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

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of Bolivia to the list of issues (E/C.12/BOL/Q/2)  
to be taken up in connection with the consideration of the combined second,  
third and fourth periodic reports of Bolivia concerning the rights referred  
to in articles 1-15 of the International Covenant on Economic, Social and  
Cultural Rights (E/C.12/BOL/2)**

[23 April 2008]

## Background

1. As requested by the Committee on Economic, Social and Cultural Rights, these replies to the list of issues are being provided as a complement to the second periodic report submitted by the Government of Bolivia on 30 January 2007 (E/C.12/BOL/2). It is considered relevant for the Committee also to take note of the following updated information, which was not addressed in the list of issues.
2. In the second periodic report, reference is made to the development of the National Human Rights Strategy during the presidency of Dr. Eduardo Rodríguez Beltré and to the creation of an inter-agency council<sup>1</sup> as a mechanism to formulate and implement government policies aimed at promoting the protection of and respect for human rights.
3. Following the election of President Evo Morales Ayma, it became necessary to reformulate the National Human Rights Strategy so as to bring this mechanism into line with Act No. 3351 of 21 February 2006 (Organization of the Executive Branch Act); the National Development Plan, "A Decent, Sovereign, Productive and Democratic Bolivia in order to Live Well", approved by Supreme Decree No. 29272 of 12 September 2007; and the draft Constitution, approved item by item on 9 December 2007. It is hoped that the new Constitution will be approved by referendum in the next few months.
4. Accordingly, in the last quarter of 2007, work was begun on the development of the National Human Rights Action Plan for 2008-2011. The plan will be completed in the first half of 2008. It is an instrument that combines participation and inclusiveness; social organizations and representatives of civil society are participating actively in its drafting and dissemination.
5. One of the fundamental pillars of the Plan is the priority attached to the formulation of government policies for the realization of economic, social, cultural and environmental rights.
6. Although the mechanisms established under Supreme Decree No. 27420 - the Inter-Agency Council, the Inter-ministerial Commission and the Technical Secretariat - continue to exist, it is expected that the Decree will be modified in order to provide for effective participation by social organizations, social movements and native and indigenous peoples in the country.

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<sup>1</sup> A mechanism created by Supreme Decree No. 27-420, composed of the following: Minister for Foreign Affairs and Worship, Minister for the Presidency, Minister of Education, Minister for Indigenous Affairs and Native Peoples, Minister of Sustainable Development, Minister of Labour, Minister of Defence, Minister of Health and representatives of the judiciary, the Public Prosecutor's Office and the human rights community.

## I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

***Question 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.***

7. The proposal to draft a new Constitution originated as a result of demands on the part of social groups, whose campaign for a series of changes in the country culminated on 6 March 2006 in the adoption of Act No. 3364 (Special Act Convening the Constituent Assembly), which called elections for 255 Assembly members representing each of the existing electoral districts. The members took their seats on 6 August 2006 and began the process of drafting the new Constitution.

8. The Constituent Assembly comprised 21 commissions, which initially worked for a year, after which their sessions were extended for six months, to 15 December 2007. The overall text of the new Constitution was approved on 24 November 2007 in the city of Sucre - the home of the Constituent Assembly - following a review of reports from the majority and minority political parties drawn up during this period.

9. The work of the Assembly culminated with the approval of the Constitution item by item on 9 December 2007, a landmark event because for the first time the Constitution reflected proposals formulated by political parties, citizen groups, public agencies, social organizations and movements, civic and departmental groups, indigenous peoples, representatives of private enterprise, NGOs, churches, researchers and individuals.

10. The new Constitution will be submitted to the Bolivian people for approval by means of a final, binding referendum, scheduled to take place on Sunday, 4 May this year, pursuant to Act No. 3835, which amends article 4 of Act No. 3728, which stipulates that the Congress of the Republic will convene, by means of an act of Congress approved by two thirds of members present, a binding referendum in which the Bolivian people will, through universal suffrage and by an absolute majority of votes, render a final decision on the contentious articles; Act No. 3836 on the binding referendum; and Act No. 3837 on approval of the new Constitution. The above-mentioned laws were approved on 28 February 2008 and promulgated on 29 February 2008.

11. The document approved item by item by the Constituent Assembly is of a humanist nature and incorporates most of the rights established under the various conventions ratified by Bolivia. Compliance with the International Covenant on Economic, Social and Cultural Rights is to be ensured as follows:

- (a) Self-determination and free determination of political status:

### **Political rights**

#### **“Article 26**

“I. All male and female citizens shall have the right, individually or collectively, to participate freely in the formation, exercise and control of political power, directly or through their representatives.

“Participation by men and women shall be equitable and on an equal basis.

“II. The right to participate shall include:

“1. Organization for purposes of political participation, in accordance with the Constitution and the law.

“2. Suffrage, through equal, universal, direct, individual, secret, free and compulsory voting, with public counting of votes. Citizens 18 years of age and older shall have the right to vote.

“3. Oversight of the acts of public officials.

“4. Direct election, appointment and nomination of representatives of the native indigenous campesino nations and peoples, in accordance with their own rules and procedures.”

- (b) The right of peoples to dispose freely of their natural wealth and resources:

### **Rights of native indigenous nations and peoples**

#### **“Article 30**

“I. A native indigenous campesino nation and people is a group of people with a shared cultural identity, language, historical tradition, institutions, land and world view, whose existence pre-dates the Spanish colonial invasion.

“II. In the framework of the unity of the State and in accordance with this Constitution, the native indigenous campesino nations and peoples shall enjoy the following rights:

“1. The right to exist freely.

“2. The right to their cultural identity, religious beliefs, spiritual traditions, practices and customs, and to their own world view.

“3. The right of all of their members, if they so desire, to have their cultural identity noted along with their Bolivian citizenship on identity cards, passports and other legally valid identity documents.

“4. The right to self-determination and recognition of their territories.

- “5. The right to have their institutions form part of the general structure of the State.
- “6. The right to collective ownership of lands and territories.
- “7. The right to protection of their sacred places.
- “8. The right to create and administer their own communications systems, media and networks.
- “9. The right to respect for and appreciation and promotion of their traditional knowledge and learning, their traditional medicine, their languages, their rituals and their symbols and clothing.
- “10. The right to live in a healthy environment, with proper management and use of ecosystems.
- “11. The right to collective intellectual property protection for their learning, sciences and knowledge, as well as the appreciation, use, promotion and development thereof.
- “12. The right to intracultural, intercultural and plurilingual education at all levels of the education system.
- “13. The right to universal and free access to a health-care system that respects their world view and traditional practices.
- “14. The right to operate their own political, legal and economic systems in accordance with their world view.
- “15. The right to be consulted through appropriate procedures, and in particular through their institutions, about any legislative or administrative measures that might affect them. In this framework, the right to obligatory prior consultation by the State, in good faith and in a mutually agreed manner, regarding the exploitation of non-renewable natural resources in the territory that they inhabit shall be respected and guaranteed.
- “16. The right to share in the benefits of the exploitation of natural resources in their territories.
- “17. The right to autonomous indigenous territorial administration, and to the exclusive use and exploitation of the renewable natural resources existing in their territory.
- “18. The right to participation in the organs and institutions of the State.
- “III. The State shall guarantee, respect and protect the rights of native indigenous campesino nations and peoples enshrined in this Constitution and in the law.”

(c) Exercise of rights freely and without discrimination:

**“Article 14**

“I. Every human being shall have legal personality and capacity under the laws and shall enjoy the rights recognized by this Constitution, without distinction.

“II. The State shall prohibit and punish all forms of discrimination based on sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious belief, ideology, political or philosophical affiliation, marital status, economic or social status, occupation, level of education, disability, pregnancy or other grounds which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the rights of any person.”

(d) Recognition of the right to work and remuneration and the right to form and join trade unions and to strike

**Right to work and employment**

**“Article 46**

“I. All persons shall have the right:

“1. To decent work, with occupational health, hygiene and safety, without discrimination, and with fair, equitable and satisfactory remuneration or wages that will ensure a decent standard of living for themselves and their families.

“2. To a stable source of work, under equitable and satisfactory conditions.

“II. The State shall protect all forms of work.

“III. All forms of forced labour and similar modes of exploitation which oblige a person to perform work without his or her consent and without fair pay are prohibited.

**“Article 47**

“I. Everyone has the right to engage in trade, industry or any lawful economic activity, on conditions which do not harm the common welfare.

“II. Self-employed workers in small urban or rural productive units and small traders in general shall enjoy a special system of State protection through a policy of equitable trade and fair prices for their products, together with the preferential allocation of financial and economic resources to encourage their output.

“III. The State shall protect, promote and strengthen communitarian forms of production.

**“Article 48**

“I. Provisions relating to social and labour matters shall be binding.

“II. Labour laws shall be interpreted and applied in accordance with the principles of the protection of workers as society’s main productive force, the primacy of the actual employment relationship, the continuity and stability of employment, non-discrimination and the shift in the burden of proof in favour of workers.

“III. Rights and benefits granted to workers may not be renounced, and agreements which violate this rule or are designed to circumvent its effects shall be invalid.

“IV. Accrued salaries and wages and unpaid labour entitlements, social benefits and social security contributions shall enjoy priority and precedence over any other financial claims. They shall be immune from seizure and shall not be subject to any statute of limitations.

“V. The State shall promote women’s employment and shall guarantee them the same remuneration as men for work of equal value, both in the public and in the private sectors.

“VI. Women may not be discriminated against or dismissed on account of their civil status, pregnancy, age, physical traits or number of children. Pregnant women and parents enjoy security of employment until their child has reached one year of age.

“VII. The State shall guarantee the incorporation of young people in the productive system, in keeping with their skills and training.

**“Article 49**

“I. The right to collective bargaining is recognized.

“II. The law shall regulate labour relations in respect of collective agreements and contracts, general and sectoral minimum wages and wage increases, reinstatement, paid leave and holidays, the calculation of seniority, working hours, overtime, differentials for Sunday or night work, Christmas bonuses, share issues, bonuses, and other systems of profit-sharing, indemnities and severance pay, working mothers, vocational and further training and other social rights.

“III. The State shall protect stable employment. Unfair dismissal and all forms of harassment at work are prohibited. The law shall lay down appropriate penalties.

**“Article 50**

“The State shall settle all labour disputes between employers and workers, including those concerning industrial safety and social security, through specialized administrative tribunals and bodies.

**“Article 51**

“I. All workers have the right to form a trade union in accordance with the law.

“II. The State shall respect the trade-union principles of unity, trade-union democracy, political pluralism, autonomous funding, solidarity and internationalism.

“III. Trade-unionism is recognized and guaranteed as a means of ensuring protection, representation, assistance, education and culture for rural and urban workers.

“IV. The State shall respect the ideological and organizational independence of trade unions. Trade unions shall have legal personality by virtue of the simple fact that they have been set up and that they have been recognized by their parent organizations.

“V. The tangible and intangible property of trade-union organizations shall be inviolable, immune from seizure and non-assignable.

“VI. Trade-union leaders enjoy trade-union privilege. They may not be dismissed for one year after they have ended their term of office. Their social rights may not be curtailed, and they may not be prosecuted or imprisoned for acts carried out in pursuance of their trade-union work.

“VII. Self-employed workers have the right of association in order to defend their interests.

**“Article 52**

“I. Enterprises’ freedom of association is recognized and guaranteed.

“II. The State shall guarantee recognition of the legal personality of business associations, as well as democratic forms of business organization, in accordance with their articles of association.

“III. The State shall recognize business organizations’ training institutions.

“IV. Business organizations’ tangible and intangible property is inviolable and immune from seizure.

**“Article 53**

“The right to strike in exercise of the legal right of workers to stop work in defence of their rights, in accordance with the law, is guaranteed.

**“Article 54**

“I. It is incumbent upon the State to establish employment policies to prevent unemployment and underemployment, in order to create, maintain and generate conditions such that workers may obtain decent work and fair pay.

“II. It is the duty of the State and society to protect and defend domestic industry and State services.

“III. Workers acting to defend their sources of work and to safeguard the interests of society may, in accordance with the law, reactivate and reorganize companies which are insolvent, bankrupt or in the process of liquidation, or which have been shut down or abandoned for no good reason, and shall set up community or social enterprises. The State may support the workers’ action.



**“Article 55**

“The cooperative system rests on the principles of solidarity, equality, reciprocity, fair distribution and the pursuit of social goals, not profit, by members. The State shall encourage and regulate the organization of cooperatives by means of the law.”

(e) Rights of the family and protection of children and young people

**Rights of children and young people**

**“Article 58**

“Any minor is deemed to be a child or a young person. Children and young persons have the rights recognized in the Constitution, within the limits laid down therein, as well as the specific rights intrinsic to their development, to their ethnic, sociocultural, gender and generational identity and to the satisfaction of their needs, interests and aspirations.

**“Article 59**

“I. Every child and young person has the right to all-round development.

“II. Every child and young person has the right to live and grow up in his or her natural or adoptive family. When this is not possible, or would be contrary to his or her best interests, he or she shall have the right to a foster family, in accordance with the law.

“III. All children and young people, irrespective of their origin, have the same rights and duties towards their parents. Discrimination between children by parents shall be penalized by law.

“IV. All children and young people have the right to identity and the right of filiation to their parents. When their parents are not known, they shall use the agreed surname chosen by the person responsible for their care.

“V. The State and society shall guarantee the protection and promotion of young people and their active participation in productive, political, social, economic and cultural development, without any discrimination, in accordance with the law.

**“Article 60**

“It is the duty of the State, society and the family to guarantee that priority is given to the best interests of the child or young person. These interests comprise the pre-eminence of his or her rights, his or her entitlement to priority protection and assistance in any circumstances and to priority care by public and private services, as well as swift and timely access to the administration of justice with the assistance of specialized staff.

**“Article 61**

“I. All forms of violence against children and young people in the family or in society are prohibited and penalized.

“II. Forced labour by children and the exploitation of children are prohibited. The activities of children and young people within the family and in society shall be directed towards moulding them fully as citizens, and shall have a formative function. Special regulations shall lay down their rights to, guarantees of and institutional mechanisms for protection.

“Section VI. Rights of families

**“Article 62**

“The State recognizes and protects families as the fundamental nucleus of society, and shall guarantee the requisite social and economic conditions for their full development. All family members have the same rights, obligations and opportunities.

**“Article 63**

“I. Marriage between a woman and a man is legally binding and is based on the equal rights and duties of the spouses.

“II. Cohabitation or common-law unions between a woman and a man which are stable and monogamous and to which there is no legal impediment shall produce the same legal effects as civil marriage, both with respect to the partners’ personal and property relations and with respect to adopted children or children born of this relationship.

**“Article 64**

“I. Spouses and partners must, on equal conditions and through joint efforts, maintain and take responsibility for the home and for the education and all-round upbringing of their children while they are minors, or if they have any disability.

“II. The State shall protect and assist those who are responsible for families in the exercise of their duties.

**“Article 65**

“In the context of the best interests of children and young people and their right to an identity, the presumption of descent shall be asserted by means of a statement by either the mother or the father. This presumption shall be valid unless evidence to the contrary is provided by the person denying filiation. In the event that the evidence invalidates the presumption, the costs incurred shall be borne by the person who declared filiation.

**“Article 66**

“Women and men are guaranteed the exercise of their sexual and reproductive rights.”

(f) The Constitution as approved provision by provision contains the following section on the right to education.

## **Education, interculturalism and cultural rights**

“Section I. Education

### **“Article 77**

“I. Education constitutes one of the highest functions and a prime financial responsibility of the State, which has the binding obligation to support, guarantee and manage education.

“II. The State and society have the role of full guardians of the education system, which comprises normal, alternative and special education and higher vocational education. Educational processes are based on the criteria of harmony and coordination.

“III. The education system comprises State and private educational establishments and those run by the Catholic Church.

### **“Article 78**

“I. Education shall be unitary, public, universal, democratic, participative, communitarian, focused on decolonization and of good quality.

“II. Education shall be intracultural, intercultural and plurilingual throughout the education system.

“III. The education system shall be based on education which is open, humanist, scientific, technical and technological, productive, territorial, theoretical and practical, liberating and revolutionary, critical and imbued with solidarity.

“IV. The State shall guarantee vocational education and humanist technical instruction for men and women which is related to life, work and productive development.

### **“Article 79**

“Education shall promote a sense of civic responsibility, intercultural dialogue and moral/ethical values. Values shall encompass gender equity, the lack of differentiation in roles, rejection of violence and full applicability of human rights.

### **“Article 80**

“I. The purpose of education shall be the all-round moulding of individuals and the fostering of a critical social conscience in life and for life. Education shall be directed at individual and group training, the development of physical and intellectual skills, aptitudes and abilities which link theory with practice in the productive sector, and the preservation and protection of the environment, biodiversity and the country in order to live well. The law shall make provision for its regulation and implementation.

“II. Education shall contribute to the strengthening of unity and each person’s identity as a member of a plurinational State, to the cultural identity and development of the members of each native indigenous campesino nation or people and to intercultural understanding and enrichment within the State.

**“Article 81**

“I. Education is compulsory up to the level of the secondary school leaving certificate.

“II. State education is free at all levels up to higher education.

“III. On completion of secondary school studies, the school-leaving certificate shall be awarded immediately free of charge.

**“Article 82**

“I. The State shall ensure that all citizens have access to and can remain in education on conditions of full equality.

“II. The State shall give priority support to less well-off pupils in order that they may have access to various levels of the education system, by providing economic resources and organizing food, clothing, transport and school equipment programmes and, in remote areas, boarding facilities, in accordance with the law.

“III. Gifted pupils at all levels of the education system shall receive scholarships by way of encouragement. Every child or young person with outstanding natural talent shall have the right to receive instruction using teaching and learning methods which best develop his or her aptitudes and skills.

**“Article 83**

“Participation in the education system by society and the community through representative bodies at all levels of the State and in the native indigenous campesino nations and peoples is recognized and guaranteed. Their membership and powers shall be established by law.

**“Article 84**

“The State and society have a duty to eradicate illiteracy by means of programmes in keeping with the cultural and linguistic circumstances of the people.

**“Article 85**

“The State shall promote and guarantee the continuing education of children and young people who suffer from disabilities or who are especially gifted, using the regular structure, principles and values of the education system, and shall establish and develop a special curriculum.

**“Article 86**

“Freedom of conscience and religion shall be recognized and guaranteed in educational establishments, as shall the spirituality of the native indigenous campesino nations and peoples. Respect and harmonious relations between persons who have made different religious choices shall be fostered without the imposition of any dogma. In these establishments there shall be no discrimination in respect of the acceptance and retention of pupils on the grounds of their religious choices.

**“Article 87**

“The functioning of non-profit-making educational establishments run by the Catholic Church which serve social purposes and allow free access is recognized and respected. They shall be subject to the supervision of the public authorities and shall be governed by the standards, policies, plans and programmes of the education system.

**“Article 88**

“I. The functioning of private educational establishments of all kinds at all levels is recognized and respected. They shall be governed by the policies, plans, programmes and authorities of the education system. The State guarantees their functioning subject to a check on conditions and their compliance with statutory provisions.

“II. The right of parents to choose the education suitable for their children shall be respected.

**“Article 89**

“The monitoring, assessment, evaluation and attestation of the quality of education dispensed throughout the education system shall be the responsibility of a specialist technical public institution which is independent of the relevant ministry. Its membership and functioning shall be determined by law.

**“Article 90**

“I. The State shall approve technical and technological training institutes at the intermediate and higher levels, provided that they comply with statutory conditions and requirements.

“II. The State shall promote technical, artistic and language training through technical institutes.

“III. Through the education system, the State shall promote the setting up and organization of distance learning and non-school education programmes, with the aim of raising the cultural level and the plurinational awareness of the people.

“Section II. Higher education

“**Article 91**

“I. Higher education employs vocational training processes to generate and spread knowledge designed to bring about the comprehensive development of society. To that end, it shall take account of the universal knowledge and collective wisdom of the native indigenous campesino nations and peoples.

“II. Higher education is intracultural, intercultural and plurilingual, and its purpose is to ensure the all-round training of highly qualified and skilled human resources, to conduct scientific research with a view to solving problems affecting the productive base and its social setting, to promote outreach and social interaction policies in order to strengthen scientific, cultural and linguistic diversity and, to join with the people in all processes of social liberation in order to build a society where there is more fairness and social justice.

“III. Higher education is dispensed by universities, teacher training colleges and technical, technological and art institutes.

“**Article 92**

“I. The public universities shall be autonomous and of equal standing. Autonomy consists of freedom to manage resources, to appoint governing bodies and teaching and administrative staff, to draw up and approve statutes, curricula and annual budgets, to accept bequests and donations and to conclude contracts, in order to achieve their purposes and to support and improve their institutes and faculties. Public universities may negotiate loans using their assets and resources as security, subject to legislative approval.

“II. The public universities shall, in exercise of their autonomy, constitute the University of Bolivia, which shall coordinate and plan their aims and functions through a central body, in accordance with a university development plan.

“III. The public universities shall be authorized to confer academic degrees and professional titles which shall be valid throughout the country.

“**Article 93**

“I. The public universities shall receive adequate financial support from the State, regardless of their current or future departmental, municipal or own resources.

“II. Acting within the framework of their statutes, the public universities shall establish social participation mechanisms of a consultative, coordinative and advisory nature.

“III. The public universities shall establish mechanisms to ensure accountability and transparency in the use of their resources, through the submission of financial statements to the Plurinational Legislative Assembly, the Controller’s Office and the executive.

“IV. Acting within the framework of their statutes, the public universities shall establish programmes to promote academic decentralization and interculturalism, in keeping with the needs of the State and those of the native indigenous campesino nations and peoples.

**“Article 94**

“I. Private universities shall be governed by the policies, plans, programmes and authorities of the education system.

“Their functioning shall be authorized by supreme decree, subject to confirmation that they meet statutory conditions and requirements.

“II. Private universities shall be authorized to issue academic degrees. Professional titles valid throughout the country shall be conferred by the State.

“III. In private universities panels of examiners shall be set up to confer all categories of academic degrees and diplomas. These panels shall include permanent university teachers appointed by the public universities on conditions established by the law. The State shall not provide financial support for private universities.

**“Article 95**

“The State and the public universities shall jointly promote the establishment and operation of pluricultural communitarian universities and institutes in rural areas, ensuring social participation. These universities will be opened and operated in response to regions’ needs to strengthen their productive capacity in keeping with their potential.

**“Article 96**

“I. Universities must set up and run intercultural centres providing freely accessible technical and cultural training for the people, in keeping with the principles and aims of the education system.

“II. Universities must implement programmes to revive, preserve, develop, teach and spread the different languages of the native indigenous campesino nations and peoples.

“III. Universities shall promote centres for the creation of production units, in coordination with public and private communitarian productive initiatives.

**“Article 97**

“I. The State shall be responsible for teacher training through higher education colleges. There shall be a single public, free, intracultural, intercultural, plurilingual, scientific and productive system of teacher training, which shall function with a sense of social commitment and a spirit of service.

“II. Teaching staff shall regularly participate in processes to update their knowledge and teaching skills.

“III. The career and tenure of teaching staff is guaranteed in accordance with the law. Teachers shall receive a decent wage.

**“Article 98**

“The basic purpose of postgraduate training at various levels shall be to obtain professional qualifications in different areas through scientific research and the generation of knowledge linked to reality in order to contribute to the all-round development of society. Postgraduate training shall be coordinated by an authority composed of universities within the education system, in accordance with the law.”

**(g) The right to health**

*“Right to health and social security*

**“Article 35**

“I. The State at all levels shall protect the right to health by promoting public policies designed to improve the quality of life, common welfare and free access for the population to public services.

“II. The health system is unitary and includes the traditional medicine of the native indigenous campesino nations and peoples.

**“Article 36**

“I. The State shall guarantee access to universal health insurance.

“II. The State shall supervise the provision of public and private health services and shall regulate it by law.

**“Article 37**

“The State has the binding obligation to guarantee and support the right to health, which shall constitute one of its highest functions and a prime financial responsibility. Priority shall be given to promoting health and preventing disease.

**“Article 38**

“I. Public health assets and services are State property and may not be privatized or outsourced.

“II. Health services shall be provided continuously.



**“Article 39**

“I. The State shall guarantee the public health service and recognizes the private health service. It shall regulate and monitor high-quality care through independent medical audits evaluating the work of health service staff, infrastructure and equipment, in accordance with the law.

“II. Negligent actions and omissions in medical practice shall be penalized by law.

**“Article 40**

“The State shall guarantee the participation of civil society in decision-taking and the management of the whole public health system.

**“Article 41**

“I. The State shall guarantee the population’s access to medicines.

“II. The State shall give priority to generic medicines by encouraging their domestic production and, where appropriate, shall decide on their importation.

“III. The right of access to medicines may not be restricted by intellectual property and marketing rights, and provision shall be made for quality standards.

**“Article 42**

“I. It shall be the responsibility of the State to promote and guarantee respect for, the use and practice of and research into traditional medicine, by recovering ancestral knowledge and practices from the ideas and values of all the native indigenous campesino nations and peoples.

“II. The promotion of traditional medicine shall include the registration of natural medicines and their active substances and the protection of knowledge thereof as intellectual, historical and cultural property and as the heritage of the native indigenous campesino nations and peoples.

“III. The law shall regulate the practice of traditional medicine and guarantee the quality of its services.

**“Article 43**

“The law shall regulate donations or transplants of cells, tissues or organs, taking into account the principles of humanity, solidarity, timeliness, free provision and efficiency.

**“Article 44**

“I. No one may be subjected to any surgical operation or medical or laboratory examination without his or her consent, or that of legally authorized third persons, save when his or her life is in imminent danger.

“II. No one may be subjected to scientific experiments without his or her consent.

**“Article 45**

“I. All Bolivians are entitled to free social security.

“II. Social security shall be provided on the basis of the principles of universality, completeness, fairness, solidarity, equal treatment, economy, timeliness, interculturalism and efficacy. It shall be managed and administered by the State with the supervision and participation of society.

“III. The social security system shall cover: treatment for disease, epidemics and disaster-related diseases; maternity and paternity; occupational hazards and hazards related to farming; disability and special needs; unemployment and loss of work; orphanhood, widowhood and widowerhood, old age and death; housing, family allowances and other forms of social provision.

“IV. The State guarantees the right to a pension, which shall be based on the principles of universality, solidarity and fairness.

“V. Women have the right to safe maternity, with due account being paid to intercultural views and practices. They shall receive special assistance and protection from the State during pregnancy and childbirth and in the prenatal and post-natal periods.

“VI. Public social security services may not be privatized or outsourced.”

**(h) The right to culture is established as follows**

**Cultures**

**“Article 99**

“I. Cultural diversity constitutes the essential basis of the communitarian plurinational State. Interculturalism is the means for securing cohesion and harmonious and balanced relations among all peoples and nations. Interculturalism shall entail equality and respect for differences.

“II. The State shall deem the existence of native indigenous campesino cultures to be a source of strength, in that they are the depositories of wisdom, knowledge, values, spirituality and world views.

“III. It shall be the fundamental responsibility of the State to preserve, develop, protect and disseminate the cultures existing in the country.

**“Article 100**

“I. The cultural heritage of the Bolivian people is inalienable, immune from seizure and not subject to the statute of limitations. The economic resources which it generates shall be regulated by law, the primary purpose being to secure the conservation, preservation and promotion of this heritage.

“II. The State shall guarantee the registration, protection, restoration, recovery, revitalization, enrichment, promotion and spread of its cultural heritage, in accordance with the law.

“III. Natural, archaeological, palaeontological, historical and documentary treasures and those deriving from religious worship and folklore are the cultural heritage of the Bolivian people, in accordance with the law.

**“Article 101**

“I. World views, myths, oral history, dances, cultural practices, knowledge and traditional technologies are the heritage of the native indigenous campesino nations and peoples. This heritage forms part of the State’s identity and expression.

“II. The State shall protect wisdom and knowledge through an intellectual property register which shall safeguard the intangible rights of the indigenous campesino nations and peoples and the intercultural and Afrobolivian communities.

**“Article 102**

“The intangible components of manifestations of folk art and folk industries shall enjoy the special protection of the State. The tangible and intangible components of sites and activities which have been declared the cultural heritage of mankind shall likewise receive this protection.

**“Article 103**

“The State shall register and protect individual and collective intellectual property rights over the works and discoveries of authors, artists, composers, inventors and scientists, on terms to be laid down by law.”

12. The new Constitution will specifically incorporate the vast majority of the rights embodied in conventions ratified by Bolivia with a view to ensuring their effective application.

**Question 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.**

13. The purpose of Supreme Decree No. 29272 of 12 September 2007 introducing a National Development Plan entitled “A Decent, Sovereign, Productive and Democratic Bolivia in order to Live Well, 2006-2011” is to guide and coordinate sectoral, regional and institutional planning for national development. It outlines the strategies which should be followed and, among other things, sets the goal of achieving a “decent Bolivia” through the eradication of poverty and inequality by securing an equitable distribution pattern and equal opportunities.

14. To this end, the Bolivian Government has set certain targets to be met between 2006 and 2011 which have a bearing on the enjoyment of the rights embodied in the International Covenant on Economic, Social and Cultural Rights.

15. To be more specific, as far as the right of self-determination is concerned, the National Development Plan states that “the new design for development is based on the idea of ‘living well’ which is characteristic of the native and indigenous cultures of Bolivia. Drawing on the communitarian elements rooted in indigenous peoples and agrarian, nomadic and urban communities of the lowlands and the highlands, ‘living well’ postulates a cosmocentric view transcending the traditional ethnocentric content of development”.

16. Similarly, the policies and strategies to be pursued between 2006 and 2011 include the goal of strengthening and sustaining “the identity, forms of organization and self-management of local, campesino, native/indigenous and productive communities and neighbourhood associations”.<sup>2</sup>

17. In relation to the right to work, the decree seeks to cut the open unemployment rate from 8.4 per cent to 4 per cent between 2006 and 2011 by creating an average of 90,000 new jobs a year over that period.

18. In the health sector, the target set in the National Development Plan is the elimination of social exclusion by means of an intercultural, communitarian family health system which harnesses traditional medicine.

19. In the sphere of education, an attempt is being made to promote fair, high-quality education encouraging greater participation by all members of society. With regard to the right to housing, there are plans to revive housing construction through a national solidarity-based social housing programme.

20. Moreover, it must be mentioned that under Act No. 1178 of 20 July 1990 on governmental administration and supervision, all public authorities in Bolivia are covered by the Operations

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<sup>2</sup> Supreme Decree No. 29272 of 12 September 2007, p. 52.

Programming System, which makes them answerable for results obtained under their management. The Act allows administrative authorities to plan, organize and execute all of their actions and to carry out internal results-based audits.

21. All ministries must draw up an annual Institutional Strategic Plan. For example, when the Ministry of Justice formulated its plan, it set the following basic targets:

(a) Decolonize the justice system by building in a participative and communitarian manner a plural justice system resting on interlegality, giving priority to defending the harmony and balance of society as a whole based on cosmocentric culture, developing a new legal wisdom, eliminating the monopoly over the production of law, dismantling bureaucratic judicial practice, legislation and its reproduction as an ideology legitimizing the liberal and patriarchal State, promoting social participation and control and the inclusion of sectors of the population which have been historically marginalized in terms of access to justice and the exercise of fundamental rights, thereby attaining a legal order combining communitarian principles with fairness;

(b) Remodel the communitarian system of administering justice as a basis for altering the method of administering formal justice, which is in essence colonial and patriarchal;

(c) Establish and expand transparency standards in order to arrive at a social, plurinational State bonding with its people, which permits the prevention, social control and penalization of corruption in the public and private spheres, through the formulation of specific standards improving the country's current legal framework and regulating public servants' conduct and acts;

(d) Introduce a culture of inclusion, equality, fairness and respect for differences which takes account of the specific needs and demands of vulnerable sections of the population, which enhances cultural identities within the framework of a world view emphasizing equality and complementarity with no asymmetries of power between men and women.

22. These targets form the fundamental pillars of the work being done by the Office of the Deputy Minister for Justice and Human Rights.

***Question 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).***

23. The Bolivian Government has taken the following steps to incorporate the Covenant into its domestic legal system:

(a) It has ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the "Protocol of San Salvador", through Act No. 3293 of 12 December 2005;

(b) It enacted Supreme Decree No. 29272 of 12 September 2007 on the National Development Plan, which guides the country's overall development and is designed to eradicate poverty, social inequality and exclusion. The purpose of this instrument is to mainstream economic, social and cultural rights by recognizing that economic, social and cultural rights are of primary importance in public policies and reconceptualizing the legal system by basing it on collective rights in keeping with the current circumstances in the country;<sup>3</sup>

(c) The draft Constitution, approved item by item and amended by the Constituent Assembly on 9 December 2007, which it is hoped will be ratified in a referendum within a few months, is regarded as a big step forward as far as economic, social and cultural rights are concerned, since it guarantees the self-determination of the native indigenous campesino nations and peoples, prohibits and penalizes discrimination and guarantees food security, the right to housing and other rights not embodied in the current Constitution. It thus gives the State greater responsibility for implementing economic, social and cultural rights.

**Question 4.** *To supplement the information provided in paragraphs 16 to 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.*

24. Measures to eradicate discrimination against indigenous peoples include the following legislative advances:

(a) The reform of the Constitution through Act No. 2650 of 13 April 2004 established the Government's participative character, which stems from citizens' right to initiate legislation and the fact that henceforth the people will be represented not only through political parties but also by citizens' associations and indigenous peoples:

- (i) The reform in question established the multi-ethnic and pluricultural character of the Bolivian State as a step towards recognizing, respecting and protecting the social, economic and cultural rights of the indigenous peoples by guaranteeing the sustainable use of natural resources, as well as these peoples' identity, values, language, customs and institutions;
- (ii) Furthermore, the Constitution recognizes the legal personality of indigenous and campesino communities and lays down that the natural authorities of these communities may exercise administrative functions and apply their own laws as an alternative means of settling disputes in accordance with their customs and procedures;

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<sup>3</sup> Supreme Decree No. 29272 of 12 September 2007, art. 2.6.1 Justice, p. 80.

(b) Act No. 2771 of 6 July 2004 on citizens' associations and indigenous peoples is a big step forward in that it regulates the organization, recognition, registration and functioning of citizens' associations and indigenous peoples in the country, as well as the termination of their legal personality. This recognition promotes indigenous peoples' rights of political participation;

(c) Act No. 3545 of 28 November 2006 on the extension of agrarian reform, the main purpose of which is to make real use of socio-economic mechanisms and to re-establish fairer land management by preserving the rights held by indigenous peoples and farming/campesino communities;

(d) Supreme Decree No. 29272 of 12 September 2007 introducing the National Development Plan is the instrument which established inter alia the policy of promoting the full exercise of fundamental human rights based on a multicultural approach. This policy has resulted in the strategy for creating a multicultural approach to fundamental human rights which gives priority to social, political, economic and cultural rights;

(e) Act No. 3760 of 5 November 2007 ratifying the United Nations Declaration on the Rights of Indigenous Peoples draws attention to the fact that the right of peoples to self-determination is one of the most important rights;

(f) The Constitution approved on 9 December 2007 fully embraces cultural diversity and states that Bolivia is a unitary, social, plurinational and communitarian State governed by the rule of law.

25. This Constitution guarantees the self-determination of the native indigenous campesino nations and peoples within the framework of State unity, and contains a specific chapter setting forth their rights.

26. The draft Constitution stipulates that the State "shall prohibit and punish all forms of discrimination based on sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious belief, ideology, political or philosophical affiliation, marital status, economic or social status, occupation, level of education, disability, pregnancy or other grounds which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the rights of any person".<sup>4</sup> This article therefore guarantees the exercise of human rights without any discrimination whatsoever.

27. It should also be pointed out that other current legislative initiatives are intended to help to eliminate racial discrimination; they include the following, for example:

(a) The draft bill on the prevention and elimination of all forms of racial discrimination proposed by the Office of the Deputy Minister for Communitarian Justice, part of the Ministry of Justice, is aimed at preventing and punishing all forms of discrimination against the indigenous, native campesino nations and peoples and other nations and peoples;

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<sup>4</sup> Article 14, paragraph (a), of the Constitution approved on 9 December 2007.

(b) The draft bill against discrimination drawn up by the Permanent Human Rights Assembly, which is before the Special Commission on Indigenous Peoples of the Chamber of Deputies.

28. Attention should also be drawn to the fact that, since the enactment of Executive Organization Act No. 3351 of 21 February 2006 and Supreme Decree No. 28631 of 8 March 2006 implementing the Executive Organization Act, an Office of the Deputy Minister for Communitarian Justice has been set up. It is responsible inter alia for “proposing policies, provisions and programmes to support and consolidate the institutionalization of the communitarian justice system throughout the country” and “creating machinery to implement domestic legislation on the defence and protection of the rights of the campesino communities and the indigenous peoples”. This body contributes indirectly to the full recognition of the native indigenous peoples and therefore to non-discrimination.

***Question 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).***

29. In this connection it is appropriate to point out that Supreme Resolution No. 220849 of 7 June 2001, whose purpose is to secure the effective protection of child workers, made provision for a National Plan for the Progressive Eradication of Child Labour over the period 2000-2010, an instrument which has led to some headway being made in this area.

30. The Plan initially focused on mining and sugar-cane farming, after it was found that child labour was employed in the “Siglo XX” mining camp in Llallagua, the Cerro Rico mining camp in the city of Potosí and the Chima and Chuquini mining areas north of the city of La Paz.

***Question 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.***

31. The statistics of the 2001 National Population and Housing Census conducted by the National Statistical Institute bring out the fact that the housing shortage in Bolivia is caused by widespread poverty, especially among people living in rural and peri-urban areas.

32. For this reason, Supreme Decree No. 28794 of 12 July 2006 introduced the Solidarity-based Social Housing Programme, a new housing policy tool in the hands of the Ministry of Public Works, Services and Housing. The programme seeks to meet the housing needs of low-income sectors of the population, while ensuring fairness, transparency and efficiency.



33. The programme also sets out to:
- (a) Establish and consolidate mechanisms facilitating access to decent housing;
  - (b) Give priority to persons with low incomes on the principle of social equity;
  - (c) Train human resources;
  - (d) Make women participants and beneficiaries;
  - (e) Encourage people to build their own homes or to manage housing collectively;
  - (f) Target low-income groups in two ways: directly through subsidies and loans facilitating access to decent housing, and indirectly by creating more jobs through building and economic activity.

34. The aim of this programme is to build approximately 300,155 homes by 2011. It is hoped that this will create some 70,000 jobs. The programme has been given added impetus through the housing policy set out in the Supreme Decree No. 29272 of 12 September 2007, introducing the National Development Plan. This policy specifies that “the goals of the programme are to reduce the quantitative and qualitative shortfall in housing and create new jobs directly and indirectly in the five-year period”.

35. This programme went into operation in April 2007, and 3,796 schemes throughout the country were approved by the end of 2007. The programme is currently undergoing adjustment to make it easier to obtain housing by lowering the qualifying conditions. Despite that fact, the Government’s goal this year is to allocate 10,000 homes which are at least at the planning stage even if they have not been built, bearing in mind the fact that in order to overcome the housing shortage 800,000 units must be built or improved.

36. Moreover, Executive Organization Act No. 3351 of 21 February 2006 set up the Ministry of Public Works, Services and Housing, whose job it is to formulate, implement and monitor policies and standards for the development, construction and improvement of social housing. At the same time, Supreme Decree No. 28631 of 8 March 2006 implementing the Executive Organization Act lays down that this Ministry, acting through the Office of the Deputy Minister for Housing and Town Planning, is the authority which proposes policies and standards for the development of the housing sector as one of the basic components of the State’s social policy.

37. With regard to the information required about housing in Bolivia in 2006, the National Statistical Institute has provided the following figures:

**Table 1**

**Households by housing type and tenure (2005)**

House, shack or <i>pahuichi</i>	75.04%
Flat	3.38%
Individual room(s)	21.55%
Makeshift or mobile housing	0.03%

**Table 2**

**Quality of housing and of construction in Bolivian households,  
according to the 2001 census**

Housing quality			Construction quality		
Poor	Average	High	Poor	Average	High
16.40%	49.75%	33.85%	16.40%	48.81%	34.79%

**Table 3**

**Habitability and quality of facilities in Bolivian households,  
according to 2001 census**

Habitability			Quality of facilities		
Poor	Average	High	Poor	Average	High
12.40%	44.47%	43.13%	29.42%	41.30%	29.29%

**Question 7.** *In its previous concluding observations, the Committee 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.*

38. Maternal mortality in Bolivia has been significantly reduced through State policies for protection and prevention, such as Act No. 2426 of 21 November 2002, which entered into force on 1 January 2003 and which established the Universal Maternal and Infant Insurance scheme (SUMI), aimed at decreasing maternal and infant mortality.

39. SUMI provides health services to expectant mothers from the beginning of pregnancy until six months after the birth and to children up to the age of 5, and coverage is universal, comprehensive and free. Public health centres are obliged to provide these services; a number of private or non-profit-making clinics have also signed agreements with the State.

40. From 314 municipalities and 2,259 public-sector health establishments in 2004, SUMI now covers 327 municipalities throughout the country. The "Extensa" programme has been established in areas where there are no health centres, providing mobile teams for 2,500 communities throughout the country and SUMI benefits as part of national programmes and primary health care.<sup>5</sup>

41. In 2004, SUMI benefited 1,279,269 children under the age of 5 and 328,682 women who were pregnant or who had given birth within the previous six months, and therefore reached approximately 74 per cent of the target population.

42. Maternal mortality decreased by 41 per cent between 1994 and 2003, from 390 to 229 deaths per 100,000 live births.

<sup>5</sup> *Source:* Ministry of Health and Sports.

43. The Bolivian national health system currently encompasses SUMI and the free old-age medical insurance scheme. The National Development Plan provides for the introduction of a Unified Intercultural and Communitarian National Health System by 2015, with the following goals:

- (a) Eradication of extreme poverty and hunger;
- (b) Achievement of universal primary education;
- (c) Promotion of gender equality and empowerment of women;
- (d) Reduction in child mortality;
- (e) Improvement of maternal health;
- (f) Combating HIV/AIDS, malaria, Chagas' disease and tuberculosis;
- (g) Ensuring environmental sustainability.

***Question 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.***

44. The National Sexual and Reproductive Health Programme has been set up with the aim of reducing the high number of deaths caused by illegal abortions. As regards unattended births, Act No. 2426 of 21 November 2002 established SUMI, through which health services are provided to expectant mothers from the beginning of pregnancy until six months after the birth and to children up to the age of 5, at State health centres and at private clinics which have signed an agreements with the State.

45. In addition, since January 2008, the Ministry of Justice, through the office of the Deputy Minister of Justice and Human Rights, has been preparing the new Bolivian Criminal Code, which will comprehensively reform current criminal legislation in order to protect the public, including this offence. The general section of this Code is 50 per cent complete.

***Question 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.***

46. The last Government implemented a series of policies through which progress is being made in eradicating adult illiteracy and increasing the number of children attending school.

47. As regards eradication of illiteracy, the National Literacy Programme, *Yo, sí puedo* ("I can do it"), running from 2006 to 2008, targets a population of 1,200,000 persons from groups that are marginalized and excluded from the education system.

48. The specific objectives of the programme are as follows:

- (a) Developing participants' reading and writing skills in their mother tongue and in Spanish as a second language, thereby affirming their cultural and linguistic identity;
- (b) Improving quality, access and attendance among excluded groups, principally indigenous peoples;
- (c) Encouraging the shaping and strengthening of local and universal values and rules governing the coexistence of communities;
- (d) Promoting integration and training of persons with special educational needs, within the literacy programme and within society in general;
- (e) Providing human resources with specialized training in organizational processes and in teaching literacy skills, applying the National Literacy Programme method;
- (f) Establishing mechanisms for monitoring and evaluating the educational quality of the programme;
- (g) Creating an institutional support framework for the process of increasing literacy at the departmental, municipal and community levels;
- (h) Developing mechanisms for monitoring literacy teaching, with native organizations essentially composed of women and campesinos.<sup>6</sup>

**Table 4**

**Targets of the National Literacy Programme**

Department	Target number of illiterate people	Target number of functionally illiterate people	Overall programme target
Chuquisaca	81 067	56 293	137 360
La Paz	168 938	117 342	286 280
Cochabamba	122 602	85 198	207 800
Oruro	33 119	23 001	56 120
Potosí	94 282	65 518	159 800
Tarija	36 855	25 625	62 480
Santa Cruz	131 075	87 705	218 800
Beni	32 332	22 488	54 800
Pando	9 795	6 765	16 560

*Source:* National Population and Housing Census, 2001.

<sup>6</sup> *Source:* Ministry of Education.

49. Work over the last two years has borne fruit in several communities in Bolivia, especially in the most remote rural areas. According to the Ministry of Education, progress has been as follows:

**Table 5**  
**Progress in the National Literacy Programme to 20 April 2007**

Department	Participants					Teachers	Supervisors	Literacy centres and groups		
	Goals	Studying	Graduated	Total	%	Working	Working	In operation	Groups	Number of participants per literacy centre
Chuquisaca	137 360	22 403	5 349	27 752	20.2	1 542	135	1 142	1 542	24
La Paz	286 280	75 376	40 955	116 331	40.6	7 196	799	3 953	7 433	29
Cochabamba	207 800	65 074	22 222	87 296	42.0	3 556	429	3 337	4 514	26
Oruro	56 120	11 469	6 403	17 872	31.8	1 326	141	1 071	1 327	17
Potosí	159 800	29 801	7 420	37 221	23.3	2 223	133	1 841	2 224	20
Tarija	62 480	6 256	4 637	10 893	17.4	748	38	741	808	15
Santa Cruz	218 800	49 008	14 165	63 173	28.9	4 507	538	3 971	4 557	16
Beni	54 800	6 445	1 651	11 096	20.2	834	150	763	842	15
Pando	16 560	2 831	744	3 575	21.6	221	38	238	274	17
Total	1 200 200	268 663	106 546	375 209	31.3	22 153	2 401	17 057	23 521	22

*Source:* General Coordinating Office for the National Literacy Programme.

**Table 6**  
**Development of the National Literacy Programme in Aymara to 20 April 2007**

Department	Participants			Teachers	Supervisors	Literacy centres and groups		
	Studying	Graduated	Total	Working	Working	In operation	Groups	Number of participants per literacy centre
Chuquisaca	0	0	0	0	0	0	0	0
La Paz	892	0	892	57	3	16	58	56
Cochabamba	0	0	0	0	0	0	0	0
Oruro	617	0	617	32	0	27	32	23
Potosí	0	0	0	0	0	0	0	0
Tarija	0	0	0	0	0	0	0	0
Santa Cruz	0	0	0	0	0	0	0	0
Beni	39	0	39	2	0	2	2	20
Pando	15	0	15	1	0	1	1	15
Total	1 563	0	1 563	92	3	46	93	34

*Source:* General Coordinating Office for the National Literacy Programme.

**Table 7**

**Development of the National Literacy Programme  
in Quechua to 20 April 2007**

Department	Participants			Teachers	Supervisors	Literacy centres and groups		
	Studying	Graduated	Total	Working	Working	In operation	Groups	Number of participants per literacy centre
Chuquisaca	192	0	192	13	4	11	13	17
La Paz	0	0	0	0	0	0	0	0
Cochabamba	398	0	398	20	4	0	20	0
Oruro	355	0	355	18	0	17	18	21
Potosí	1 391	0	1 391	79	4	65	79	21
Tarija	0	0	0	0	0	0	0	0
Santa Cruz	123	0	123	8	5	8	8	15
Beni	66	0	66	3	0	3	3	22
Pando	0	0	0	0	0	0	0	2
Total	2 525	0	2 525	141	17	104	141	24

*Source:* General Coordinating Office for the National Literacy Programme.

**Table 8**

**Development of the National Literacy Programme  
in terms of equipment to 20 April 2007**

Department	Optometry		Solar panels		
	Number of patients	Spectacles provided	Distributed	Installed	To be installed
Chuquisaca	4 134	3 402	248	248	0
La Paz	30 092	27 359	260	260	0
Cochabamba	20 558	16 841	488	488	0
Oruro	8 308	6 738	188	188	0
Potosí	10 299	8 563	284	284	0
Tarija	4 114	2 890	108	106	2
Santa Cruz	19 644	14 916	172	172	0
Beni	4 692	4 202	156	153	3
Pando	1 150	958	83	83	0
Total	102 991	85 869	1 987	1 982	5

*Source:* General Coordinating Office for the National Literacy Programme.

50. Illiteracy has been completely eradicated in several communities, as follows:

(a) Coipasa - illiteracy-free zone

- (i) In Coipasa, a small isolated community almost in the centre of the salt flat of the same name, 25 participants began the course, 20 of whom graduated and five of whom were part of the “floating” population who arrived in search of work and after a period of time returned to their places of origin;

- (ii) Only 20 students completed the course, 5 having left the municipality, and they had to be chased up by literacy teachers and supervisors even in their homes to ensure that they continued and completed the programme's 65 video classes;
  - (iii) Coipasa has approximately 600 inhabitants and is one of the poorest municipalities in the department of Oruro. Because of its proximity to the border with Chile, 17 kilometres away, the inhabitants migrate there or work there for much of the year and return occasionally to tend to their livestock (llamas and sheep);
  - (iv) The Minister of Education and Cultures, Víctor Cáceres, who on Monday declared Coipasa an illiteracy-free zone, announced to the community that the best 10 graduates would be awarded scholarships for undergraduate courses as of next year in Cuba and Venezuela.
- (b) Collana - illiteracy-free zone
- (i) Collana municipality, the seventh section of Aroma province in the department of La Paz, with 2,927 inhabitants, is the fourth municipality to be declared an illiteracy-free zone, out of a total of 328 in Bolivia. Within its seven cantons, 498 persons have been taught literacy skills, 93 more than identified by the 2001 census. A total of 20 literacy centres have been equipped and 25 teachers appointed;
  - (ii) Officials from the Ministry of Education and Cultures and the National Literacy Programme will be visiting Collana this Wednesday in order to deliver a commemorative plaque and flag declaring the municipality an illiteracy-free zone.<sup>7</sup>

51. A total of 1,444 persons nationwide could read and write as at 25 May 2007, and there were 590,832 persons in 78 municipalities that had been declared illiteracy-free zones up to 27 November 2007.

52. Regarding primary education, one of the greatest achievements under this Government was the Juancito Pinto scheme, a school attendance incentive created by Supreme Decree No. 28899 of 26 October 2006. It provides an incentive for girls and boys in the first five years of primary education in State education units throughout the country to register for school, maintain attendance and complete the school year. Supreme Decree No. 28899 was amended by Supreme Decree No. 29321 of 24 October 2007 to extend the provisions to the sixth year of primary education, and further extensions are planned. The grant amounts to 200 bolivianos and can be paid in cash and in kind.

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<sup>7</sup> *Source:* Office of the Deputy Minister of Decentralization.

53. The second transitional provision of Supreme Decree No. 29321 provides for the application of this scheme, stipulating that the armed forces shall provide the logistical support necessary to guarantee sufficient security and geographical coverage to enable satisfactory payment of the Juancito Pinto grant anywhere in the country.

54. The scheme operated satisfactorily in 2007. The grant increased by 26 per cent over 2006, benefiting 1,321,812 children.

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

### **Article 1**

*Question 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.*

55. In order to facilitate the process of agricultural change, a new regulatory framework has been prepared that stipulates the legal conditions necessary for amending current land tenure arrangements, highlighting the following points:

(a) The decolonization of agricultural structures through the breaking up of large estates, the ending of serfdom and exploitation of human labour and the buttressing of indigenous peoples' right to land;

(b) Fair land tenure through the creation of balanced access to and tenure of land and recognition of individual and collective land ownership.<sup>8</sup>

56. To this end, the following Supreme Decrees were drawn up: Nos. 28732 of 2 June 2006, 29251 of 29 August 2007, 29215 of 2 August 2007, 29292 of 3 October 2007, 29354 of 28 November 2007 and 29388 of 19 December 2007. They resulted in the repeal of the Forest Act and the order to distribute public land to indigenous, campesino and native peoples and communities who have insufficient or no land. In 2006, provision was made for the award of title to 3.1 million hectares of land and the distribution in the future of 2.2 million hectares of public land to indigenous peoples and campesino communities who have insufficient or no land.<sup>9</sup>

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<sup>8</sup> 2006 Report of the Office of the Deputy Minister for Land.

<sup>9</sup> Ibid.



57. The Bolivian Government, by enacting Act No. 3545 on further agrarian reform based on communitarian principles, which amended the Act on the National Agrarian Reform Institute (INRA), and Supreme Decree No. 29125, implementing the Act, created a new legal framework for further agrarian reform based on communitarian principles, which is transforming land tenure arrangements.

58. In 2007 the Office of the Deputy Minister for Land laboured hard to produce the technical report which underpinned Supreme Decree No. 29354 setting out the grounds for the compulsory purchase, consolidation and redistribution of land for transfer to the Guaraní people in the department of Chuquisaca. The report explained why it was necessary to expropriate farms covering 180,000 hectares in the Luís Calvo and Hernando Siles provinces.

59. Provision is also being made for the distribution of public land to indigenous peoples and campesino communities. The National Public Land Distribution Plan and the National Human Settlements Plan have been launched and, together with the National Remediation Plan, will regulate land distribution processes and human settlements on public land.

60. In 2007, an area of 697,882.19 hectares of public land were transferred to the communitarian ownership of 3,015 landless campesino sugar-cane farmers' families, i.e. to some 15,075 beneficiaries, given that there are five people in a family on average.<sup>10</sup>

***Question 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.***

61. Under the National Land Remediation and Title Allocation Plan, titles are to be granted for 40,534,241 hectares this year, 57,620,939 hectares in 2010 and 104,251,173 hectares in 2013.

62. As a result of the difficulties being experienced by the Yuki people, which constitute a national issue, a document entitled "Situation of the Yuki people" has been drawn up by the Ombudsman, the Indigenous Peoples Empowerment Project (Ministry of Justice), the Office of the Deputy Minister of Health (Ministry of Health) and the Indigenous Land Management Unit (Office of the Deputy Minister for Land, part of the Ministry of Rural Development, Agriculture and the Environment), with the participation of the Central Office of Indigenous Peoples of the Trópico de Cochabamba and the Yuki Indigenous Council and with the knowledge of the Indigenous Confederation of Eastern Bolivia (CIDOB).

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<sup>10</sup> Source: Ministry of Rural Development, Agriculture and the Environment, Office of the Deputy Minister for Land.

63. The following conclusions were reached:

(a) There is a distinct possibility that the Yuki people will physically disappear, or at least undergo such a significant reduction that its regeneration is unlikely;

(b) 140 people belong to this community;

(c) They are suffering from tuberculosis, pulmonary fungal infections, anaemia and other health problems;

(d) The influence of non-Yukis is severely affecting the community's habitat, world view and identifying features.

64. In the wake of this survey, the Ombudsman put forward the following recommendations, which are in their initial phase of implementation:

(a) Establishment of a multidisciplinary and intersectoral strategy on assistance for the Yuki people and other vulnerable indigenous peoples that spells out coordinated and systematic action to protect and guarantee their rights and guarantees respect for their integrity and above all their right to life;

(b) Establishment of a comprehensive intersectoral and intercultural health strategy encompassing coordinated and rigorous action to prevent deaths and worsening health among the Yuki people through the provision of free specialist health care;

(c) Priority intercultural treatment in local health centres;

(d) Establishment of a monitoring and training body which will ensure that the rights of indigenous peoples, especially the Yuki, are not violated;

(e) Implementation of the procedure for checking reports of the subjugation of the Yuki or the illegal occupation of Yuki-CIRI indigenous communal land (TCO) by outsiders;

(f) Dissemination of the Yuki culture.

## Article 2

***Question 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.***

65. Article 14, paragraphs II and III, of the Constitution adopted item by item by the Constituent Assembly in 2007 state:

“II. The State shall prohibit and punish all forms of discrimination based on sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious belief, ideology, political or philosophical affiliation, marital status, economic or

social status, occupation, level of education, disability, pregnancy or other grounds which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the rights of any person.

“III. The State guarantees to all persons and community groups, without any discrimination whatsoever, the free and effective exercise of the rights embodied in this Constitution and in laws and international human rights treaties.”

66. This constitutional provision offers a basis for introducing penalties and characterizing all kinds of discrimination, which are to be combated through bills now before the National Congress.

***Question 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.***

67. On 8 August 2007, Act No. 3729 on HIV/AIDS, human rights protection and comprehensive multidisciplinary care for persons living with HIV/AIDS was enacted. It lays down measures for ensuring respect for the rights of these persons, health staff and the population in general.

68. The Act sets forth rights, guarantees and duties with regard to the protection of pregnant women, children, persons in detention and persons living with HIV/AIDS. This Act essentially rests on the principle of respect for the human rights of persons living with HIV/AIDS. It was drawn up by the National HIV/AIDS Council, which has the following responsibilities with regard to medical care:

(a) To formulate policies and programmes concerning prevention, comprehensive multidisciplinary care and rehabilitation as a response to HIV/AIDS;

(b) To boost the activities of institutions and organizations active in the field of prevention, comprehensive multidisciplinary care, rehabilitation, support, monitoring and response to HIV/AIDS.

69. One of the underlying principles of the Act is set out in article 2, paragraph 2:

“All persons living with HIV/AIDS must receive comprehensive multidisciplinary care without any restrictions. Such care shall guarantee the best possible living conditions without distinction as to race, age, sex, sexual choice or gender, language, religion, political or other opinion, origin, economic or social status, the stage reached in the development of the disease, or any other grounds.”

70. Among the rights it establishes are:

“Article 5

...

“(b) Equality before the law and non-discrimination against persons living with HIV/AIDS;

...

“(h) Protection against dismissal from work on the grounds that a person is living with HIV/AIDS. Such persons have the right to work and may perform work in accordance with their abilities, and HIV/AIDS may not be regarded as an impediment to entering into a contract or as grounds for dismissal;

“(i) Persons living with HIV/AIDS, their children and other relatives sharing their home have the right to education and may not be denied access to education services in any way.”

71. This article requires that persons living with HIV/AIDS receive equally as much respect as any other person in society.

72. Introducing a legal instrument to protect people living with HIV/AIDS was a recent move on the part of the current Government. Despite the growing number of people living with this disease in our country, there had been no progress of that kind. But some headway is now being made, since civil society organizations and the Bolivian Government, acting through the Ministry of Health, are drafting a decree to implement the HIV/AIDS Act, which is intended to give real effect to the Act.

### Article 3

***Question 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.***

73. In 2007, the Office of the Deputy Minister for Gender and Generational Affairs, part of the Ministry of Justice, started work on a five-year plan which will be finalized in March this year and which will go into operation in April. It will implement a strategy to mainstream gender equality into the whole of the National Development Plan through the formulation of gender-sensitive public budgets, a strategy which has already been incorporated into the National Development Plan and will guide policymaking and budgeting towards the building of equality between men and women. With this in mind, the Office has been working to:

- (a) Promote the exercise of political rights and civic activism;
- (b) Expand women's associations;
- (c) Conduct a programme to strengthen women's associations which promote women's participation in politics;
- (d) Jointly analyse the situation of women with a view to formulating public policies;
- (e) Conduct a programme to encourage girls to stay on at school;
- (f) Carry out measures making it easier to obtain birth certificates and identity cards;
- (g) Disseminate information about women's rights in various native languages.<sup>11</sup>

74. Furthermore, an economic and productive programme entitled "Support for women's productive initiatives" has been devised and will be approved during this session.

75. Some intersectoral agreements on a housing service for women are being implemented during this session.

#### Article 6

***Question 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).***

76. The employment policy contained in the National Development Plan "seeks in the short, medium and long term to bring about changes and find effective solutions to unemployment through action to diversify the economy, increase the number of actors and generate conditions making for a significant increase in and improvement of sources of work, as an optimum scenario for transforming the production matrix ...".

77. In the long term, this will stimulate the structural variables underpinning economic development. Emphasis will be placed on job creation, selective investment, the spread and democratization of access to productive assets and the promotion of productive development. To this end, on the basis of the principle of decent work, preference will be given to labour-intensive high-income-generating activities.

78. There are plans to draft "instruments designed to strengthen the legal and institutional position of organizations of urban and rural small producers of various kinds as full-fledged productive economic agents, so as to enable them to participate in the whole process of

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<sup>11</sup> Source: Bolivia's responses to the list of issues and questions on its 2006 report to the Committee on the Elimination of Discrimination against Women (CEDAW/C/BOL/Q/4/Add.1).

production, distribution and consumption. In the medium term, efforts will concentrate on engineering changes in policy and institutions in order to generate and sustain decent work. Production conditions will be improved through economic policy and standard-setting instruments and by giving full effect to legislation protecting workers and providing incentives for employers ...”.

79. Workers’ organizations will be strengthened. Employment and workers’ training will be promoted, as will production initiatives.

80. In the short term, action will be taken to enhance the quality and dignity of existing jobs through training incentives and access to short-term and long-term insurance, as well as the enjoyment of all statutory benefits. The goal of decent employment and more jobs will be pursued essentially by reactivating domestic industry.”<sup>12</sup>

### Article 7

***Question 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.***

81. The right of workers to join a trade union is embodied in the social provisions of the Constitution.

“Article 159

“I. The freedom of employers to form associations is guaranteed. Unionization is recognized and guaranteed as a means of protection, representation, welfare, education and culture for workers, as are trade union rights as a guarantee to union leaders while carrying out activities specifically connected with their mandates, for which they may not be prosecuted or arrested.”

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<sup>12</sup> National Development Plan.

82. The General Labour Act also provides as follows:

“TITLE IX

“EMPLOYERS’ AND WORKERS’ ORGANIZATIONS

“SOLE CHAPTER

“ARTICLE 99. The right to join employers’, trade professional, joint, branch or company unions is recognized. In order to act as a union, the latter must be of a permanent nature, must have legal personality and must have been set up in accordance with the legal rules.

“ARTICLE 100. The essential purpose of a union is the defence of the collective interests it represents. Workers’ unions in particular shall be authorized to enter into collective agreements with employers and to assert the rights resulting therefrom, to represent their members in the exercise of rights resulting from individual agreements when the persons concerned expressly request this, to represent their members in collective disputes and in conciliation and arbitration bodies, to set up vocational and industrial colleges, public libraries, etc., and to organize producers’ and consumers’ cooperatives provided that the articles made are not similar to those manufactured by the business or industry in which they work.

“ARTICLE 101. Each union shall be run by a committee whose members shall be Bolivian by birth. Labour inspectors shall attend union meetings and shall oversee their activities.

“ARTICLE 102. Relations between public authorities and workers shall be channelled through department trade-union federations or national confederations.

“ARTICLE 103. A union may not comprise less than 20 workers in the case of trade or professional unions, or less than 50 per cent of the workers of a firm in the case of company unions.

“ARTICLE 104. Civil and public servants of any category or status may not join a trade union.”

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

83. The Bolivian Government, acting through the Ministry of Justice, is drawing up a five-year plan to achieve equality between men and women. The final version will be the product of the work the Ministry is carrying out in conjunction with social associations and indigenous peoples.

84. Article 52 of the General Labour Act stipulates:

“Remuneration or a wage is what is received by the employee or worker in payment for his or her work. It may not be lower than the minimum wage set for each industrial sector and area of the country by the Ministry of Labour. Wages shall be in proportion to the work done, and no differences may be made on grounds of sex or nationality.”

85. The General Labour Act of 8 December 1942 provides the framework for labour relations. The only differentiation it makes is in relation to the type of work. The public authorities lay down the rules and regulations governing civil and public servants' work and activities in the civil service. None of these instruments differentiates in any way between the wages of men and women. There is all-round equality.

86. The International Labour Organization's Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100) of 1951, which was ratified by Bolivia through Supreme Decree No. 7737 of 28 July 1966, also applies alongside current laws.

***Question 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.***

87. The General Labour Act regulates working hours:

“ARTICLE 46. Effective working hours shall not exceed 8 hours a day and a total of 48 hours a week. A night shift shall not exceed 7 hours, night work being understood to mean that performed between 8 p.m. and 6 a.m. This provision shall not apply to the work of newspaper companies, which are subject to special regulations. Women's working hours shall not exceed 40 daytime hours a week.

“These rules do not apply to employees or workers who hold management or security posts, who are ‘trusted employees’, who work discontinuously, or who carry out work which by its nature cannot be subjected to the rules on working hours. In these cases, they shall have one rest hour during the day and may not work for more than 12 hours a day.”

88. Employment in the mining sector, as mentioned earlier, is regulated by the General Labour Act. There are three shifts: morning, afternoon and night, each lasting eight hours. For overtime, the hourly rate of pay is double the normal amount.

### **Article 8**

***Question 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.***

89. The right of workers to join a trade union is embodied in the social provisions of the Constitution:

“Article 159

“I. The freedom of employers to form associations is guaranteed. Unionization is recognized and guaranteed as a means of protection, representation, welfare, education and culture for workers, as are trade union rights as a guarantee to union leaders while carrying out activities specifically connected with their mandates, for which they may not be prosecuted or arrested.”



90. The right to join a trade union is also established in the General Labour Act:

“TITLE IX

“EMPLOYERS’ AND WORKERS’ ORGANIZATIONS

“SOLE CHAPTER

“ARTICLE 99. The right to join employers’, trade, professional, joint branch or company unions is recognized. In order to act as a union, the latter must be of a permanent nature, must have legal personality and must have been set up in accordance with the legal rules.

“ARTICLE 100. The essential purpose of a union is the defence of the collective interests it represents. Workers’ unions in particular shall be authorized to enter into collective agreements with employers and to assert the rights resulting therefrom, to represent their members in the exercise of rights resulting from individual agreements when the persons concerned expressly request this, to represent their members in collective disputes and in conciliation and arbitration bodies, to set up vocational and industrial colleges, public libraries, etc., and to organize producers’ and consumers’ cooperatives provided that the articles made are not similar to those manufactured by the business or industry in which they work.

“ARTICLE 101. Each union shall be run by a committee whose members shall be Bolivian by birth. Labour inspectors shall attend union meetings and shall oversee their activities.

“ARTICLE 102. Relations between public authorities and workers shall be channelled through department trade-union federations or national confederations.

“ARTICLE 103. A union may not comprise less than 20 workers in the case of trade or professional unions, or less than 50 per cent of the workers of a firm, in the case of company unions.

“ARTICLE 104. Civil and public servants of any category or status may not join a trade union.”

91. Despite these legal provisions, it must be pointed out that the system of recruitment used in mining concessions falls within the rules governing cooperatives, and is therefore dealt with by the Office of the Deputy Minister for Cooperatives at the Ministry of Labour.

92. Similarly, when the mining industry in the Huanuni district of the town of Oruro was reactivated, the Bolivian State engaged large numbers of miners, who enjoy all their statutory rights.

93. Furthermore, under Supreme Decree No. 28699 of 1 May 2006, derogating from article 55 of Supreme Decree No. 21060 and article 39 of Supreme Decree No. 22407, employment contracts may be freely agreed upon or terminated, provided that the General Labour Act and its implementing provisions are respected. This is a completely new situation.

**Article 9. 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.**

94. The pension system went over from a pay-as-you-go to a funded benefits scheme on 29 November 1996 with the implementation and entry into force of Pension Act No. 1732.

95. The resources of long-term compulsory social insurance for retirement benefits consist of pension funds. The capital resources which make up the collective capital endowment funds constitute irrevocable trusts of unlimited duration. Pension funds and irrevocable trusts are managed by pension fund administrators in accordance with the Pensions Act and the Property and Credit Act. Individual contributions are paid back as retirement pensions.

96. Supreme Decree No. 29424 of 17 January 2008 supplements Supreme Decree No. 29400 of 29 December 2007 implementing Act No. 3791 of 28 November 2007 on the universal old-age pension and funeral expenses.

***Question 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.***

97. Act No. 1886 of 14 August 1998 on rights, privileges and free medical insurance for senior citizens introduced this insurance with a view to providing the elderly with free medical care. On 15 January 2006, during the presidency of Dr. Eduardo Rodríguez Beltré, Act No. 3323 was passed. It derogated from Act No. 1886. With the enactment of Supreme Decree No. 28968 of 16 October 2006, this insurance was put into effect and municipal authorities were given full responsibility for it.

98. The Act on insurance for the elderly did not produce the desired results as it did not reach all the people it was intended to cover (the over-60s). This was because four insurance funds had a stranglehold over the urban market. Old people in rural areas were forced to move to these funds. The costs were to have been borne and the formalities handled by municipal authorities, although they did not derive any real benefit. That was why full responsibility was transferred to the municipal authorities.

99. At present, municipalities are responsible for financing 100 per cent of insurance for the elderly, which makes it easier to buy services from their own health facilities, including second- and third-level hospitals. The improvements and progress made in these policies have resulted in better coverage and medical care for this section of the population.

100. Act No. 3791 of 28 November 2007 on universal old-age pensions lays down that all people aged 60 and over must receive 2,400 bolivianos a year, which may be paid either as a lump sum or in monthly instalments, as the beneficiary wishes.

**Article 10. 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.**

101. Street children are to be found in the largest cities. Most of these children come from marginal, broken, violent families where the parents are alcoholics; others have lived on the street since their infancy or adolescence. The complexity of the problem, which is caused by factors linked to poverty, discrimination and violence, makes it difficult to solve or curb, since it is not just a matter of meeting the basic needs of children surviving on the streets, but of creating opportunities for them to rebuild decent lives.

102. The authorities have adopted policies at national and departmental level for the resocialization of these children and the restoration of their rights.

103. The Ministry of Justice, acting through the Office of the Deputy Minister for Gender and Generational Affairs and the National Statistical Institute, is conducting a survey of street children's living conditions in the main cities in the country (La Paz, El Alto, Cochabamba and Santa Cruz), with a view to obtaining information to refocus action in response to these children's real needs, difficulties and aspirations (*Source*: Bolivia's fourth periodic report to the Committee on the Rights of the Child).

***Question 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).***

104. The main piece of legislation introducing protection for child workers is Supreme Resolution No. 220849 of 7 June 2001, which gave rise to the National Plan for the Progressive Eradication of Child Labour. Some initial progress has been made in this area by means of various targeted actions and programmes.

105. The above-mentioned plan for the period 2000-2010 first focused on mining and sugar-cane farming, after it was found that child labour was employed in the "Siglo XX" mining camp in Llallagua, the Cerro Rico mining camp in the town of Potosí and the Chima and Chuquini mining areas north of the city of La Paz.

106. The following advances have been made in these regions:

- (a) During the first stage between 2000 and 2004, the Subregional Programme of the International Labour Organization's International Programme on the Elimination of Child Labour (IPEC), which was financed by the United States Department of Labor, concentrated on preventing and ending child labour in Potosí (Cerro Rico mine) and Llallagua and in the Tipuani district (Chima and Chuquini mines). The aim was to help to prevent and end child labour in small-scale mining operations and improve child workers' quality of life;

(b) The project to gradually eliminate and prevent child labour in mines, which was sponsored by the United States Department of Labor and CARE, encompassed a four-year scheme (2002-2006) in Llallagua and at the Cerro Rico mine in Potosí. It received support and technical assistance from a local organization, Centro de Protección Minera, which implemented the scheme in Llallagua.

107. The following results were achieved:

(a) At least 20 per cent of young workers over the age of 14 who were being exploited and overworked in Cerro Rico in Potosí, Siglo XX in Llallagua and Chima and Chuquini have dropped these activities in favour of decent working opportunities and are receiving either formal education or an alternative in keeping with their interests and expectations;

(b) At least 20 per cent of child miners are receiving health care, social security, psychosocial counselling and other basic services and have been reunited with their families;

(c) Two initiatives have been proposed to finance direct action programmes;

(d) Sixty per cent of mining families in these areas have been informed about the risks to the physical and mental health of youngsters under the age of 18 when they work down mines.<sup>13</sup>

108. To deal with the problem in the sugar-cane farming sector in the departments of Santa Cruz and Tarija, the Ministry of Labour, acting through departmental subcommissions, is devising measures to stamp out child labour, which involve local departmental authorities, the Catholic Church, trade unions and NGOs. A scheme to prevent and eradicate child labour was carried out in the town of Bermejo, Tarija, between April 2004 and September 2005.

109. The following results have been obtained:

(a) At least 20 per cent of the young people over 14 years of age who were being exploited and overworked in the sugar-cane industry in Tarija and Santa Cruz have dropped these activities in favour of decent working opportunities and are receiving regular schooling in keeping with their interests and expectations as well as health care, social security, psychosocial counselling and other basic services and they have been reunited with their families;

(b) At least 80 per cent of school-age children and young people are attending schools recognized and certified by the Ministry of Education.<sup>14</sup>

110. A midterm evaluation by the Ministry of Labour and the International Labour Organization revealed the complexity and huge scale of child labour, for which there are several causes. It pinpointed the problem of durability of results and the impact of labour and social protection policies and measures to reduce child labour among children under the age of 14 and hence the

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<sup>13</sup> *Source:* Ministry of Labour, National Three-year Plan for the Progressive Eradication of Child Labour, 2006-2008.

<sup>14</sup> *Ibid.*

difficulty of devising such policies. A decision was taken to introduce a three-year plan to progressively eradicate child labour between 2006 and 2008 by widening and deepening sectoral interaction and coordination in an attempt to eliminate the causes of child labour.

111. The following significant progress has been achieved during the implementation of the programme:

(a) In 2007, a tripartite agreement was signed between the Ministry of Labour, the Central Obrera Boliviana (Bolivian workers' confederation) and the Confederación de Empresarios de Bolivia (Bolivian businessmen's confederation) to pursue a national consultative process and draw up a list of dangerous jobs, with a view to devising suitable measures for phasing them out, subsequently making these measures law and ensuring compliance with them;

(b) A survey of the situation is being conducted in the sugar cane and chestnut industries;

(c) Workshops and training courses were run for the heads of departmental and regional labour authorities in order to alert them to the problem and upgrade their expertise.<sup>15</sup>

***Question 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.***

112. A national maternity and childhood insurance scheme has been set up to provide free paediatric treatment and medicine for children from birth to the age of 5.

113. As it was necessary to implement new health policies, Act No. 3250 of 6 December 2005 was enacted to widen the care provided under the above-mentioned insurance scheme to include sexual and reproductive health and cervical and uterine cancer. The scheme now covers girls and women from the ages of 5 to 60. The main purpose of this public insurance system is to secure a lasting reduction in morbidity and mortality rates, an aim which also forms part of the Bolivian Poverty Reduction Strategy.

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<sup>15</sup> Fourth periodic report to the Committee on the Rights to the Child.

**Question 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.**

114. Act No. 3325 of 18 January 2006 against trafficking in persons and other related crimes amends the Criminal Code to include these crimes and penalties for them.

115. Following a study carried out in the cities of La Paz, El Alto, Cochabamba and Santa Cruz, it was estimated that some 1,453 children and young people between the ages of 11 and 17 are victims of commercial sexual violence in brothels, other public premises such as bars and private homes. Parliament is currently debating a bill which would punish customers as well as persons engaging in commercial sexual exploitation and trafficking in children and young people. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which was signed in December 2000, has been ratified.

116. An interdepartmental commission is being set up to oversee the National Strategy against Trafficking 2006-2010, which is in the course of implementation.

117. There is no updated database showing the number of persons who have been punished for the commission of these crimes, but the highest incidence is in the city of La Paz, with smaller numbers in the remaining departments.

#### **Article 11**

**Question 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.**

118. One of the biggest unresolved health problems facing the Bolivian State is clearly food security. The main cause of this nexus of problems is the social, economic, political and cultural exclusion of sectors of the population who are living in poverty, without even minimum basic sanitation services, drinking water or access to health services. Malnutrition is thus the reflection of the economic inequality and socio-political crises afflicting our planet.

119. Supreme Decree No. 27029 of 19 March 2003 set up the National Food and Nutrition Council as the body responsible for encouraging and coordinating the participation of various institutions and sectors in the formulation of and follow-up to national food and nutrition policies in the country.

120. Supreme Decree No. 28667 of 3 April 2006 introduced changes so that the Council is now responsible for promoting the new national food security policy, encouraging and coordinating the participation of public-sector institutions and civil society in the formulation and dissemination of and follow-up to sectoral food and nutrition policies, and promoting the drafting of a national food security policy aimed at eliminating malnutrition among children under the age of 5.

121. The Council is chaired by the President of the Republic and its members consist of representatives of civil society and of the Ministries of Planning and Development, for the Presidency, Finance, Production and Small Business, Rural Development, Agriculture and the Environment, Education and Cultures, Health and Sport.

122. The Government drew up the National Development Plan and the Health Development Plan for 2006-2010 through which it introduced policies aimed at curbing one by one the most frequent health problems, including child malnutrition. The Zero Malnutrition Programme is being used to reduce the high level of malnutrition among women and children in Bolivia.

123. The Zero Malnutrition Programme seeks to coordinate the work of various sectors, ministries and government institutions, to make optimal use of resources and not only to detect, treat and rehabilitate cases of malnutrition, especially among the under-fives and women of childbearing age, but also to deal with other factors, such as safe water supplies, food security and sovereignty, education, local production schemes, etc., which modify and improve not only the nutrition of children and their families who are suffering from or exposed to the risk of malnutrition, but also that of all the people around them, which enables them to look forward to longer lives with dignity.

124. The programme entails the implementation of the following policies:

(a) **Policy 1: Unitary, Intercultural and Communitarian Health System:** this policy will provide 100 per cent of the Bolivian population with access to health services;

(b) **Policy 2: Stewardship:** this policy maps out the course of action for recovering health sovereignty and stewardship over the system, by placing the Ministry of Health and Sport in charge of the management, regulation and exercise of authority over health;

(c) **Policy 3: Social mobilization:** this policy seeks to secure health democracy and to enhance civil society's ability to participate in and monitor health matters in various ways;

(d) **Policy 4: Health promotion:** under this policy the State will reassume responsibility for comprehensive health care and quality of life. Its intent is to ensure coordinated action by the health sector and the other socio-economic and cultural development sectors in respect of such decisive factors as food, housing quality, leisure, access to basic education services, health;

sanitation and security so that health promotion projects will generate employment and income as well as a comprehensive community-based system for social security and development;

**(e) Policy 5: Solidarity:**

- (i) This policy will establish a national alliance for the eradication of malnutrition and violence and for the inclusion of the most vulnerable groups who live in extreme poverty. Its aim is to eliminate social exclusion in health and to improve the living standards of these groups;
- (ii) The high level of malnutrition among Quechua children is due to the fact that most of the children from this community live in the department of Potosí - one of the poorest departments in the country. The causes of the problem lie in the social, economic, political and cultural exclusion of sectors of the population who are living in poverty, without even basic minimum sanitation services, drinking water, access to health, education or security. Ultimately, malnutrition is the reflection of the economic inequality and socio-political crises afflicting our planet.<sup>16</sup>

***Question 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.***

125. As far as increasing education coverage is concerned, the “Yes I can” literacy programme has had a major social impact in Bolivia. The programme is targeted at the illiterate population without any exceptions. To date, significant results have been achieved: by November 2007, the target of 93 illiteracy-free municipalities had been reached, with 590,832 persons involved, representing an increase of 49.44 per cent.

126. In addition, 22,940 of the 30,000 literacy centres planned were opened, which means that there are now facilities to teach reading and writing that have electricity or solar panels, an appropriate environment, audio-visual equipment, trained staff, etc.

127. Towards the end of the year, the Minister of Education, Magdalena Cajías, announced that more than 100 of the 327 municipalities would be free of illiteracy and that more than 600,000 persons would be involved in learning to read and write.

128. In 2008, thanks to the Juancito Pinto voucher scheme, children were encouraged to pursue their studies and the school enrolment rate increased by 9.54 per cent. Some 1,188,914 children attending primary grades 1 to 5 benefited from the scheme this year.

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<sup>16</sup> Source: Ministry of Health, Zero Malnutrition Programme.



129. The Juancito Pinto voucher scheme was also extended to grade 6, covering a further 211,713 children. As a result, according to the Minister of Education, in 2007 the total number of beneficiaries was 325,731 more than in 2006, an increase of 30 per cent.

130. With regard to progress made in the health sector, as mentioned in connection with question No. 7, Act No. 2426 of 21 November 2002 on the Universal Maternal and Infant Insurance scheme (SUMI) helped to lower the maternal and infant mortality rates for 2003. The maternal mortality rate fell by 41 per cent in 2003.

131. On the basis of SUMI and the free old-age medical insurance schemes, it is hoped that by 2015 a single intercultural communitarian health system will be fully implemented. Its purpose is to reduce infant mortality, improve maternal health and combat HIV/AIDS, malaria, Chagas disease and tuberculosis.

132. As regards medium-term and long-term employment policies, under the National Development Plan, the aim is to introduce legislative and institutional changes so as to guarantee the creation of decent jobs. An effort will also be made to strengthen workers' organizations.

133. For further details of the targets for 2011, see the table below:

**Table 9**  
**Overall social indicators**

Indicator	2005 (preliminary figures)	2006 (preliminary figures)	2011 (estimated)
Moderate poverty	60.6%	59.9%	51.6%
Extreme poverty or destitution	38.2%	37.7%	29.5%
GDP growth rate per capita	1.8%	2.5%	4.8%
Ratio between richest 10% and poorest 10% of the population	30:1	24:1	22:1
Rate of urban unemployment	8.1%	8.0%	4.0%

*Source:* Supreme Decree No. 29272 of 12 September 2007, National Development Plan, "A Decent, Sovereign, Productive and Democratic Bolivia in order to Live Well".

**Question 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.*

134. The authorities took the following steps to improve the living conditions of prisoners in different areas:

*Health*

135. As a first step, the following campaigns were launched in the department of La Paz:

- (a) A campaign to detect high blood pressure in the four prisons of La Paz;
- (b) A campaign to detect diabetics in the Miraflores prison;
- (c) A campaign to detect early cervical cancer in the Obrajes and Miraflores prisons.

136. The following action was taken at the national level:

- (a) Implementation of the Tuberculosis Programme in prisons in Tarija, Santa Cruz, Cochabamba, La Paz, Oruro, Potosí and Sucre;
- (b) A vaccination campaign against yellow fever was conducted in all prisons;
- (c) In order to collect information on prisoners and process it more efficiently, the forms used for monthly reports on prisons were redrafted;
- (d) A policy of prison inspection visits is being introduced. In the first phase, inspections were carried out in the Palmasola prison in Santa Cruz, the San Pedro prison in Oruro, the El Abra prison in Cochabamba and the Mocoví prison;
- (e) The prisons department under the supervision of the Ministry of the Interior carries out joint activities with the Ministry of Health in order to implement programmes to combat tuberculosis and HIV/AIDS in Bolivian prisons;
- (f) Cooperation has begun with the Cuban medical delegation for treatment (including surgery) for persons suffering from eye diseases.

*Dental care*

137. Dental equipment has been provided for prisons in La Paz, Sucre, Santa Cruz, Oruro and Pando.

*Social work*

138. The Ministry of the Interior, in cooperation with the Office of the Deputy Minister for Gender and Generational Affairs, part of the Ministry of Justice, visited several prisons (Cochabamba, Beni, Santa Cruz and La Paz) where information sessions were held for prisoners who live with their children in prison. During the information sessions, it was explained to them why children must not live in prison. Thereafter a socio-economic study of each family was conducted so as to seek alternative arrangements to living in prison for the children.

### *Education*

139. The following measures are worth noting:

- (a) Information was collected on education facilities for prisoners in the La Paz, Sucre and Oruro prisons, to prepare the ground for implementation of the Productive Education Project in Bolivia's prisons;
- (b) A survey on education in prisons was prepared;
- (c) Adult learning centres were opened in the prisons of San Pedro in La Paz, El Abra in Cochabamba, San Roque in Sucre and Morros Blancos in Tarija.

***Question 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.***

140. The Zero Malnutrition Programme is being implemented in accordance with the principles of fairness, with greater emphasis on those municipalities which are most vulnerable to food insecurity, where people have always been marginalized and excluded. Launched with the precept that all children have the right to develop their full potential like any other children from a big city, the programme is based on the following policies and strategies:

### *Policies*

141. **Single Intercultural and Communitarian Health System:** the aim is to guarantee access to health services for the entire Bolivian population under the Single Intercultural and Communitarian Health System by promoting healthy habits and behaviour among individuals, families and the community so as to overcome all forms of exclusion in health matters.

142. **Stewardship:** this policy lays down a course of action to regain sovereignty over and stewardship of the health system by providing guidance on the management, regulation and exercise of the authority of the Ministry of Health and Sports in health matters.

143. **Social mobilization:** this policy introduces democracy, capacity-building and various forms of participation and supervision by civil society in health matters. It will be implemented by raising the status of health among the priorities of Bolivian men, women, communities and families. The intent is to ensure that citizens exercise their right to participate in decision-making, transparency and accountability and the development of sectoral mechanisms for the enforceability of rights.

144. **Health promotion:** under this policy the State will reassume responsibility for comprehensive health care and quality of life. Its intent is to ensure coordinated action by the health sector and the other socio-economic and cultural development sectors in respect of such decisive factors as food, housing quality, leisure, access to basic education services, health, sanitation and security so that health promotion projects will generate employment and income as well as a comprehensive community-based system for social security and development.

145. **Solidarity:** this policy will establish a national alliance for the eradication of malnutrition and violence and for the inclusion of the most vulnerable groups who live in extreme poverty. It is intended to eliminate social exclusion in health and to improve the living standards of these groups.

146. Its specific objectives are:

- (a) To improve nutrition and care practices for children under 5 years of age;
- (b) To promote the consumption of a nutritional food supplement by all children aged between 6 months and 2 years and undernourished pregnant women (based on their body mass index (BMI)) and the consumption of micronutrients (vitamin A and soluble micronutrients (*chispitas*));
- (c) To incorporate the family and community health model, based on health promotion through an intersectoral approach, community mobilization and participation and interculturalism - key aspects of the Zero Malnutrition goal;
- (d) To improve the quality of treatment for malnutrition and illnesses prevalent among children under 5;
- (e) To incorporate the Zero Malnutrition approach in the curricula of institutions which train health personnel and to support training in nutrition at the postgraduate level (*Source:* Ministry of Health).

147. In order to attain the specific objectives:

- (a) Nutrition and care practices for children under 5 have been improved;
- (b) Nationwide, 80 per cent of newborns delivered without complications with the assistance of health personnel start breastfeeding within the first half hour after birth;
- (c) In type 4 and 5 municipalities, 90 per cent of newborns delivered without complications with the assistance of health personnel start breastfeeding within the first half hour after birth;
- (d) Nationwide, 60 per cent of children under 6 months are exclusively breastfed;
- (e) In type 4 and 5 municipalities, 60 per cent of children under 6 months are exclusively breastfed;
- (f) Nationwide, 60 per cent of children aged between 6 and 9 months have started complementary feeding;
- (g) In type 4 and 5 municipalities, 80 per cent of children aged between 6 and 9 months have started complementary feeding;
- (h) Nationwide, 60 per cent of people who care for children under 5 know at least two warning signs;

- (i) In type 4 and 5 municipalities, 80 per cent of people who care for children under 5 know at least two warning signs;
- (j) At least four investigations into nutrition and care practices among children under 5 have been conducted;
- (k) Consumption of the food supplement by all children aged between 6 months and 2 years and undernourished pregnant women (based on BMI) and of micronutrients (vitamin A and soluble micronutrients) is being promoted;
- (l) Nationwide, 60 per cent of children aged between 6 months and 2 years took the food supplement the previous day, as recommended;
- (m) In type 4 and 5 municipalities, 80 per cent of children aged between 6 months and 2 years took the food supplement the previous day, as recommended;
- (n) Nationwide, 60 per cent of undernourished pregnant women took the specific food supplement the previous day, as recommended;
- (o) In type 4 and 5 municipalities, 80 per cent of undernourished pregnant women in municipalities 4 and 5 took the nutritional food supplement the previous day, as recommended;
- (p) Nationwide, 70 per cent of children aged between 12 and 23 months have received a megadose of vitamin A in the last six months;
- (q) Nationwide, 70 per cent of pregnant women have received a megadose of vitamin A in the last six months;
- (r) Nationwide, 70 per cent of women who gave birth in health-care facilities received a megadose of vitamin A immediately after the birth;
- (s) Nationwide, 80 per cent of children aged between 18 and 23 months in Bolivia received a full course of soluble micronutrients last year or are currently receiving one;
- (t) At least four investigations have been conducted into the promotion, distribution and regular consumption of food supplements and micronutrients;
- (u) The family and community health model, based on health promotion through an intersectoral approach, community mobilization and participation and interculturalism, incorporates key aspects of the Zero Malnutrition goal;
- (v) Nationwide, 50 per cent of municipalities allocated and utilized funds in their operational management plans for the previous fiscal year for activities relating to the Zero Malnutrition goal;
- (w) 80 per cent of type 4 and 5 municipalities allocated and utilized funds in their operational management plans for the previous fiscal year for activities relating to the Zero Malnutrition programme;

(x) In 90 per cent of type 4 and 5 municipalities committees have been established comprising social actors who conduct activities relating to the Zero Malnutrition goal;

(y) There is a communication strategy (with an intercultural focus) to promote nutrition and care practices for children aged under 5 that supports the promotion activities of different social actors;

(z) Coordination and monitoring mechanisms have been established between the communities and health institutions in type 4 and 5 municipalities;

(aa) The quality of treatment for malnutrition and illnesses prevalent among children under 5 has been improved;

(bb) Nationwide, the case fatality rate for severe acute malnutrition in referral hospitals was reduced to below 10 per cent;

(cc) Nationwide, 80 per cent of children referred because of severe acute malnutrition are admitted and treated in referral hospitals;

(dd) 90 per cent of children from type 4 and 5 municipalities referred because of severe acute malnutrition are admitted and treated in referral hospitals;

(ee) Nationwide, 70 per cent of primary health care facilities provide comprehensive care (nutrition and prevalent diseases) for children under 5, in accordance with AIEPI-Nut standards;

(ff) 90 per cent of primary health-care facilities in type 4 and 5 municipalities provide comprehensive care (nutrition and prevalent diseases) for children under 5, in accordance with AIEPI-Nut standards;

(gg) Nationwide, 70 per cent of primary health-care facilities have materials and supplies for the comprehensive care (nutrition and prevalent diseases) of children under 5, in accordance with AIEPI-Nut standards;

(hh) 90 per cent of primary health-care facilities in type 4 and 5 municipalities have materials and supplies for the comprehensive care (nutrition and prevalent diseases) of children under 5, in accordance with AIEPI-Nut standards;

(ii) Nationwide, all maternity and children's hospitals comply with the 10 steps of the mother-and-baby-friendly hospital initiative;

(jj) Nationwide, 70 per cent of the health centres that provide assistance during childbirth comply with the 10 steps of the mother-and-baby-friendly hospital initiative;

(kk) Nationwide, 90 per cent of the nutrition units comply with official operating standards;

(ll) Schools for health workers have incorporated the Zero Malnutrition approach in their curricula and carry out postgraduate training support activities;

(mm) Medicine and nutrition faculties in State-run universities have incorporated in their curricula material, rules and procedures relating to food and nutrition which are in line with the Zero Malnutrition goal;

(nn) 60 per cent of schools for nursing assistants have incorporated in their curricula material, rules and procedures relating to food and nutrition which are in line with the Zero Malnutrition goal;

(oo) Diploma courses in nutrition for professional staff and refresher courses for nursing assistants have been organized.<sup>17</sup>

## Article 12

***Question 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.***

148. Act No. 3351 of 20 February 2006 and the corresponding regulations adopted by Supreme Decree No. 28631 of 8 March 2006 established the Office of the Deputy Minister for Coca and Comprehensive Development under the Ministry of Rural Development, Agriculture and the Environment. It is empowered to propose, coordinate and implement policies for the comprehensive development, industrialization, commercialization, beneficial, medicinal and cultural use and export of coca leaves. It thus implements comprehensive development policies in coca-leaf-producing areas and performs the important task of coordinating the declaration of areas for the containment and rationalization of coca leaf cultivation, with the participation and cooperation of various stakeholders.

149. Cultivation of coca leaves is legal, provided the product is intended for consumption by Bolivians during social and cultural practices and is in traditional forms, such as *acullicu* and chewed coca, and it is employed in medicinal and ritual uses that are not harmful and do not lead to any drug dependence or addiction. Its industrialization for authorized uses is also legal. The activity becomes illegal when surplus production is used for the production of cocaine base, cocaine sulphate and cocaine hydrochloride or other forms in which the alkaloid is extracted in order to produce a type of controlled substance. Contraband and illicit trafficking in coca are also illegal. The regulations governing surplus production are to be found in Act No. 1008, the Coca and Controlled Substances Regime Act, which stipulates that in Bolivia it is legal to grow coca only in specific areas set out by the Act.

150. The National Council for the Fight against the Illicit Drugs Traffic (CONALTID) was established under Supreme Decree No. 28631. It is composed of representatives of the Ministry of Foreign Affairs and Religion, the Office of the President and the Ministries of the Interior,

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<sup>17</sup> Source: Ministry of Health, Zero Malnutrition Programme, Part 2, Zero Malnutrition Sectoral Programme.

Defence, Public Works, Services and Housing, Education and Cultures, Health and Sport and Rural Development, Agriculture and the Environment. Its main functions include defining and standardizing national policies for the planning, organization, implementation, management, supervision, oversight, monitoring and coordination of alternative development and coca substitution plans, programmes and projects, combating the illegal drug trade and implementing comprehensive drug treatment, prevention and social rehabilitation and reintegration activities.

151. In addition, it has been proposed to amend Act No. 1008 of 19 July 1988, the Coca and Controlled Substances Regime Act. Various proposals have been made, and the Office of the Deputy Minister of Social Defence and Controlled Substances, the Chairman of the Commission on Drug Trafficking of the Chamber of Deputies and the Ministry of Justice have worked together to draw up a single proposal, which is now before the National Council on Economic and Social Policy (CONAPES). One of the functions of CONAPES is to adopt preliminary legislative bills for submission to the legislative branch.

152. The draft bill for the amendment of Act No. 1008 has been drawn up to meet the need to change certain rules that, while aimed at combating drug trafficking, undermine individuals' human rights, violate constitutional guarantees and criminalize the most vulnerable groups. The Act in question does not observe such principles of criminal law as the rule of *nullum crimen sine iniuria* and the proportionality of the sentence to the offender's degree of guilt, and has been implemented through the use of incomplete or multinuclear definitions of offences. These definitions are based on a presumption of guilt which imposes disproportionately heavy penalties for harm caused to a legally protected interest of lesser importance.

***Question 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.***

153. The Women's Health and Reproductive Health Programme (2003-2007) is aimed at reducing mortality among women from unassisted births and illegal abortions. It is currently being implemented.

154. Another measure taken to reduce maternal mortality was the establishment of Universal Maternal and Infant Insurance, which is aimed at providing services to women during pregnancy and up to six months after birth.

155. As for legislation on sexual and reproductive health, a bill has already been passed by the legislature, but its adoption has been held up because of pressure from religious circles, in particular the Catholic Church.

156. A project called "Adoption of attitudes and practices for the prevention of the sexually transmitted infection HIV/AIDS" has been set up in the armed forces, with the participation of the Ministry of Health, the armed forces high command, the United States Agency for International Development (USAID) and PROSALUD. The various units of the armed forces receive condoms and are instructed in their use.



157. Some 750,000 condoms have been delivered throughout the country for distribution in the various military units.

158. Under this distribution programme, packs of five male condoms are distributed, and instruction is provided on how and why to use them. The donation came from USAID, through its PROSALUD project.

159. The Health Sentry Programme provides health instruction to military personnel as part of their training. It emphasizes reproductive and sexual health, and provides information on sexually transmitted infections and HIV/AIDS prevention. The aim is to make soldiers aware of the need to prevent risks which are encountered in society and to reduce the incidence of sexually transmitted infections and HIV/AIDS in the armed forces. The programme also encourages the correct use of condoms among members of the military, in particular among conscripts performing their national service.

***Question 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.***

160. In accordance with the National Development Plan, the National Health Plan is being implemented, the main aim of which is the elimination of social exclusion in the field of health through introduction of the Single Intercultural Communitarian Health System, run by the Ministry of Health and Sports, the State body responsible for its implementation. The System is designed to build bridges between two or more medical cultures, creating points of convergence and divergence, and seeks to establish linkages and complementarity between such cultures.

161. The social partners are encouraged to play a role in health management and related questions through intersectoral and comprehensive actions that take stock of, complement and raise the profile of the types of medicine available in the country, especially traditional, alternative and indigenous medicine.

162. In the provision of services, the relationship between the health team and users should be a horizontal one. In their interaction, the users' world views must be respected through free-flowing communication, preferably in the user's language. The decisions of the users regarding their health and the academic or traditional diagnostic, therapeutic and preventive medical procedures must be accepted.

163. To that end, the level of complexity of the illness is taken into consideration, according to the following three levels:

(a) **Complexity level 1:** Currently, care is provided by health centres and health units. This is the starting point for the linkage and complementarity between traditional medicine (traditional doctors and midwives) and the services provided by academic clinical medicine (health units, inpatient and outpatient health centres, polyclinics);

(b) **Complexity level 2:** For now, this is a level of care provided by primary-level hospitals. It covers cases requiring more involved outpatient care and hospitalization for basic specialities such as internal medicine, paediatrics, gynaecology and obstetrics, surgery, traumatology, anaesthesiology, basic diagnostic support, and therapeutic and other services, in accordance with the epidemiological needs of the region. At this level of care, the promotion of health and education and primary and secondary prevention activities are conducted by establishing self-help groups and groups to detect biological risks and damage, while maintaining the comprehensive, participative, intercultural and intersectoral focus of the Intercultural Communitarian Family Health System;

(c) **Complexity level 3:** Care is provided by general hospitals and specialist institutions offering tertiary specialist care for users referred from establishments with lower complexity levels.

164. This system is aimed at integrating communities into health-care activities, but above all at ensuring the utilization of and respect for traditional medicine in accordance with the complexity of each case (*Source:* Ministry of Health and Sports, Intercultural Communitarian Family Health Programme).

#### Articles 13 and 14

**Question 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.*

165. The State earmarks 5 per cent of gross domestic product and 21 per cent of the State budget to education.

166. The Educational Infrastructure, Equipment and Teaching Procedures Programme is implemented by municipal governments.

167. The problem of infrastructure at schools is addressed by this programme, which was established to strengthen the country's educational infrastructure. The programme has been carried out through agreements concluded with the 327 municipal governments. By 2006, some US\$ 10 million had been granted to municipal governments, with four programme aims:

- (a) School construction;
- (b) Equipment;
- (c) Retrieval of knowledge from native populations;
- (d) Education for production.

168. Among the municipalities to which funding was provided are: Pailón, San Antonio de Lomerío (Santa Cruz), Puerto Acosta, Copacabana, El Alto (La Paz), and others that invested 20 per cent matching funds.

169. By the end of 2006 over 14 million bolivianos had been disbursed in El Alto, Puerto Acosta, Patacamaya and other municipalities.

170. Funding is planned for:

- (a) Pailón (800,000 bolivianos);
- (b) Roboré (400,000 bolivianos);
- (c) Montero (1.2 million bolivianos);
- (d) San José de Chiquitos (800,000 bolivianos);
- (e) Ascención de Guarayos (800,000 bolivianos);
- (f) San Ignacio de Velasco (800,000 bolivianos);
- (g) San Miguel de Velasco (800,000 bolivianos).

171. Another programme that has been implemented is the Technical Education for Production Project.

172. Under this programme, tractors have been supplied to the following technology institutes:

- (a) Portachuelo Agricultural Technology Institute (Santa Cruz);
- (b) Charagua Agricultural Technology Institute (Santa Cruz);
- (c) Canadá Agricultural Technology Institute, Chimoré (Cochabamba);
- (d) Tarata Agricultural Institute (Cochabamba);
- (e) Caquiaviri Agricultural Technology Institute (La Paz);
- (f) Simón Bolívar Higher Institute of Agricultural Technology (Potosí).

***Question 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.***

173. The National Development Plan takes into account the fact that the reforms carried out by previous Governments (for example, the education reform) were unable to move beyond the colonial model, which involves exclusion, discrimination, marginalization and exploitation, and incorporates a hegemonistic vision.

174. One of the problems is the lack of equal opportunity in the national education system in terms of entering and staying in school, and the low quality of education. The worst illiteracy, drop-out and school attendance rates are found in rural areas, among the poorest families, and above all among women.

175. The National Development Plan for 2006-2011 therefore established policies aimed at providing high-quality education, giving priority to equality of opportunity. The Plan seeks to ensure equality of opportunity in education for groups that have suffered from discrimination, exclusion and exploitation, thus making access to school and retention in the schooling system more democratic.

176. The first programme under the Plan addresses literacy, and targets men and women in rural areas and peri-urban areas. The second programme addresses the provision of high-quality education, ensuring fair treatment among social and ethnic groups, the sexes and the generations. It is designed to link learning to needs in relation to work, psychology, the emotions and attitudes so that this population group can become better integrated in society. To this end, the process of transforming higher education will encourage public universities to extend their coverage to rural areas. Universities will have the task of collecting the knowledge and technologies of the native populations and promoting dialogue between them and other cultures, as well as participatory, communitarian and inclusive democracy.

177. The Juancito Pinto voucher scheme, established by Supreme Decree No. 28899 of 26 October 2006, as amended by Supreme Decree No. 29231 of 24 October 2007, awards a grant of 200 bolivianos in cash or in kind to encourage all girls and boys to remain enrolled in school up to the sixth year of primary school.

#### **Article 15**

***Question 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.***

178. The most serious conflict in the country involves the Laime, Pucara, Jucumani, Pocoata, Norte Condo, Challapata and Culta *ayllus* (communities). At first, it concerned only the Laime, Jucumani and Qaqachacas *ayllus*. But because of land disputes, revanchism, hatred and vengeance, the Vilyo, Chojlla, Ocurrí (Challapata canton), Pisactapa and Tondohoco (Norte Condo) communities near Oruro, and Villa Alkarapi and Berenguela, near Potosí, became involved. For these communities, there have been social, economic and cultural consequences. Among the causes of the conflict are the extreme poverty in the area, problems related to departmental boundaries, land disputes between communities, cultural factors and criminal acts.

179. Those involved in the conflict live in an area in the departments of Oruro and Potosí. The poor security resulting from repeated clashes and the lack of a State presence in the area encouraged or even forced the members of these communities to take these steps to protect themselves.

180. Through the Ministry of Justice and Human Rights, the Government has tried to put in place practical strategies to pacify the area, with the participation of other bodies of the executive and legislative branches and civil society. The aim has been to foster a culture of peace in the region on the basis of the principle of non-discrimination and universality of human rights. The pacification activities carried out by the State have taken the form of workshops, known as the Titikaka, Uncía and Challapata workshops.

181. Thus, activities have been developed to demarcate territories, disarm the *ayllus* and promote friendly relations among them. On 25 May 2001, in the Jucumani *ayllu*'s Luluni settlement, an agreement was signed in the presence of representatives of the State and the *ayllus*. It established the Strategic Comprehensive Development Plan, which involved the implementation of programmes and subprogrammes to strengthen the communities and community organizations and women's organizations in these communities. The *ayllus* formed a governing body and a monitoring committee, which, with State support, is supposed to increase living standards in these communities (*Source*: Human Rights Community, Pacification process in the Laime, Pucara, Jucumani, Pocoata, Norte Condo, Challapta and Culta *ayllus*).

182. A bill on the community justice system of the native indigenous peoples and campesino communities is currently under discussion in the National Congress. It includes the following articles:

“CHAPTER II

“DECISIONS, CONFLICTS AND COOPERATION INVOLVING  
NATIVE/INDIGENOUS AND CAMPESINO AUTHORITIES

“Article 6 (BINDING NATURE OF DECISIONS ISSUED BY THE AUTHORITIES OF THE NATIVE/INDIGENOUS AND CAMPESINO COMMUNITIES). I. The decisions and resolutions adopted by the authorities of the native/indigenous peoples and campesino communities shall be non-derogable and binding in nature. They shall be governed by their own rules and traditional practices, and may not be subjected a posteriori to review by any court or administration.

“II. The final decisions of the native/indigenous and peasant community authorities may be reviewed by their higher bodies in accordance with their own administrative and territorial structures.

“Article 7 (REGISTRY). The decisions of the native/indigenous and campesino community authorities may be set out in an official record, in accordance with their cultural practices, for purposes of conservation and verification.

“Article 8 (CONFLICTS). I. The authorities of the native/indigenous peoples and the campesino communities shall hear and resolve all cases which are considered to be conflicts within their territories between members of the indigenous and campesino communities, between indigenous people and non-indigenous people, and between non-indigenous people, unless they agree to transfer the case to the ordinary courts in the context of coordination between the native indigenous system of justice and the justice system administered by the judicial branch.

“II. For members of the native/indigenous peoples and campesino communities, recourse to the community justice system shall be mandatory, and no authority of the ordinary system of justice may intervene in it.

“Article 9 (CONFLICT BETWEEN INDIGENOUS PEOPLES). If a conflict arises between indigenous people or community members who are living in different territories and under the administration of different authorities, it shall be settled with the participation of the two authorities and the immediate and mandatory intervention of the recognized higher territorial authority, taking account of the fact that standards and procedures shall complement one another.

“Article 10 (COOPERATION WITH NATIVE/INDIGENOUS AUTHORITIES AND THOSE OF CAMPESINO COMMUNITIES). The authorities of the judicial, legislative and executive branches and other public bodies shall cooperate with and provide mandatory judicial and administrative assistance in a timely manner to the native/indigenous authorities and campesino communities in the performance of their functions in administering justice and executing their decisions, whenever they are so requested.”

***Question 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.***

183. The Office of the Deputy Minister for Cultural Development was established under the Ministry of Education and Cultures through the Executive Organization Act, No. 3351. Its aim is to establish policies, standards and strategies to promote research into and the preservation and protection of culture as well as tourism in the country so as to create linkages with national economic development.

184. The functions of the Office of the Deputy Minister for Cultural Development are:

- (a) To formulate and implement policies to encourage cultural production and dissemination and to protect the religious, historical and documentary heritage, promoting its safekeeping and conservation;
- (b) To promote the conservation or restoration of monuments, buildings and other assets of historical, religious and cultural interest;
- (c) To monitor Bolivian and foreign institutions as they implement and oversee the conservation and safekeeping of the country's historical, architectural, archaeological, artistic, religious, ethnographic and documentary heritage;
- (d) To promote research into ancestral cultures from the anthropological, sociological, architectural, religious, ethnographic and economic points of view;
- (e) To coordinate cultural and artistic promotion and training activities with the prefectures and municipalities;
- (f) To promote cultural and tourism policies so as to link the two activities with national economic development, in coordination with the competent bodies;
- (g) To recover the archaeological and cultural heritage that has been illegally taken out of the country;

(h) To coordinate with the Office of the Minister the components of all policies and programmes relating to cultural development;

(i) To establish links between institutions for the implementation of cultural programmes and projects;

(j) To represent the Minister in decentralized cultural institutions and Bolivian and international organizations and institutions;

(k) To establish the components of annual workplans corresponding with the national strategies of the Ministry of Education and Cultures;

(l) To supervise the tasks of the departments working under its remit;

(m) To channel requests from civil society in accordance with the department's organizational structure and the applicable rules and regulations.<sup>18</sup>

185. The purpose of Supreme Decree No. 29272 of 12 September 2007 introducing a National Development Plan entitled "A Decent, Sovereign, Productive and Democratic Bolivia in order to live well, 2006-2011" is to guide and coordinate sectoral, regional and institutional planning for national development.

186. It outlines the strategies which should be followed and, among other things, sets the goal of achieving a "decent Bolivia" through the eradication of poverty and inequality by securing an equitable distribution pattern and equal opportunities.

187. To this end, the Bolivian Government has set certain targets to be met between 2006 and 2011 which have a bearing on the enjoyment of the rights embodied in the International Covenant on Economic, Social and Cultural Rights.

188. To be more specific, as far as the right of self-determination is concerned, the National Development Plan states that "the new design for development is based on the idea of 'living well' which is characteristic of the original and indigenous cultures of Bolivia. Drawing on the communitarian elements rooted in indigenous peoples and agrarian, nomadic and urban communities of the lowlands and the highlands, 'living well' postulates a cosmocentric view transcending the traditional ethnocentric content of development".

189. Similarly, the policies and strategies to be pursued between 2006 and 2011 include the goal of strengthening and sustaining "the identity, forms of organization and self-management of local, campesino, native/indigenous and productive communities and neighbourhood associations".<sup>19</sup>

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<sup>18</sup> Fuente ministerio de Educación y Culturas.

<sup>19</sup> Supreme Decree No. 29272 of 12 September 2007, p. 52.

190. In relation to the right to work, the same decree seeks to cut the open unemployment rate from 8.4 per cent to 4 per cent between 2006 and 2011 by creating an average of 90,000 new jobs a year over that period.

191. In the health sector, the target set in the National Development Plan is the elimination of social exclusion by means of an intercultural, communitarian family health system which harnesses traditional medicine.

192. In the sphere of education, an attempt is being made to promote fair, high-quality education encouraging greater participation by all members of society. With regard to the right to housing, there are plans to revive housing construction through a national solidarity-based social housing programme.

193. Moreover, it must be mentioned that under Act No. 1178 of 20 July 1990 on governmental administration and supervision, all public authorities in Bolivia are covered by the Operations Programming System, which makes them answerable for results obtained under their management. The Act allows administrative authorities to plan, organize and execute all of their actions and to carry out internal results-based audits.

194. The draft of the new Constitution, which has been adopted as a whole, article by article and after revision, in addition to incorporating the entire United Nations Declaration on the Rights of Indigenous Peoples, also devotes a complete section to the rights of the native indigenous campesino peoples of Bolivia, establishing their right of self-determination on the basis of the multinational character of the State. It is on the basis of this right that they may freely choose their political status and freely pursue their economic, social and cultural development and enjoy their right to autonomy and self-government in their internal and local affairs, and to have the means with which to finance their autonomous functions.

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