³⁰ AI, p. 7.
- ³¹ JS4, para. 9. See also, IGUALDAD LGBT, pp. 1–3.
- ³² JS4, para. 12 (d).
- ³³ Help. International, p. 2.
- ³⁴ JS2, p. 9.
- ³⁵ DPB, p. 2.
- ³⁶ JS7, para. 17; DPB, pp. 1–2.
- ³⁷ JS2, p. 8.
- ³⁸ JS2, p. 3; AI, pp. 4–6; CDDHHL, Annex 1; UNASUR, Annex 1; and FIDH, pp. 2–3.
- ³⁹ JS2, p. 3.
- ⁴⁰ AI, p. 5.
- ⁴¹ FIDH, pp. 2–3.
- ⁴² AI, p. 6.
- ⁴³ JS2, p. 2.
- ⁴⁴ JS1, pp. 7–8.
- ⁴⁵ JS2, p. 2.
- ⁴⁶ JS2, p. 4.
- ⁴⁷ DPB, p. 1. See also JS2, p. 4.
- ⁴⁸ IACHR, Annex 1, Chapter VIII, Section on Conclusions and Recommendations, para. 416, recommendations 13 and 20.
- ⁴⁹ JS5, p. 5.
- ⁵⁰ DPB, p. 2.
- ⁵¹ GIEACPC, p. 2.

- ⁵² GIEACPC, p. 1.
- ⁵³ JS1, p. 8. See also DPB.
- ⁵⁴ JS2, p. 8. See also DPB.
- ⁵⁵ DPB, p. 1.
- ⁵⁶ JS2, pp. 4–5.
- ⁵⁷ AI p. 6. See also IACHR, Annex 2.
- ⁵⁸ IACHR, Annex 1, Chapter VIII, Section on Conclusions and Recommendations, para. 416, recommendation 30.
- ⁵⁹ JS2, p. 2.
- ⁶⁰ AI, p. 7.
- ⁶¹ DPB pp. 4–5. See also JS2, p. 3; AI p. 5. See AI for cases cited.
- ⁶² DPB, p. 5. See also AI p. 5. See AI for cases cited.
- ⁶³ AI, p. 5.
- ⁶⁴ JS2, p. 3.
- ⁶⁵ DPB, pp. 4–5.
- ⁶⁶ AI, p. 5.
- ⁶⁷ DPB p. 5.
- ⁶⁸ AI, p. 1.
- ⁶⁹ AI, pp. 6–7.
- ⁷⁰ IACHR, Annex 1, para. 279.
- ⁷¹ IACHR, Annex 1, Executive Summary, para. 26.
- ⁷² DPB, p. 1.
- ⁷³ JS1, p. 7.
- ⁷⁴ IACHR, Annex 1, para. 392.
- ⁷⁵ IACHR, Annex 1, para. 395, recommendation 8.
- ⁷⁶ IACHR, Annex 1, para. 395, recommendation 10.
- ⁷⁷ JS1, p. 5. See also IACHR, Annex 1, para. 378.
- ⁷⁸ IACHR, Annex 1, Access to Justice and Social Inclusion, para. 395, recommendation 2.
- ⁷⁹ JS1, p. 6.
- ⁸⁰ JS4, para. 7. See also submission from IGUALDAD-LGBT.
- ⁸¹ IGUALDAD LGBT, p. 1.
- ⁸² JS4, para. 7. See also submission from IGUALDAD-LGBT.
- ⁸³ FIDH, p. 3. See submission for cases cited.
- ⁸⁴ AI p. 5.
- ⁸⁵ JS2, p. 10.
- ⁸⁶ JS2, p. 9.
- ⁸⁷ DPB, p. 4.
- ⁸⁸ IACHR, Annex 1, Access to Justice and Social Inclusion, Executive Summary, paragraph 28.
- ⁸⁹ JS1, p. 5.
- ⁹⁰ JS1, p. 5.
- ⁹¹ CPTI, para. 5.
- ⁹² CPTI, para. 6.
- ⁹³ CPTI, paras. 14–15.
- ⁹⁴ CPTI, para. 17.
- ⁹⁵ JS2, pp. 4–5.
- ⁹⁶ JS5, pp. 4–5.
- ⁹⁷ JS1, p. 8.
- ⁹⁸ JS2, pp. 6–7.
- ⁹⁹ DPB, p. 2.
- ¹⁰⁰ DPB, p. 3.
- ¹⁰¹ JS2, p. 9.
- ¹⁰² JS2, p. 6 and JS5, pp. 1–2.
- ¹⁰³ JS5, p. 1–2.
- ¹⁰⁴ AI, p. 7.
- ¹⁰⁵ JS2, p. 6.
- ¹⁰⁶ DPB, p. 2.

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- ¹⁰⁷ JS2, p. 5.
¹⁰⁸ JS6-RENAHEH, p. 4.
¹⁰⁹ JS6-RENAHEH, p. 6 and JS2, p. 5. See also JS5, pp. 2–3.
¹¹⁰ JS6-RENAHEH pp. 8–10.
¹¹¹ JS2, p. 7.
¹¹² JS5, p. 8.
¹¹³ JS3, pp. 1–5.
¹¹⁴ JS2, p. 5.
¹¹⁵ DPB, p. 3.
¹¹⁶ JS5, p. 9.
¹¹⁷ JS5, p. 8.
¹¹⁸ JS5, p. 10.
¹¹⁹ JS2, p. 9. See also DPB, pp. 2–3.
¹²⁰ IACHR, Annex 1, para. 291, recommendation 3.
¹²¹ IACHR, Annex 1, para. 291, recommendation 3.
¹²² JS2, p. 10.
¹²³ DPB, p. 3.
¹²⁴ JS2, p. 9.
¹²⁵ JS5, pp. 7–8.
¹²⁶ IACHR, Annex 1, para. 410, recommendation 4.
¹²⁷ IACHR, Annex 1, para. 410, recommendation 2.
¹²⁸ DPB, p. 5.
¹²⁹ AI, p. 6.
¹³⁰ JS2, p. 1. See also pp. 5, 6 and 8.
¹³¹ JS2, p. 10.
¹³² AI, p. 7.
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