



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/BOL/Q/2
16 January 2008

ENGLISH
Original: SPANISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
26-30 November 2007

BOLIVIA

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration
of the second periodic report of BOLIVIA on the rights covered
by articles 1-15 of the International Covenant on Economic,
Social and Cultural Rights (E/C.12/BOL/2)**

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. In the light of the information contained in paragraph 11 of the report, please indicate what progress has been made towards the adoption of the new Constitution and provide detailed information on how the Covenant's provisions are incorporated in this new Constitution.
2. Please indicate whether the State party has set targets and adopted indicators of progress achieved in ensuring enjoyment of the rights recognized under the Covenant.

Follow-up to the Committee's previous observations¹

3. Please indicate whether, in accordance with the Committee's 2001 recommendations, the State party has taken steps to incorporate the Covenant in its domestic legal system and provide accurate and detailed information on this matter (see E/2002/22-E/C.12/2001/17, paras. 266 and 283).
4. To supplement the information provided in paragraphs 16 and 18 of the report, please indicate the practical steps taken to implement the Committee's 2001 concluding observations relating to the eradication of discrimination against indigenous peoples in all sectors of society and enhancing the enjoyment by rural peoples, in particular indigenous peoples, of their economic, social and cultural rights.
5. Please provide accurate and detailed information on the practical steps taken by the State party to implement the Committee's 2001 recommendations on eradicating the exploitation of children, in particular the phenomenon of "*criaditos*" (indentured indigenous child domestic workers).
6. Bearing in mind the Committee's 2001 recommendations, please provide accurate and up-to-date information on the steps taken to tackle the problem of the large housing shortage, the high incidence of forced evictions and the lack of social housing for low-income, vulnerable and marginalized groups. Please also provide detailed information on the number and nature of forced evictions in Bolivia.
7. In its previous concluding observations, the State party expressed concern at the level of maternal mortality, one of the highest in Latin America. Please provide up-to-date and detailed information on the steps taken and their results.
8. Please indicate the steps taken by the State party, pursuant to the Committee's 2001 recommendations, to reduce the incidence of deaths due to illegal abortions and unattended births. In addition, please provide information on the State party's current legislation on abortion.

¹ See the Committee's concluding observations on the initial report of Bolivia (*Official Records of the Economic and Social Council, 2002, Supplement No. 2* [E/2002/22-E/C.12/2001/17], chap. IV, paras. 256 ff.).

9. Please indicate whether, pursuant to the Committee's 2001 recommendations, the State party has established literacy programmes for adults, in particular in the rural areas, and made efforts to increase the school attendance levels of children in primary school. Please also indicate whether the State party has drawn up a comprehensive national plan for education for all.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1

10. Please indicate whether any constitutional, legal or other steps have been taken:

(a) To recognize the right of the indigenous peoples to benefit from the natural resources of their lands, including minerals and forests; and

(b) To grant the indigenous peoples, including the Yuki, title to their ancestral lands.

11. According to information available to the Committee, the Yuki indigenous people may be in danger of extinction as a result of poverty, malnutrition, tuberculosis and pulmonary fungal infections; they are also subject to discrimination by the authorities and communities in the Chapare region. According to the National Agrarian Reform Institute (INRA), this ethnic group owns 116,000 hectares in its ancestral lands, which are being invaded by non-Yukis. Please indicate whether urgent measures are being taken in response to this problem.

Article 2

12. Please provide detailed and accurate information on recent legislation in Bolivia and on the specific steps taken by the State party to eradicate all forms of discrimination.

13. According to information at the Committee's disposal, homosexuals are subject to discrimination in the workplace and Catholic colleges and universities refuse to enrol them. Furthermore, HIV-positive patients are denied dental treatment. Please comment on this information in the context of article 2 of the Covenant.

Article 3

14. Please provide accurate and detailed information, including the applicable legislation, on the steps being taken by the State party to promote the equal rights of men and women, in particular those designed to combat prejudices against women and raise people's awareness of the need to change the subordinate position of women in society. Please indicate whether the State party has a framework law on gender equality or intends to adopt one in the near future.

Article 6

15. Please provide detailed and accurate information on the steps being taken by the State party to increase employment opportunities, including information about the technical and vocational courses on offer, and on policies designed to reduce unemployment, particularly those aimed at women and indigenous peoples (see E/2002/22-E/C.12/2001/17, para. 287).

Article 7

16. To supplement the information provided in paragraphs 47 and 48 of the State party's report, please provide further information on the provisions of Act No. 2450, which governs domestic work, and indicate whether these provisions are observed in practice. In particular, please:

(a) Provide detailed and up-to-date information, including figures disaggregated by sex and age, on domestic workers in Bolivia;

(b) Provide information on the supervisory arrangements and frequency of labour inspections in this sector; and

(c) Indicate the percentage of domestic workers who have access to education.

17. Please provide accurate and detailed information on the steps being taken to guarantee equal pay for men and women for equal work.

18. Please provide accurate and detailed information on the labour rules governing employment in the mining sector, including working hours, pay, safety conditions and the results of labour inspections in this sector.

Article 8

19. According to information at the Committee's disposal, the Bolivian Workers' Confederation reports that for many years employees have been deterred by their employers, through threats of dismissal, from forming or joining labour unions. Please comment on these reports in the context of article 8 of the Covenant, indicating any steps that are being taken to suppress such practices.

Article 9

20. Please provide accurate and detailed information on the recent reform of the social security system, including on its financial sustainability and the results of its implementation.

21. Please provide detailed and up-to-date information on the free old-age insurance mentioned in paragraph 51 of the State party's report, including the results of its practical application.

Article 10

22. Please provide disaggregated figures on street children as well as precise and detailed information on the measures that are being taken to protect them and prevent this phenomenon.

23. Please:

(a) Explain how legislative measures adopted by the State party in recent years to eradicate child labour are being implemented in practice; and

(b) Provide information on the results of the National Plan for the Progressive Eradication of Child Labour (E/C.12/BOL/2, para. 275).

24. According to information at the Committee's disposal, every day 230 newborn infants die in Bolivia because of the lack of appropriate medical care, 6 out of every 10 children lack basic needs and 5 out of every 10 live below the poverty threshold. Please comment on the measures being taken to correct this situation.

25. Please provide detailed information on the preventive, legislative and practical measures that have been taken to combat the problems of child-trafficking and sexual exploitation in Bolivia. Please also:

(a) Indicate the criminal legislation in force to combat these practices;

(b) Specify the number of cases brought on such charges and the penalties imposed on the culprits;

(c) Indicate whether or not there is an updated database showing the scale of this problem.

Article 11

26. Please provide information on:

(a) Specific measures that were taken following the case study on the food security situation in Bolivia, mentioned in paragraph 83 of the report; and

(b) Whether reasons have been found to explain why Quechua children have a lower nutritional level than other children.

27. In paragraph 96 of its report the State party says, with regard to the 2015 targets under the Millennium Development Goals, that Bolivia does not rule out the attainment of certain targets, such as improving the living conditions of the poorest segments of the Bolivian population. In this context, please provide precise and detailed information on the steps taken and progress achieved in reaching this target.

28. Please provide detailed and up-to-date information on the measures taken by the State party to tackle the problems of overcrowding and poor living conditions in prisons in Bolivia, and on the health, nutrition, and economic, social and cultural rights of prisoners in Bolivia.

29. Please provide precise and detailed information on the recent "Zero Malnutrition" initiative, including its achievements and the impact it has had on the more vulnerable sectors of the Bolivian population.

Article 12

30. The Committee has received reports about the State party's project to legalize the growing of coca and its processing for such legal uses as medication and food products, while at the same time combating the illicit production and trafficking of drugs. Please provide precise and detailed information on this matter.

31. According to information at the Committee's disposal, 69 per cent of the women who have abortions in Bolivia are 14 to 15 years old. Please indicate what steps are being taken to address this problem. Please also provide information on the legislation, plans and programmes relating to sexual and reproductive health for the population as a whole.

32. Please provide precise and detailed information on the steps taken to guarantee access by vulnerable population groups to the health system, including dental care.

Articles 13 and 14

33. Please indicate what percentage of the national budget is allocated for primary, secondary and higher education and what measures have been taken to improve educational infrastructure and increase the number of schools and teachers, and provide relevant data disaggregated by geographical zones.

34. Please provide additional information on the measures adopted with a view to eliminating traditional stereotypes that hinder girls' education and guaranteeing equal access by girls and young women to all levels of education, and on the impact these measures have had.

Article 15

35. Please indicate what measures have been taken by the State party to foster harmonious relations between the country's different ethnic and cultural groups.

36. Please indicate what measures have been taken by the State party to uphold the right of all Bolivians to take part in cultural life.
