



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Information received from the Plurinational State
of Bolivia on follow-up to the concluding
observations on its third periodic report***

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* The present document is being issued without formal editing.



1. The Committee against Torture considered the third periodic report of the Plurinational State of Bolivia (CAT/C/BOL/3) at its 1867th and 1869th meetings (CAT/C/SR.1867 and CAT/C/SR.1869), held on 25 and 26 November 2021, and adopted the concluding observations at its 1875th meeting, held on 2 December 2021.
2. Follow-up procedure: The Committee requests the State party to provide information on follow-up to the Committee's recommendations.

I. Promptly, independently, effectively and thoroughly investigate the acts of torture, ill-treatment and excessive use of force that occurred during the 2019/20 crisis, prosecute and, where appropriate, punish those responsible, ensure that the victims in those cases obtain full redress and establish a mechanism to follow up on the recommendations of the Interdisciplinary Group of Independent Experts

A. Follow-up to the recommendations of the Interdisciplinary Group of Independent Experts

3. On 12 December 2019, the Plurinational State of Bolivia signed an agreement with the Inter-American Commission on Human Rights on the establishment of an Interdisciplinary Group of Independent Experts to assist in the investigation of the tragic events that occurred during the period of unconstitutional government in 2019; in August 2021, the Group issued its final report, which set forth various recommendations urging the State to use the appropriate mechanisms to administer justice in accordance with the principle of due process and ensure that the victims receive compensation for the harm done to them, in order to ensure that such acts of violence never happen again. Below are some of the most relevant recommendations from the report:

- Adopt a comprehensive plan to assist and provide full reparations to the victims of the acts committed during the 2019 crisis, in accordance with the recommendations made in chapter VII of the report
- Extend the scope of the category of “victim”, as defined in Supreme Decrees No. 4100 and No. 4176, to include all persons who suffered psychological or emotional harm, as well as persons who were detained and have not received medical attention or have received medical attention in prison
- Make full reparations according to the international standards referred to in judgments of the Inter-American Court, which will entail considerable financial expenditure on the part of the State, not only for the provision of reparations but also for the identification of beneficiaries, since the scope of the reparations will cover any pecuniary, non-pecuniary and physical harm resulting from the violation of at least 10 separate human rights
- Relax the requirements that must be met for the reimbursement of medical expenses

4. In response to recommendations No. 35 and No. 36, the Ministry of Foreign Affairs developed the Plan of Action of the Follow-up Commission on the Recommendations of the Interdisciplinary Group of Independent Experts, which was submitted by the Permanent Mission to the Organization of American States; the main purpose of the Plan is to facilitate follow-up to the Group's recommendations. On the basis of the Plan, the State and the Inter-American Commission on Human Rights signed an agreement on joint, coordinated follow-up to the recommendations on 22 March 2022.

5. As a first step in this joint initiative, the measures that had been taken thus far to give effect to the Group's recommendations regarding serious human rights violations and the reparations process were mapped out, in order to identify and highlight the progress made, determine which recommendations should be addressed by the Follow-up Commission as a

matter of priority and define a follow-up methodology in conjunction with the Inter-American Commission on Human Rights.

6. In August 2022, representatives of the Inter-American Commission on Human Rights undertook a technical visit to Bolivia and, together with staff of the Ministry of Justice and Institutional Transparency, met with victims of the events of 2019 in the departments of La Paz, Cochabamba and Santa Cruz from 15 to 20 August, in follow-up to the recommendations of the Interdisciplinary Group of Independent Experts.

7. A tracking matrix for the Group's recommendations was developed to provide a framework for the implementation of the Plan of Action.

Government measures

8. The Government took steps and adopted or amended legislation to give effect to the pre-existing norms referred to below in order to discharge the State's responsibility to provide full reparation to victims of the period of unconstitutional government of 2019/20.

Supreme Decree No. 4176 of 10 March 2020

9. Supreme Decree No. 4176 amends Supreme Decree No. 4100, thereby increasing the funds set aside for the provision of humanitarian social aid to persons who were injured and the families of persons killed in the conflict that took place between 21 October and 24 November 2019. It also requires the Ministry of Justice and Institutional Transparency to prepare an official list of persons killed in the conflict based on information provided by the Public Prosecution Service, the Office of the Ombudsperson and other relevant institutions. The Ministry of Health has undertaken to establish and maintain a register of injured persons in cooperation with the appropriate institutions.

10. The Decree also authorizes the Social Services Support Unit of the Ministry of the Office of the President to make public-private transfers for the purpose of providing humanitarian social aid to the families of the deceased.

11. This decree provides not only for the payment of financial compensation but also for the provision of humanitarian aid in kind, the granting of scholarships and the establishment of an employment exchange for victims through the appropriate State bodies.

Supreme Decree No. 4340 of 16 September 2020

12. In its supplementary provisions, Supreme Decree No. 4340 provides for the addition of a new subparagraph (e) to article 2 (II) of Supreme Decree No. 4100 of 5 December 2019, as amended by article 2 (II) of Supreme Decree No. 4176 of 10 March 2020; the new text reads as follows: "Reimburse the medical expenses and pay the costs of medical care provided in public, private and short-term social security health facilities in respect of persons who were injured as a result of the social conflicts that occurred in the country between 21 October and 24 November 2019."

13. The Decree also provides for the amendment of article 3 (V) of Supreme Decree No. 4100 of 5 December 2019, as amended by article 2 (III) of Supreme Decree No. 4176 of 10 March 2020, to authorize the Ministry of Health to carry out public-private transfers in order to give effect to the provisions of Supreme Decree No. 4340.

14. The following norms were adopted to ensure the continuation of full reparations for victims of serious human rights violations.

Supreme Decree No. 4639 of 15 December 2021

15. Supreme Decree No. 4639 authorizes the Ministry of Productive Development and the Plural Economy to establish, through the temporary transfer of up to 8 million bolivianos, a trust fund administered by the Productive Development Bank, a mixed public-private company, for the purpose of providing productive development loans to victims of human rights violations and the relatives of persons killed in the conflict.

Implementing regulations for Supreme Decree No. 4639 of 15 December 2021

16. Regulations were adopted for the granting of productive development loans by the Trust Fund for Victims of Human Rights Violations established under Supreme Decree No. 4639 of 15 December 2021 to the relatives of persons killed in the conflict and the victims of serious human rights violations perpetrated in the final months of 2019.¹

Supreme Decree No. 4729 of 25 May 2022

17. Supreme Decree No. 4729 provides for the granting of humanitarian social aid to persons who were injured and the families of persons who died as a result of the acts of violence and human rights violations that occurred between 21 October and 24 November 2019. The Decree authorizes the Community Action and Solidarity-based Management Unit of the Ministry of the Office of the President to make public-private transfers in kind, at a unit value of 500 bolivianos, in the form of humanitarian social aid food packages comprising products chosen by the beneficiaries and provided by the food production support company Empresa de Apoyo a la Producción de Alimentos. The Decree also provides that beneficiaries who have received 12 food packages will be sent an additional 8 packages and that those who have received under 12 packages will be sent the remaining packages up to a total of 12, and then another 8 packages.

B. Investigations

18. Regarding investigations into the serious human rights violations committed during the period of unconstitutional government of 2019/20 and the identification and punishment of perpetrators, the Attorney General's Office has provided general information on the measures taken to ensure that progress is made; it reports that it has instructed the departmental prosecutors' offices, the Forensic Investigation Institute, the Victim and Witness Protection Directorate and the Public Prosecution Service to study the report of the Interdisciplinary Group of Independent Experts in order to identify short-, medium- and long-term measures to improve the criminal prosecution policy and ensure compliance with the recommendations set out in the report. The investigation strategy can be broken down as follows:

- Formation of a prosecution commission
- Identification of events still to be investigated; initiation of legal proceedings
- Assessment of connections between cases; development of a strategy for jointly, effectively and expeditiously investigating those cases
- Prioritization of investigations into acts of sexual violence and other gender-based offences

19. These measures are intended to ensure gradual and long-term compliance with the recommendations of the Interdisciplinary Group of Independent Experts. In order to protect prosecutors' functional independence and security of tenure, public calls for applications were issued for the recruitment and initial training of 60 and 65 new career prosecutors, respectively, thereby promoting the institutionalization of this role.

20. In addition, nationwide calls for applications were issued for recruitment to the Forensic Investigation Institute, which is currently in the process of selecting the top-ranking candidates.

National preventive mechanism

21. In compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified by Act No. 3298 of 12 December 2005, the Office of the Ombudsperson was designated, by Act No. 1397 of 29 September 2021, as the national mechanism for the prevention of torture and given a mandate to provide legal assistance in cases involving acts of torture. Consequently, the

¹ Implementing regulations for Supreme Decree No. 4639 of 15 December 2021.

assets, liabilities and archives of the Service for the Prevention of Torture will be transferred to the Office of the Ombudsperson, in the framework of its new mandate under the aforementioned Act. This mandate includes the formulation of recommendations, reminders of legal obligations and suggestions for the immediate adoption of corrective measures and measures contributing to the fulfilment, enjoyment and promotion of human rights and the prevention of torture and other cruel, inhuman or degrading treatment and punishment, aimed at all State bodies and institutions, and public condemnation of acts or conduct contrary to these recommendations. The Office is entitled to free and unrestricted access to police or military detention, custody and internment centres; prisons; police or military training facilities; reception centres and temporary shelters; public or public-private rehabilitation, reintegration and counselling centres for adolescents; care centres for children, adolescents or older persons; hospitals, health centres and institutions that provide health services; temporary shelters; and training and education facilities, for the purpose of protecting and promoting the rights of the persons in such facilities and preventing torture and other cruel, inhuman or degrading treatment or punishment.

C. Full reparation

22. Following the violations of the fundamental rights of the Bolivian population that occurred under the Administration of 2019/20, the State oversaw an inter-institutional initiative to design strategies to provide full reparations for the harm done to the victims of serious human rights violations. To this end, it established the Inter-Institutional Standing Committee, which comprises representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Bolivia, the Office of the Deputy Minister of Justice and Fundamental Rights of the Ministry of Justice and Institutional Transparency, the House of Representatives Human Rights Committee of the Plurinational Legislative Assembly, the Senate Constitutional Affairs, Human Rights, Legislation and Electoral System Committee of the Plurinational Legislative Assembly, the Office of the Ombudsperson, the Community Action and Solidarity-based Management Unit of the Ministry of the Office of the President and the Plurinational Service for Assistance to Victims. The Standing Committee's work is focused on three areas.

23. First area: Development of a public policy on full reparations for victims of serious human rights violations in accordance with the recommendations of international organizations in this regard, under the direction and coordination of the Office of the Deputy Minister of Justice and Fundamental Rights of the Ministry of Justice and Institutional Transparency.

24. Second area: Drafting of a general law on full reparations for victims of violence and serious human rights violations, under the direction and coordination of the House of Representatives Human Rights Committee of the Plurinational Legislative Assembly, in collaboration with the Senate Constitutional Affairs, Human Rights, Legislation and Electoral System Committee.

25. Third area: Coordination, training and awareness-raising for victims of serious human rights violations regarding the activities of the Inter-Institutional Standing Committee, under the direction and coordination of the OHCHR office in Bolivia, the Office of the Ombudsperson and the Plurinational Service for Assistance to Victims.

26. The first national meeting of victims of serious human rights violations was organized over two days by the OHCHR office in Bolivia and was attended by associations of victims of the 1964–1982 dictatorship and victims of the human rights violations that occurred in 2019/20.

27. The purpose of the event was: (1) to provide victims with information about international standards related to their rights to truth, justice and reparation; (2) to inform them about action plans designed to facilitate reparations for victims through the strengthening of the Inter-Institutional Standing Committee, as part of the plurinational policy on full reparations and pursuant to legislation on assistance for the victims of serious human rights violations; and (3) to open a dialogue between victims and State entities to establish a common understanding with regard to full reparations.

28. The plurinational policy on full reparations was presented to and discussed with victims' associations in both categories (1964–1982 and 2019/20), which provided input and comments. Meetings have been held with a view to the endorsement of the policy.

29. At the initiative of the House of Representatives Human Rights Committee of the Plurinational Legislative Assembly, work is under way on a full reparations bill, which has been shared with associations of the victims of 1964–1982 and 2019/20.

30. The legal framework governing full reparations currently comprises the following laws and decrees:

- Act No. 4176 of 10 November 2020, which amends Supreme Decree No. 4100 and aims to strengthen the culture of social peace through the granting of humanitarian social aid to persons who were injured and the relatives of persons killed in the conflict that occurred between 21 October and 24 November 2019
- Act No. 4340 of 16 September 2020, which mandates the reimbursement of medical expenses and the payment of the costs of medical care provided in health facilities to persons injured in the conflict
- Supreme Decree No. 4639 of 15 December 2021, which authorizes the Ministry of Productive Development and the Plural Economy to establish, through the temporary transfer of up to 8 million bolivianos, a trust fund for the purpose of providing loans to victims and their families
- Supreme Decree No. 4729 of 25 May 2022, which authorizes the Community Action and Solidarity-based Management Unit of the Ministry of the Office of the President to make public-private transfers in kind in the form of food packages with a unit value of 500 bolivianos
- Act No. 1463 of 23 September 2022, which proclaims 17 July as the National Day of Remembrance
- Supreme Decree No. 4816 of 26 October 2022, which establishes an inter-institutional coordination body to strengthen efforts to ensure that human rights are respected, protected and guaranteed by submitting State reports, following up on recommendations of international human rights mechanisms and taking measures to address enforced disappearances

II. Reform the justice system in order to guarantee its independence and respect for due process

31. The Bolivian State is working on a bill to amend and systematize the Organic Act on the Judiciary; the bill was approved by decision No. 27 of 24 November 2021 of the plenary Supreme Court of Justice and is intended to strengthen the powers of the various institutions of the judicial branch, in accordance with the model of justice established in the Constitution, and thereby ensure the independence of the judiciary and respect for due process.

32. These justice reforms are being carried out in accordance with the recommendations of international bodies, including the Interdisciplinary Group of Independent Experts.

33. The executive branch, acting through the Ministry of Justice and Institutional Transparency, has submitted a judicial reform plan based on six priority areas identified in conjunction with the various districts; the plan is designed to provide solutions to issues related to access to justice, independence, the budget, modernization and legislative amendments, among other things.

III. Repeal the offence of statutory rape

34. In response to the recommendations of international bodies, including the Human Rights Committee, the Committee against Torture and the Interdisciplinary Group of Independent Experts, a preliminary bill on compliance with international human rights

commitments has been proposed. The bill aims to strengthen protections under criminal law with regard to three specific legal rights, namely the rights to humanity, human dignity and sexual freedom, in compliance with the international commitments undertaken by Bolivia in this regard. The special section of Book II of the Criminal Code defines offences and applicable sanctions. The preliminary bill under consideration would modify and repeal offences in, and add new offences to, this section of the Code; notably, it would repeal article 309 on statutory rape.

35. The bill is currently being studied by the Social and Economic Policy Analysis Unit and will subsequently be referred to the Economic and Social Policy Council.

IV. Ensure that the Plurinational Council for Human Rights is operational

36. The predecessor of the Plurinational Council for Human Rights was the National Human Rights Council, which was established pursuant to Supreme Decree No. 29851 to direct, supervise, update and/or amend the “Bolivia: Dignity for a Good Life” National Human Rights Action Plan; this plan ran from 2009 and came to an end in 2013. For this reason, it was proposed that the Plurinational Council for Human Rights be established to coordinate the activities of public institutions, social organizations and human rights organizations in the development and monitoring of policies, plans and strategies to ensure that human rights are respected, protected and guaranteed. The Council is not currently operational. However, 26 October 2022 saw the issuance of Supreme Decree No. 4816, which provides for the establishment of an inter-institutional coordination body to strengthen measures to ensure that human rights are respected, protected and guaranteed by submitting State reports, following up on the recommendations of international human rights mechanisms and taking measures to address enforced disappearances. It also provides for the establishment of the Commission for the Submission of State Reports on Human Rights and Enforced Disappearances and the designation of a technical secretariat. The Commission is an inter-institutional coordination body with a mandate to follow up on international recommendations on the protection of human rights and on measures to address enforced disappearances. It provides an institutional framework for the preparation and submission of State reports.

37. The Commission is comprised of the Minister of Justice and Institutional Transparency, the Minister for Foreign Affairs and the Attorney General. Their role is to adopt State reports by consensus, prioritize the implementation of recommendations made by international mechanisms, convene representatives of State authorities for the presentation of the reports adopted by the Commission, invite representatives of public entities and institutions to participate in meetings of the Commission and take steps to promote the investigation of cases of enforced disappearance committed between 1964 and 1982.

38. The Office of the Deputy Minister of Justice and Fundamental Rights serves as the Commission’s technical secretariat and is responsible for preparing State reports and submitting them for the Commission’s consideration; coordinating technical aspects related to the State’s participation in the preparation and submission of reports prior to their presentation; making proposals to the Commission on the prioritization of the recommendations to be implemented; requesting information necessary for the preparation and submission of State reports from public entities and institutions; continuously following up on the implementation of recommendations, for the preparation of State reports; continuously following up on the implementation of recommendations made by national and international bodies regarding enforced disappearances; and carrying out other tasks at the Commission’s request. It is also responsible for managing and updating the Plurinational System for Follow-up, Monitoring and Statistics on Human Rights Recommendations using information provided by the bodies and institutions involved in implementing the recommendations of international human rights mechanisms.