



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the third periodic report of the Plurinational State of Bolivia\*

#### I. General information

1. Please provide statistical data on the situation of economic, social and cultural rights, particularly in respect of indigenous peoples, Afro-Bolivians and other disadvantaged groups and individuals. Please provide further information on the use of human rights indicators in public policymaking, and in particular on the use of indicators of the Ministry of Justice and Institutional Transparency and those of SIPLUS-Bolivia, the system for following up, monitoring and gathering statistics on human rights recommendations.
2. Please provide information on the enforceability by the courts of economic, social and cultural rights in the guarantees set forth in the Constitution and the State party's obligations under the Covenant. Please provide information on specific measures to raise awareness among civil society and the general public of opportunities to submit complaints to the Committee based on the provisions of the Optional Protocol to the Covenant.
3. Please provide information on climate change adaptation measures and on the adverse effects of climate change on the enjoyment of economic, social and cultural rights, especially with regard to disadvantaged groups. Please provide information on mitigation measures aimed at reducing the State party's contribution to climate change. In particular, please indicate how the State party reconciles its policies on energy production and the extractive industries with its commitments under the Paris Agreement under the United Nations Framework Convention on Climate Change.

#### II. Issues relating to the general provisions of the Covenant (arts. 1–5)

##### Right to freely dispose of natural wealth and resources (art. 1 (2))

4. Please provide information on the implementation of the Framework Act on Autonomous Entities and Decentralization (Act No. 031), including information on the progress made in shaping the four kinds of autonomous entity and on measures taken to facilitate the transition from native community lands to native indigenous campesino territory.
5. Please provide information on measures taken to implement the right of indigenous peoples to consultation and to free, prior and informed consent, and the right of local communities to good-faith consultation, particularly in the context of extractive activities and large infrastructure projects. Please also provide information on measures to harmonize

\* Adopted by the pre-sessional working group at its sixty-fifth session (21 to 25 October 2019).



the regulations on extractive activities and the right to consultation and to free, prior and informed consent.

6. Please provide information on measures taken to guarantee the rights of indigenous peoples to territory in the face of extractive activities. Please provide information on the implementation of Act No. 450 on the protection of highly vulnerable indigenous nations and peoples, in particular as regards its effectiveness in respect of indigenous peoples in voluntary isolation and uncontacted peoples.

**Obligation of the State party to take steps to the maximum of its available resources (art. 2 (1))**

7. Please provide information on trends over the past 10 years in:

(a) The percentage of persons below the poverty line, and the levels of inequality, defined as the ratio of the total income of the richest decile of the population to the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is generated through taxes;

(c) The rates of tax levied on corporate profits and personal incomes, the value added tax rate (exclusive of value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and gasoline), and the percentage of total revenue that is generated from personal income taxes collected from the richest decile of the population;

(d) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the State budget that is allocated to social spending (social security, food, water and sanitation, housing, health, and education);

(e) Inflation-adjusted absolute levels of social spending.

**Non-discrimination (art. 2 (2))**

8. Please provide information, including statistical data, on the implementation and impact of Act No. 045 on racism and all forms of discrimination, the Multisectoral Plan to Combat Racism and All Forms of Discrimination (2016–2020) and the National Committee against Racism and All Forms of Discrimination, including data on the financial resources provided for their implementation over the past decade.

9. Please provide information on the impact of the Gender Identity Act (Act No. 807) and on the measures taken to guarantee all the rights enshrined in the Covenant to lesbian, gay, bisexual, transgender and intersex persons.

10. Please provide information on measures taken to ensure that refugees and asylum seekers enjoy economic, social and cultural rights, including access to employment, humanitarian assistance and social services. Please provide information on special measures to identify, prevent and respond to sexual and gender-based violence affecting refugees and asylum seekers.

**Equal rights of men and women (art. 3)**

11. Please provide information on the results of the Multisectoral Plan to Eliminate Patriarchalism and Promote the Right of Women to Live Well, including information on the financial resources allocated to it since its adoption in 2017.

**III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

**Right to work (art. 6)**

12. Please provide information on measures to expedite the transition from the informal to the formal economy and to ensure equal access to the formal labour market for disadvantaged groups and persons. Please also provide information on measures to protect

women and girls in domestic work and to ensure that the 4 per cent quota of employees with disabilities is met in the public and private sectors.

**Right to just and favourable conditions of work (art. 7)**

13. Please provide statistical information on child labour and forced labour in the State party. Please also provide information on specific measures to eliminate forced labour, particularly in the agricultural and mining sectors, including information on the prosecution of all cases of forced labour and servitude.

**Right to social security (art. 9)**

14. Please provide updated information, including disaggregated statistical data, on social security coverage, as well as information on measures taken to achieve universal social security coverage, including for female domestic workers, and the impact of such measures.

**Protection of the family and children (art. 10)**

15. Please provide information, including statistical data, on the impact of the Comprehensive Act to Guarantee Women a Life Free from Violence (Act No. 348). Please also provide information on measures to prevent femicide and ensure access to justice in such cases, including the establishment of special courts to hear cases of violence against women.

16. Please provide information, including statistical data, on the impact of measures taken to eradicate violence against children, including information on resources allocated over the past decade. Please provide information on measures taken to guarantee the protection of the children of families living in extreme poverty and of children and adolescents orphaned as a result of femicide.

**Right to an adequate standard of living (art. 11)**

17. Please provide information on the impact of measures taken to combat poverty and extreme poverty on women and disadvantaged groups and individuals, including indigenous peoples, Afro-Bolivians and persons with disabilities.

18. Please provide information on measures taken to prevent and recover from disasters in view of the increasing number of droughts and floods, as well as on measures taken to prevent and contain forest fires. Please provide information on short-, medium- and long-term reforestation measures. Please also provide information on protection and assistance measures to ensure that the affected communities enjoy the rights enshrined in the Covenant.

19. Please provide information on the impact of the Multi-Year Housing Deficit Reduction Plan (2016–2020), including data on the most disadvantaged groups. Please provide information on measures taken to prevent forced evictions, in particular through the implementation of Act No. 247.

20. Please provide information, including statistical data disaggregated by the most disadvantaged groups and individuals, on the impact of the Multisectoral Zero Malnutrition Programme (2016–2020) and on measures taken to preserve collective ownership of native seeds.

21. Please provide information on the impact of extractive activities on the environment, as well as on the rights to water and food. Provide information on the extent of agricultural activities and the use of agrochemicals and genetically modified foods, and their impact on deforestation and the destruction of ecosystems. Please also provide information on measures taken to ensure the effective implementation of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement).

22. Please provide updated information and statistical data on measures taken since 2017 to achieve universal coverage of access to safe drinking water, as well as on measures taken to guarantee access to basic sanitation, particularly in rural areas.

**Right to physical and mental health (art. 12)**

23. Please provide information on the impact of the Intercultural Community Family Health policy and on the measures taken to implement the Unified Health System. Please provide information on the integration of traditional medicine and an intercultural perspective in the Unified Health System.

24. Please provide information on the results achieved with the National Sexual and Reproductive Health Plan (2016–2020). Please provide information on measures taken to improve the availability and accessibility of contraceptives. Please also provide information on measures taken to decriminalize abortion and facilitate safe access to it.

**Right to education (arts. 13 and 14)**

25. Please provide information, including statistical data, on measures to reduce the school dropout rate, improve the quality of education and ensure culturally appropriate content for indigenous peoples, Afro-Bolivians and other disadvantaged groups. Please provide information on measures to prevent discrimination and violence in schools, in particular against girls, lesbian, gay, bisexual, transgender and intersex persons and other disadvantaged groups and individuals.

**Cultural rights (art. 15)**

26. Please provide information on measures taken to preserve and promote indigenous languages and the cultural participation of indigenous peoples, campesinos and Afro-Bolivians. Please also provide information on measures taken to reduce the digital divide, in particular to ensure access to information and communication technologies for people in rural areas.

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