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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fortieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE THIRTEENTH MEETING

Held at the Palais Wilson, Geneva, on Wednesday, 7 May 2008, at 10 a.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (*continued*)

Second periodic report of Bolivia ((E/C.12/BOL/2); core document (HRI/CORE/1/Add.54/Rev.2); concluding observations of the Committee on the initial report of Bolivia (E/C.12/1/Add.60); list of issues to be taken up (E/C.12/BOL/Q/2); replies by the Government of Bolivia to the list of issues to be taken up (E/C.12/BOL/Q/2/Add.1)) (continued)

1. *At the invitation of the Chairperson, the members of the delegation of Bolivia resumed their places at the Committee table.*

Articles 10 to 12 of the Covenant (continued)

2. Mr. CHAVEZ (Bolivia), responding to questions posed in the previous meeting, indicated that the law on domestic employees, promulgated in late 2007 and associated since January 2008 with the supreme decree regulating domestic work, allowed temporary workers access to a pension equal to the minimum wage at the national level. This was a form of insurance, where the minimum working time required for eligibility was only 15 years. There were also support measures in place for independent workers, who often found themselves in difficulty when they reached retirement age. The Bolivian delegation recalled, on this point, that under the terms of the previous legislation the retirement age had been set at 65 years, and this was not in line with the life expectancy of the Bolivian population. The protection system in place also covered occupational risks and accidents other than workplace accidents, and it provided for survivor rights to disability pensions. A “solidarity contribution” was paid by persons in receipt of a monthly salary exceeding 34,650 bolivianos.

3. The Bolivian delegation then provided recent data on the campaign against poverty. A new development strategy had been introduced with the objectives of reducing poverty by overcoming inequalities and social exclusion and distributing resources more equitably. The problem of poverty, which was essentially economic, was particularly severe in Bolivia. All the actions taken were now beginning to bear fruit, and some of the Millennium Development Goals had already been achieved; this was however still a work in progress.

4. Recalling that in Bolivia and its neighbouring countries wealth was concentrated in the hands of a very small fragment of the population (10 per cent), Mr. Chavez said that the authorities were hoping to reduce the gap between rich and poor by 10 percentage points in the years to come, mainly by reinforcing current policies in the areas of health, education and housing. The success of these efforts depended on the continuity of the programmes in place, but the Government could already take pride in the economic policy it had pursued for the last two years, under which the country had begun to recover. This constituted a guarantee of security and stability, which should be reassuring to donors and encourage them to renew their support so that the authorities could pursue the policies in place.

5. Mr. Chavez added that, with respect to violence against minors and other vulnerable population groups, a programme for the victims of violence had been introduced in 2007, and had instituted a structure in all municipalities of the country

offering victims the possibility of seeking reparations and obtaining medical care, psychological counselling, and legal advice, in order to prevent double victimization.

6. Mrs. URENA (Bolivia) provided further details on the rights of children and adolescents. In institutional terms, the Vice-Ministry for the Status of Women, Generations and the Family was currently preparing a five-year plan for children and adolescents. Noting that Bolivia had ratified the Convention on the Rights of the Child, she said that Law 2026 (the Child and Adolescent Code), the text of which would be communicated to Committee members, expressly prohibited (articles 108 to 110) corporal punishment and any form of violence against children, whether at home or at school, and it gave a precise definition of “mistreatment”. Article 6 stated that any national rule must always be interpreted in the best interest of the child and adolescent. There were also children’s defenders responsible for receiving complaints and for promoting and disseminating children’s rights.

7. The recently created National Council on Migrations was working in association with civil society and migrants’ organizations to draft a law on migrations, intended to remedy the many inconsistencies of the Supreme Decree of 1996 that still governed migration issues.

8. Law 3325 of January 2006 against trafficking in persons was now in force in the country. It not only listed and classified offences in this area but also made them crimes, and it created the National Interagency Council against Trafficking in Persons, reporting to the Ministry of Justice. Having identified some gaps, in particular the lack of a clear distinction between victims and perpetrators, the Council was now finalizing a project to create shelters for victims, who were receiving full care from the Government despite financing problems.

9. Mrs. BARAHONA RIERA asked the delegation to describe Bolivia’s agricultural policy, and asked in particular whether measures to combat monocultures were already under way or were still at the draft stage.

10. Mr. PILLAY recalled that his question about forced evictions had still not been answered and, referring to General Comment No. 7 of the Committee on the right to adequate housing, dealing with forced evictions, he asked the Bolivian delegation to provide information in the third periodic report, with detailed data for disadvantaged and marginalized population groups. He also wanted more detail on the extent of homelessness in Bolivia and on short- and long-term measures taken to remedy this phenomenon.

11. Mr. SADI asked what specific measures had been taken under the policy against biofuels, in the interest of the right to food. Given the leading role that the State party had assumed in this matter, and the fact that some of its neighbouring countries – Brazil in particular – were heavily engaged in the production of biofuels, it would be interesting to know what measures had been found effective and what the outcomes were.

12. Mr. CHAVEZ (Bolivia) referred to the national social housing programme, which sought to provide housing to low-income people – a great proportion of the population – especially in urban areas and around the periphery of the major cities. The problem of forced evictions had persisted for 50 years, dating back to the first law in this area, adopted in 1956. The cities of La Paz, Cochabamba and Santa Cruz were very heavily populated, creating strong demand for housing and posing social problems. Mr. Chavez mentioned the existence of various movements seeking to assist the homeless. Government programmes were targeted in particular at the city of Santa

Cruz, which had received massive population flows and had seen a veritable demographic and social explosion over the past 25 years.

13. Moreover, problems had arisen that could not be anticipated by the authorities. For example, to apply for social housing the first step was to establish one's identity by means of an official document; yet many applicants had no such document. The various obstacles encountered in implementing programmes meant that the housing problem was still severe, despite a guaranteed budget for the construction of social housing.

14. Mrs. URENA (Bolivia) noted, with respect to biofuels, that Bolivia was not the only country opposed to producing these fuels through agro-industrial processes. The countries of the Bolivarian Alternative for Latin America and the Caribbean ((ALBA), which with the exception of Ecuador had all come out against this type of fuel, were considering ways to avoid the production of biofuels while preserving the principle of free export of products and, on the political level, they were discussing and negotiating with neighbouring countries that were major producers of biofuels, notably Brazil.

Articles 13 to 15 of the Covenant

15. Mr. KERDOUN asked the Bolivian delegation if it could indicate the share of the Government budget devoted to education at all levels, and provide more recent statistics than those contained in the report under examination. He also wanted to know, beyond the considerations relating to pedagogical materials and programmes, the specific objectives of the education reform and the model of society that it was intended to promote. The State party had indicated that education was bilingual, and yet Bolivia had four principal languages. In these circumstances, Mr. Kerdoun wondered whether bilingual education was conducive to social cohesion. In addition, the report under examination showed that some children were excluded from the school system, having either dropped out or failed, and he wanted to know the extent to which the exclusion of children might be attributable to each of these two factors, and the measures taken to remedy the problem. Mr. Kerdoun also asked the Bolivian delegation to indicate the nature of the education problems facing females, especially in rural areas, and what measures were being taken to resolve them. With respect to the glaring number of children not in school – half a million – he wanted to know what the public authorities were doing to address this serious problem, and whether the action plans prepared as part of the education reform had taken this into account.

16. Mr. MARCHAN ROMERO, noting that the draft Bolivian Constitution conferred a whole series of individual and collective rights on indigenous peoples and defined these peoples without establishing any criteria for belonging to them, wondered if there were a specific registry for this purpose, and what criteria were used. With respect to Bolivia's national development plan, he asked if it included indicators for measuring progress in implementing the rights covered by the Covenant, in particular those of article 15. According to information supplied by NGOs in Bolivia, the State party had adopted very progressive policies but was finding it difficult to implement them. Among the extremely important rights guaranteed to indigenous peoples by the draft constitution were the protection of sacred places and recognition of a collective right to intellectual property over their knowledge and know-how. Citing General Comment 17 of the Committee on the right of every person to benefit from protection of moral and material interests resulting from any scientific, literary or artistic production of which he was author (§1 (c) of article 15 of the Covenant), he asked the Bolivian delegation to indicate whether there

was a particular and distinct intellectual property regime applicable to indigenous peoples, and whether there was a decentralized administration system for managing the advantages flowing from their intellectual property rights.

17. Mrs. WILSON said that great inequalities could be observed between boys and girls in all fields relating to education, in particular in rural areas, and that adult illiteracy was more severe among men than women. She wanted to know what measures had been taken to promote schooling for girls. She asked for further information on the programme to encourage rural girls to attend school, and wondered if other measures were planned to combat adult illiteracy.

18. Finally, in response to the question about special education for handicapped children, Bolivia had indicated, in paragraph 216 of its report, that special education was targeted at children, young people and or adults who needed specialized instruction, and that this was provided by specialist teachers. Mrs. Wilson asked for further information on this specialized education and on the centres offering it, and wanted in particular to know if they were accessible to all sectors of the population and if they were available in rural as well as urban areas. As to the problem of the lack of community commitment to special education, she asked if actions had been taken to raise awareness among the public and the local authorities of the need to provide special education centres for children with particular needs.

19. Mrs. BARAHONA RIERA (Rapporteur for Bolivia), citing Bolivia's current political and social difficulties and the prevailing climate of confrontation, said it was clear that the norms inserted in the future constitution were not being applied in practice and that the tensions between different ethnic groups in Bolivia, originating from a kind of racism, had been exacerbated by these difficulties. These difficulties highlighted the need to offer an education that would foster greater dialogue among the country's different regional groups, and the rejection of all forms of discrimination and violence. Mrs. Barahona Riera wanted to know how the Government planned to deal with this question in the future. In the case of literacy programmes now in place, she wanted to know the results, not only in terms of the number of persons served but also the quality of education dispensed.

20. Mr. CHAVEZ (Bolivia) explained that the first phase of the education reform was launched in 1994 and that, consistent with the neoliberal economic policy of the time, was characterized by the opening and creation of private universities. The second phase was intended to promote access to education for population groups who previously had no access; it relied primarily on the "popular participation act," which increased community involvement in the operation of the education system. That model was still functioning but it had changed its focus since the new Government had come to power, and the emphasis was now on bilingual education and on implementing a programme that had already brought reading and writing skills to some 1,200,000 people among marginalized population groups that were excluded from the education system. With respect to the data supplied, the Bolivian delegation explained that a questionnaire had been distributed but the returns had not come in time, for which reason the figures could not be updated. It could nevertheless be claimed that illiteracy had today been eliminated in 130 of Bolivia's 330 or so municipalities, and in three departmental capitals. As of 17 April 2008, 511,000 people had learned to read and write, while 149,711 were taking training in the 23,700 literacy centres created across the country. This, then, was a huge programme. Incentives for children to remain in school had also been offered since October 2006, primarily in the form of a school bonus, known

as the “Juancito Pinto” bonus. This had had an almost immediate impact, reducing school dropout rates significantly, and there were plans to extend this bonus gradually.

21. The new education bill clearly reaffirmed the right to compulsory, free and de-colonizing education. The Bolivian Government was devoting 5 per cent of GDP to education and had decided, with the concurrence of the teachers, to reduce their salaries so as to create more teaching posts. Within the public administration, the highest salary was that of the President, at US\$ 1,900 per month. No other official could earn more, regardless of rank.

22. A national survey conducted in 2002 provided detailed information on persons identifying themselves as indigenous. The draft constitution expressly enshrined the notion of “indigenous peoples” and recognized for these peoples, in addition to individual rights, a number of collective rights. Since Bolivia’s independence in 1825, indigenous peoples had been engaged in a constant struggle to exercise their right to land. While the public authorities were now receptive to their claims, there were small but powerful political and economic groups that were opposed to those claims and were trying to block adoption of the draft constitution.

23. With respect to combating discrimination, the Ministry of Justice, the Ombudsman and civil society organizations were attempting to follow a policy of openness with no exclusions. As indicated earlier, the status of women had improved significantly. The employment restrictions faced in certain sectors by persons with HIV/AIDS had also been eliminated.

24. Mr. Chavez wanted to show Committee members a short documentary illustrating the terrible living conditions of farmworkers on the big estates, especially in the department of Santa Cruz. He noted, however, that poverty was not a regional but a national problem, and was due to the inequitable distribution of wealth and of land ownership.

25. *At the invitation of the Bolivian delegation, Committee members watched the documentary.*

26. The Chairperson thanked the delegation for this documentary, which answered a number of the Committee members’ questions. The first-hand testimony of farmworkers spoke eloquently to the problems they faced in exercising their fundamental rights to health, education and decent work.

27. Mr. CHAVEZ (Bolivia) said that, in releasing this documentary, highly critical as it was of the situation of certain population groups in Bolivia, the Government and the President were demonstrating their intention to come to grips with the country’s reality and to make changes that would at last put an end to decades of injustice. They were in fact establishing a true democratic framework that would result in the adoption of a new political constitution. The resistance of a right-wing minority would not prevent the Government from establishing a society that was fairer and more respectful of traditionally excluded and disadvantaged groups.

28. The Chairperson thanked the Bolivian delegation and announced that the Committee had completed its consideration of the second periodic report of Bolivia.

29. *The Bolivian delegation withdrew.*

The first part (public) at the session ended at 12.30 p.m.