



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fourth periodic report of the Plurinational State of Bolivia*, **

Constitutional and legal framework within which the Covenant is implemented (arts. 1 and 2)

1. In the light of the Committee's previous concluding observations (CCPR/C/BOL/CO/3, para. 5), please provide information on progress made towards establishing a specific mechanism or procedure for implementing the Committee's Views and indicate whether there are any other examples, in addition to those mentioned in paragraph 86 of the State party report (CCPR/C/BOL/4), of cases in which the domestic courts have invoked the provisions of the Covenant. With respect to paragraph 87, please indicate the content of the training programmes run for justice officials and provide information on efforts made to raise public awareness of the Covenant rights and their direct applicability under national law.

Public emergencies (art. 4)

2. In the light of the Committee's previous concluding observations (para. 6), please describe the progress made towards adopting legislation that clearly prohibits any derogation from the rights set forth in article 4 (2) of the Covenant during a state of emergency.

Human rights violations during the dictatorship era (arts. 2, 6 and 7)

3. Please provide information on the measures taken, in accordance with the Committee's previous concluding observations (para. 12), to ensure the investigation and punishment of human rights violations, including enforced disappearances, committed under the de facto regimes of 1964–1982. In this connection, please indicate the number of investigations initiated, the penalties imposed, and the reparations granted to victims since 2013, including in the Estrada and Teoponte cases. Please also provide information on the work carried out by the Truth Commission since its establishment in 2016 and indicate whether it has had sufficient funding to carry out its work. With regard to enforced disappearances, and the information contained in paragraph 136 of the report, please give details of the excavations that have been carried out, the remains that have been found and the persons that have been identified. Please also describe the measures that have been taken, including by judicial order, to guarantee access to the military archives.

4. Please provide details of action taken to revise the standard of proof in relation to acts for which reparation is sought, to establish a mechanism for the appeal and review of applications, and to make available the resources necessary to ensure that victims receive the full amount of compensation awarded to them. In this regard, and in light of the

* Adopted by the Committee at its 127th session (14 October–8 November 2019).

** Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's preceding concluding observations (CCPR/C/BOL/CO/3).



information provided by the State party in its third follow-up report (CCPR/C/BOL/CO/3/Add.2, paras. 19 and 23), please: (a) describe the measures that the State party intends to take to cover the remaining 80 per cent of the total amount due to be paid to victims; (b) indicate whether other forms of reparation have been granted, aside from financial compensation or free medical care, including to victims who have health insurance; (c) clarify whether the State provides free health care to all victims or solely to those who expressly request it; and (d) indicate whether any other events have been organized to honour the historical memory.

Non-discrimination (arts. 2, 3, 17, 26 and 27)

5. With regard to paragraphs 90 to 92, 97, 101, 104 and 107 of the report and the Committee's previous concluding observations (para. 7), please provide additional information on: (a) the resources allocated for the effective implementation of Act No. 045 and the mechanisms developed for this purpose; (b) the programmes mentioned in paragraph 92 of the report and the impact of the Plan of Action 2012–2015; (c) the content of the Multisectoral Plan of the Plurinational State of Bolivia to Combat Racism and All Forms of Discrimination 2016–2020, the resources allocated for its implementation and the results achieved; (d) any public education and awareness-raising campaigns carried out; (e) the units for combating racism and all forms of discrimination; and (f) the content of Act No. 807, on gender identity, mentioned in paragraph 104 of the report. With regard to paragraph 107 of the report, please provide up-to-date statistics on complaints of discrimination filed, including complaints of acts of violence based on sexual orientation or gender identity, and on their outcome. Please also describe the steps taken to ensure respect for the principle of non-discrimination and to eradicate the stereotypes and prejudices that persist in Bolivian society, in particular against indigenous persons and persons of African descent.

Equality between men and women (arts. 2, 3, 25 and 26)

6. Please indicate whether the Multisectoral Plan to Eliminate Patriarchalism and Promote Women's Right to Practice the Right Way of Living remains in force, and provide information on the resources allocated to the Plan, the results achieved to date and any campaigns to overturn gender stereotypes that have been carried out. Describe also the measures taken to increase the representation of women, especially indigenous women and women of African descent, in decision-making bodies, both in the public sector at all levels of government and in the private sector, and provide up-to-date figures in this regard as well as information on the role of the Democratic Parity Observatory in advancing women's participation in public and private life. Please also provide information on the impact of the measures mentioned in paragraphs 113 and 114 of the report, including the number of cases of political harassment and violence against women that have been reported and the outcome of these complaints.

Violence against women, including domestic violence (arts. 2, 3, 6, 7, 14, 24 and 26)

7. Please provide information on the impact of the measures mentioned in paragraphs 123 to 129 of the State party report in terms of the effective implementation of Act No. 348 of 9 March 2013, intended to guarantee women a life free from violence. In this connection, please: (a) indicate the human, material and financial resources allocated to the institutions responsible for implementing the Act; (b) provide additional information about the statistics mentioned in paragraph 124 and the manner in which they are used; and (c) provide information about cases of violence against women recorded in the central register on violence, including the number of complaints received and their outcome (investigations, prosecutions, convictions and penalties handed down). With regard to paragraphs 130 and 131 of the State party report, please specify the number of shelters and safe houses for victims of domestic violence that are currently operating across the country and give details of their location, their capacity and the budget assigned to them. Please also indicate whether spousal rape is explicitly criminalized in national legislation.

Voluntary termination of pregnancy and reproductive rights (arts. 2, 3, 6, 7, 17, 24 and 26)

8. In the light of the Committee's previous concluding observations (para. 9) and the State party report (paras. 118 and 122), please: (a) clarify the circumstances in which judicial authorization is still needed to perform an abortion; (b) provide up-to-date information on judicially authorized abortions performed in the State party; (c) indicate the number of times in the past five years in which abortion has been the subject of criminal proceedings pursuant to article 266 of the Criminal Code and give details of the cases mentioned in paragraph 120 of the report; (d) describe the measures taken to legalize further exceptions to the prohibition and criminalization of abortion in cases where, for example, the pregnancy is the result of rape or incest; (e) provide information on the effectiveness of the measures referred to in paragraph 122 of the State party report in reducing teenage pregnancy, including statistical information on teenage pregnancy, and also on maternal mortality; and (f) describe any education and awareness-raising programmes conducted to highlight the importance of using contraceptives and the right to sexual and reproductive health.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 7, 9, 14 and 24)

9. In relation to the Committee's previous concluding observations (para. 13) and the State party report (paras. 15 to 21, 140 and 141), please: (a) report on the progress made towards including in criminal legislation a definition of torture that is fully in line with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with article 7 of the Covenant; (b) describe the steps taken to ensure that alleged acts of torture or ill-treatment are promptly investigated, that the perpetrators are prosecuted and punished, and that the victims receive full reparation; (c) indicate the status of implementation of the recommendations made by the Subcommittee on Prevention of Torture and the extent to which the manual for applying the Istanbul Protocol is used; (d) describe progress made towards establishing a national mechanism for the prevention of torture that meets the requirements set in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; (e) indicate how the State ensures the independence of the Service for the Prevention of Torture and provide information on the financial and human resources allocated to the Service; and (f) clarify whether the Service is empowered to receive and investigate complaints of torture and ill-treatment and provide up-to-date data on the cases that it has followed up.

10. In the light of the Committee's previous concluding observations (para. 11) and the State party report (paras. 133 and 134), please indicate the number of complaints of lynching received and the outcome of these complaints. Please also describe the measures taken to strengthen the role of the police and the Public Prosecution Service in preventing and prosecuting such offences, and provide information on prevention and awareness-raising campaigns carried out in schools, the media and elsewhere.

11. With regard to the Committee's previous concluding observations (para. 13) and the State party report (139), please indicate which offences of a military nature are tried before the military courts, and what steps have been taken to amend the current rules of military criminal law to exclude human rights violations from military jurisdiction.

12. Please provide information on measures taken to prohibit, prevent and punish corporal punishment in all settings, and to promote non-violent forms of discipline as an alternative to corporal punishment. Please also describe the information campaigns carried out, including through the indigenous original campesino courts, to raise public awareness of the ban on corporal punishment and its harmful effects.

Excessive use of force (arts. 2, 6, 7 and 14)

13. In relation to the incidents of racial violence mentioned in the State party report (paras. 142 and 145) that occurred in Pando and Sucre in 2008, please provide up-to-date information on the legal proceedings and the reparations afforded to the victims. Please also provide information on the investigations carried out into the recent acts of violence that took place following the elections held in the Plurinational State of Bolivia in October 2019.

In addition, please describe the measures taken to prevent and eliminate excessive use of force by law enforcement officers and give details of the content and frequency of the training they receive. Please also indicate whether there have been any complaints of excessive use of force and the outcome of those complaints.

Persons deprived of their liberty and conditions of detention (arts. 6, 7, 9, 10, 14 and 26)

14. Please indicate the current status of the bill referred to in paragraph 165 of the State party report, the maximum period of pretrial detention currently permitted, the average length of pretrial detention and the time limits at which detention must cease. Please provide information on the efficacy of the protocol mentioned in paragraph 163 of the report in reducing the use of pretrial detention, including data on the number of persons currently deprived of liberty and how many of them are being held pending trial. Please specify the measures taken to encourage the use of alternatives to deprivation of liberty such as precautionary measures, bail and the use of electronic bracelets, and the criteria that guide the use of these non-custodial alternatives. With regard to the amnesty decrees mentioned in paragraph 164 of the report, please indicate whether the detainees that have been pardoned had already stood trial. With regard to paragraphs 29, 30, 35 to 38, 166 and 167 of the report, please provide further information on: (a) the measures taken to guarantee, in practice, access to free legal aid during detention; and (b) the mechanisms available to persons deprived of their liberty who wish to report violations of Covenant rights, indicating whether these mechanisms are confidential and independent.

15. In the light of the Committee's previous concluding observations (para. 20) and the State party report (paras. 164 and 169), please provide information on any additional measures taken to reduce overcrowding in prisons and improve conditions of detention, including information on the construction of the new prison complexes mentioned in paragraph 169. Please also describe the steps taken to ensure that remand prisoners are separated from convicted prisoners. Please likewise state what measures have been taken to establish effective oversight of systems of inmate self-government in prisons and ensure that such measures are fully compliant with the Covenant.

16. With regard to the State party report (paras. 171 and 172), please provide up-to-date figures for the number of children living in prison with their parents in each year since 2013 and additional information on the alternative care systems available for these children, indicating how the State party ensures that the principles set out in article 24 are respected in full in relation to the situation of these children. Please also provide more detailed information on the specialized criminal system for minors in conflict with the law established under the Children and Adolescents Code.

Elimination of forced labour and trafficking in persons (arts. 7, 8, 14 and 24)

17. In the light of the Committee's previous concluding observations (para. 18) and the State party report (paras. 22, 23 and 158 to 161), please describe the action taken to prevent and punish forced labour in general and the results obtained, including progress made towards establishing oversight mechanisms to ensure that the normative framework is respected. In this respect, please provide updated information on complaints of forced or bonded labour received and on the outcome of such complaints. Please also describe the action that the National Institute of Agrarian Reform takes when cases are referred to it. Furthermore, please provide information on progress made in developing a sustainable public policy to lend continuity to the Transitional Interministerial Plan and improve the living conditions of the Guaraní people, and on the effectiveness of the measures referred to in paragraphs 160 and 161 in eradicating forced and bonded labour in the Chaco region and among families of the Guaraní nation.

18. Please provide information on the impact and results of the measures taken to prevent and punish child labour and the sexual exploitation of minors that are described in paragraphs 182 to 188 of the report and indicate the resources that have been assigned for this purpose over the past five years. In this connection, please provide updated data on complaints received and their outcome. Please also provide information on the measures taken to strengthen families that are vulnerable to such practices and on any awareness-raising campaigns carried out.

19. With regard to the Committee's previous concluding observations (para. 17) and to the State party's report (paras. 154 and 157), please provide information on: (a) the results and impact of the measures described in paragraphs 154 and 155, indicating whether there have been any other prevention and sensitization campaigns highlighting the negative effects of human trafficking and smuggling; (b) the number of reports of trafficking in persons received and the outcome of the cases reported; (c) procedures and measures for the identification, protection, assistance, including free legal assistance, and rehabilitation of victims of human trafficking, including the resources allocated for this purpose; and (d) whether there are any plans to increase the number of shelters for victims.

Independence of the judiciary and administration of justice (arts. 2 and 14)

20. In the light of the Committee's previous recommendations (para. 22) and the State party report (paras. 57, 58 and 175 to 181), please provide information on: (a) the measures taken to combat corruption and political interference, particularly in the judicial system and the police force; (b) corruption cases reported, investigations carried out and the penalties imposed on those responsible; (c) the implementation of Act No. 898, and its results; (d) the reforms of the justice sector envisaged in Act No. 929; (e) the procedures and criteria set out in Act No. 960 for the selection and appointment of judges, specifying whether there is a minimum percentage quota for indigenous persons; (f) the results of the elections mentioned in paragraph 175, explaining how these serve to guarantee the independence of the judiciary; (g) the measures taken to guarantee access to justice, to increase the number of courts and to appoint new judges and public defenders, particularly in rural areas, taking into consideration the cultural and linguistic characteristics of the rural population and relevant statistical data; (h) the current status of the bill on summary criminal procedure designed to reduce the backlog of cases and expedite judicial proceedings, and the impact of Act No. 586 on Streamlining and Reducing the Workload in the Criminal Justice System and the National Plan for Reducing the Workload in the Criminal Justice System; (i) measures to enhance training for judges, prosecutors, court staff and lawyers; and (j) the establishment of mechanisms to ensure that the indigenous original campesino justice system is at all times compliant with due process and other guarantees established in the Covenant.

Freedom of expression and violence against human rights defenders and journalists (arts. 6, 7, 9, 17, 19 and 22)

21. In relation to the previous concluding observations (para. 24), please provide information on the number of complaints of harassment, threats and violence against human rights defenders and journalists received in the past five years and on the outcomes of these complaints. In this connection, please describe the measures taken to guarantee their safety and integrity and to ensure that they are able to exercise their profession fully without restrictions. Please provide information on the practical implementation of articles 282 (defamation), 283 (slander) and 287 (insult) of the Criminal Code, and on the number of cases in which these provisions have been invoked in the past five years and the manner in which the cases were resolved. With regard to paragraph 194 of the report, please indicate the requirements for granting legal status to non-governmental organizations and the circumstances in which their legal status can be revoked.

Rights of the child and birth certificates (arts. 16, 23 and 24)

22. With regard to paragraphs 63, 80 and 81 of the State party report, please describe the measures in place to ensure that all children born in Bolivian territory (including indigenous children, refugees, asylum seekers and stateless children) receive an official birth certificate even if they are not born in a hospital.

Migrants, asylum seekers and refugees (arts. 2, 9, 10, 12, 13 and 26)

23. Please furnish updated statistics, disaggregated by sex and age, on the number of asylum seekers and refugees in the State party and on efforts made to reduce the backlog of asylum applications. Please indicate whether there are any plans to change the requirements and criteria, including the high costs, that Supreme Decree No. 3676/2018 establishes for the regularization of the status of migrants who have entered or are residing in the country illegally, in particular Venezuelans. Please explain how the State party ensures access to the

national system of asylum for persons in need of international protection throughout the national territory, including at borders. Please indicate whether protocols for migration and border officers have been adopted for this purpose and provide information on the asylum-related training that these officers receive. In addition, please describe the steps taken to ensure access to documentation, and the prompt renewal of documentation, for migrants, asylum seekers and refugees, and to guarantee them access to health care, housing, education and employment.

24. Please respond to allegations that: (a) asylum seekers arriving at the border, particularly at night, have been subjected to abuse and extortion by the Bolivian border police; (b) persons seeking asylum in the Plurinational Republic of Bolivia, most of them Venezuelan, have in some cases been denied access to the country; (c) the National Commission for Refugees has imposed requirements not established by law, including the need for a passport or an Andean migration card, for the formalization of asylum applications; (d) there have been summary deportations in Desaguadero on the border with Peru and eight Venezuelans were deported to Peru in March 2019 without being referred to the national asylum system even after some of them had expressed their intention to seek asylum in the Plurinational State of Bolivia.

Indigenous peoples (arts. 2, 25, 26 and 27)

25. In relation to the Committee's previous concluding observations (para. 25), please indicate the status of the preliminary framework bill on consultation and describe the measures taken to ensure the free, prior and informed consent of indigenous communities in respect of decisions relating to projects that affect their rights. In this regard, please clarify how article 39 of Act No. 026 guarantees the free, prior and informed consent of these communities. Please also indicate whether the State party obtained the prior and informed consent of all the communities affected by the road-building project in the Isiboro Securé National Park and Indigenous Territory. Please also provide information on the nature and outcome of the investigations into the recent forest fires in la Chiquitanía, which constitute an environmental disaster and endanger the livelihoods of the indigenous communities living there.
