



Convention on the Rights of the Child

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Summary record of the second part (public)* of the 1019th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 25 January 2005, at 11 a.m.

Chairperson: Mr. Doek

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* The summary record of the first (private) part of the meeting is published under reference no. CRC/C/SR.1019/Add.1.

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The meeting was called to order at 11.40 a.m.

Consideration of reports of States parties (agenda item 5) (*continued*)

Third periodic report of Bolivia ((CRC/C/125/Add.2); supplementary report of Bolivia, document without a symbol distributed at the meeting, in Spanish only; core document (HRI/CORE/1/Add.54/Rev.1); list of issues (CRC/C/Q/BOL/3); written replies of the Government of Bolivia (CRC/C/RESP/73 and Add.1))

1. *At the invitation of the Chairperson, Ms. Patiño Durán and Mr. Moscoso Blanco (Bolivia) took places at the Committee table.*
2. **Ms. Patiño Durán** (Bolivia) stressed that almost half the Bolivian population was under 18 years of age and that more than 50 per cent of adolescents over the age of 15 identified themselves with one of the many indigenous ethnic communities.
3. The Code on Children and Adolescents, in force since 2000, had made it possible significantly to improve the application of the Convention by better defining the roles of State institutions in child protection. Bolivia had thus passed from a centralized system to one in which responsibilities were shared between the different branches of government. Since 1996, the local authorities had been playing an essential role in the protection of the rights of children and adolescents at local level.
4. The setting up of the Maternal and Infant Health Insurance Programme (SUMI) for mothers and children under the age of 6 was among the principal achievements, as was the programme for children under the age of 6 (PAN), which was designed to meet the basic needs of deprived children, especially for education and food. Forty per cent of the target group already had access to the SUMI programme, although it remained difficult to arrange for those in rural areas to benefit, while the PAN programme as yet reached only 4 per cent of the target children. The rate of school non-enrolment had fallen, but remained high among girls in rural areas.
5. The situation of children in conflict with the law had also improved. The Code on Children and Adolescents provided that a decision to detain a minor could be taken only as a last resort. Alternative measures were not as yet in place, but the Government had been actively working to establish them since 2004, with the help of experts, and was also working on the phased introduction of a justice system for minors who were criminally responsible (adolescents aged 16–18). They were at present treated as adults, which posed many problems.
6. Violence against children remained a serious problem, as, according to certain surveys, 90 per cent of them encountered it in one form or another, most often in the form of physical or psychological violence, but also sexual violence.
7. Out of a concern to develop policies which were the product of collaboration and the pooling of experience with civil society, the Government regularly organized debates with stakeholders, one of which had been devoted to child development. The proposals formulated in that context were to result in a Government policy, the implementation of which should begin in mid-2005.
8. The number of children working in Bolivia was estimated at 800,000, but, in several sectors, they were simply being exploited, and the Government believed that it was from that angle that the problem had to be approached. Unfortunately, the effect of the minimum working age set under the Code on Children and Adolescents had been to turn children into clandestine workers, and so make it easier to exploit them. The sexual exploitation of children for commercial purposes was not a form of work, but a crime to be combated.

9. Legislation did not specifically make child trafficking an offence, but Parliament would very shortly be taking decisions on a bill which was designed to remedy that. Special units had, however, been set up within the police to investigate cases of trafficking in human beings, and arrangements for monitoring intercountry adoptions had been put in place. In addition, the 18 organizations authorized to deal with adoptions were obliged to observe scrupulously the provisions of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

10. **Mr. Moscoso Blanco** (Bolivia) paid tribute to the contribution of Bolivian non-governmental organizations (NGOs), which were doing invaluable work by raising awareness of the rights of the child and reporting violations.

11. **Mr. Liwski** commented that Bolivian society was extremely diverse and full of contrasts. All the demographic and social statistics revealed major disparities between the regions and very marked inequalities both between men and women and between the indigenous communities and the rest of the population. Indigenous people, although accounting for 49.5 per cent of the Bolivian population, were in many respects marginalized or deprived. It had been established, for example, that the rate of illiteracy among indigenous women living in rural areas was 2.5 times greater than the national average. In the light of the social and demographic situation, it would be interesting to know what measures had been taken by the Government to give an intercultural dimension to its policies and programmes for children.

12. The slowing of economic growth since 1999 had had negative effects on the implementation of social policies. The fall in per capita GDP had led to a worsening of poverty among certain population groups and, in general, in departments other than La Paz, Cochabamba and Santa Cruz. Although expenditure on social programmes had risen, there had been hardly any progress in investment in the fields of health and education. In addition, the financing of programmes and services for children seemed in part compromised by the risk of a reduction in international aid, which, in its various forms, currently accounted for almost two-thirds of the resources allocated to financing public policies.

13. It would therefore be useful if the delegation would provide clarification of Bolivia's poverty reduction strategy and indicate whether the principles and provisions of the Convention were taken into account in the allocation and use of external resources. It was also necessary to know whether measures had been taken to enhance administrative transparency and effectiveness, since the results of programmes which had been implemented were not always commensurate with the investments made, as shown, for example, by the low rate of coverage of the Programme of Care for the Under-Sixes.

14. As the Government acknowledged in its supplementary report, indigenous children, young girls and children with disabilities continued to be the victims of discrimination, particularly in education and health. Accordingly, would the delegation indicate in specific terms what measures had been taken to remedy the situation.

15. Moreover, the legislation in force provided that, to have an identity, a child must have a forename and two family names (those of the father and the mother), and must have been duly entered in the register of births at birth. However, very many children did not fulfil one or other of those conditions, so it would be useful to know whether measures were planned to guarantee the exercise of the right to identity.

16. Finally, he asked for details of police violence committed in police stations and places of detention or during the suppression of demonstrations, and of the measures taken to make teachers and families aware of the problem of corporal punishment.

17. **Ms. Sardenberg** was pleased to see that the supplementary report followed the Committee's guidelines and that its content was more analytical and critical. She asked why Bolivia had ratified only very few of the regional instruments relating to the rights of the child, whereas it was a party to most international instruments on the subject.

18. Bearing in mind the political instability which had prevailed in the country over the past 10 years, it was important to know how successive Governments had managed their policies on the rights of the child, and whether it had proved possible to avoid excessively frequent changes of direction. It would also be helpful if the delegation would describe the legislative, institutional and other means used to bring about changes in attitudes and to achieve recognition of the child as a legal person, despite the weight of cultural and religious traditions which tended to focus on the adult.

19. She asked what arrangements had been put in place for coordination between the various ministries and ministerial departments, and how the strategies operated by the Government had been cascaded down to regional and municipal level.

20. She also asked whether the State party had taken into consideration the fears expressed by some people that certain draft legal instruments would, if adopted, diminish would reduce the scope and the impact of the Code on Children and Adolescents, and whether there was a real risk of moving backwards.

21. There remained aspects of indigenous peoples' outlook on the world that still found no echo in legislation, although Bolivia was well placed to play a pioneering role in South America in that area. Although teaching might be bilingual, school curricula paid scant attention to indigenous people, for example. There was also the question of the extent to which public health policies made room for traditional medicine and NGOs or traditional indigenous chiefs played a part in setting policy.

22. Would the delegation please indicate whether the strategy mentioned in the supplementary report, which seemed well adapted to the problems that the State party was encountering, had already been adopted at all levels, and to what extent it had been put into practice.

23. **Ms. Smith** regretted that the supplementary report had been provided in Spanish only, depriving her of valuable information. She had been surprised to read in the written replies of the Bolivian Government that children's issues, though they now featured among public concerns, were still not considered a priority, and asked whether that still applied. Children's issues ought in fact to be the first priority in a country where very young children were hugely affected by malnutrition, since a country which failed to invest in the earliest years of life was a country without a future.

24. The Committee was interested not only in child protection, but also in participation by children and the respect accorded to their opinions; those were matters which the State party had addressed only to a very small extent and which the delegation could therefore clarify.

25. **Ms. Khattab** noted that responsibility for children's questions had been repeatedly shifted from one body to another, with a problem of under-financing the only constant factor. She hoped that the vice-ministry set up by the State party would at last have a budget sufficient for action for children, and wished to know whether it would be able to enshrine the concept of the child as a legal person in the new constitution which it was involved in drafting on the basis of its devolved legislative function.

26. The draft bill on reproductive rights which would have put Bolivia in a better position to respect the commitments that it had entered into, including at the Cairo International Conference on Population and Development, had not in the end been passed, and it would be helpful if the delegation could explain the reasons for that setback.

27. The introduction of an Ombudsman was a major achievement and one to be welcomed, but the Ombudsman's services would not be available throughout the country, and the State party ought also to consider setting up an Ombudsman with special responsibility for the rights of the child. Bolivia ought also to equip itself with a national plan of action and a comprehensive strategy for combating poverty, making special provision for the condition of children.

28. Finally, there was no avoiding the fact that the minimum age of marriage was low for boys, and lower still for girls, which was discriminatory. Generally speaking, the delegation had acknowledged that women, girls and indigenous people were victims of discrimination and exclusion, without explaining what steps had been taken to remedy the problem, and that was a gap that needed to be filled.

29. **Mr. Citarella** asked what place the Convention occupied in the domestic legal system and whether its provisions had already been invoked in practice before the courts. The Code on Children and Adolescents was based on the principle of the best interests of the child, but certain of the new rules that it promulgated had not been put into effect; in particular, the National Children's Council for which it provided had yet to be set up.

30. It was an anomaly for the minimum age for employment to be set at 14 years, as that was incompatible with the completion of compulsory full-time education. The age of consent to sexual relations, at 12 years, was too low, as was the minimum age for marriage at 16 years for boys and 14 for girls, bearing in mind also that a judge could give special permission to marry at an even younger age.

31. **Ms. Vuckovic-Sahovic** welcomed the progress that had been made with data collection, but noted that arrangements made in that sphere were still not always adequate, as it was essential to have disaggregated data available to ensure that policies and strategies were as well-adapted as possible. The State party also still had work to do in relation to the dissemination of the Convention and to training.

32. The lack of a definition of torture in the Criminal Code was no doubt one of the explanations for the incidents of 2003, into which investigations had begun with the help of the Office of the United Nations High Commissioner for Human Rights. Instances of police brutality had also been recorded. It would be useful for the delegation to provide details and indicate whether the efforts made to move on from the situation of 2003 had included training for officials of the police services.

33. **Mr. Kotrane** noted that major legislative efforts were being made and encouraged the State party to persevere with the task of aligning its legislation with the Convention.

34. He asked for more precise information about the local Ombudsmen set up in 1999 under the Municipalities Act. Bolivia had ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, but it would be interesting to know whether it intended to ratify other Hague conventions.

35. Bolivia had also ratified several conventions of the International Labour Organization (ILO), but, bearing in mind the kinds of work that Bolivian children were currently engaged in on plantations or as domestic servants, it would be important to ratify also ILO Forced Labour Convention, 1930 (No. 29).

36. Equally, it was helpful that Bolivia had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, but, as the rights of the child were indivisible and indissoluble, the right course would be to ratify the Optional Protocol on the involvement of children in armed conflict as well.

37. There was an absence of statistical data, in particular concerning people with disabilities, indigenous people and other particularly vulnerable groups.

38. A law had given adolescents aged 16 to 18 the right to take part in political life, but, while that was welcome, much still remained to be done to guarantee participation by children more generally. On that point, he asked whether the State party had adopted a comprehensive plan to promote participation by young people, for instance by providing for class councils, a children's parliament or other such initiatives.

39. **The Chairperson** asked the delegation to clarify the meaning of paragraph 72 of the report by explaining what legal gaps had been identified in the Code on Children and Adolescents and what point had been reached with the bills drawn up to remedy the problems.

40. Similarly, he asked what stage had been reached in the implementation of the system of local ombudsmen, as, according to some information, the ombudsmen appeared to be in place in only one in three municipalities. The Committee also needed to know how the system worked, and whether it was adequately resourced, since sources cited a worrying rate of staff turnover and inadequate levels of training. At the national level, he would like to know whether the Office of the Ombudsman for Human Rights had authority to deal with child-related issues, and, if so, whether it had a specialist division for the purpose.

The meeting rose at 12.55 p.m.