



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

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## Committee against Torture

### Concluding observations on the second periodic report of the Plurinational State of Bolivia as approved by the Committee at its fiftieth session (6–31 May 2013)

1. The Committee against Torture considered the second periodic report of the Plurinational State of Bolivia (CAT/C/BOL/2) at its 1148th and 1151st meetings (CAT/C/SR.1148 and 1151), held on 16 and 17 May 2013, and approved the following concluding observations at its 1165th and 1166th meetings (CAT/C/SR.1165 and 1166), held on 29 and 30 May 2013.

#### A. Introduction

2. The Committee welcomes the second periodic report of Bolivia, although it regrets that the report was submitted seven years after it was due and that it conforms only partially to the general reporting guidelines (CAT/C/14/Rev.1).

3. The Committee appreciates the State party's written replies (CAT/C/BOL/Q/2/Add.2) to its list of issues (CAT/C/BOL/Q/2/Add.1), along with the supplementary information provided during the consideration of the periodic report. It also appreciates the dialogue held with the State party's delegation, although it regrets that some of its questions went unanswered.

#### B. Positive aspects

4. The Committee commends the State party for having made the declarations provided for in articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 14 February 2006 and for having ratified the Optional Protocol to the Convention on 23 May 2006.

5. The Committee notes with satisfaction that, since its consideration of the initial report in May 2001, the State party has ratified or acceded to the following international human rights instruments:

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (3 June 2003);

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (22 December 2004);

(c) The International Convention for the Protection of All Persons from Enforced Disappearance (17 December 2008);

(d) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (16 November 2009).

6. The Committee welcomes the amendments made in the State party's legislation, in particular:

(a) The promulgation of the Constitution, which establishes the overall framework for the protection of human rights, notably in title II, which deals with fundamental rights and guarantees, on 9 February 2009;

(b) The promulgation of Act No. 358 of 17 April 2013, whereby the State party approved the decision to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(c) The promulgation of Comprehensive Act No. 348 of 27 February 2013, which provides guarantees for women's right to a life free of violence;

(d) The promulgation of Comprehensive Anti-Trafficking in Persons Act No. 263 of 31 July 2012;

(e) The promulgation of Refugee Protection Act No. 251 of 20 June 2012 and its implementing regulations, which were approved by Supreme Decree No. 1440 of 19 December 2012, and Migration Act No. 370 of 8 May 2013;

(f) The Jurisdiction Demarcation Act (Act No. 073) of 29 December 2010;

(g) The Anti-Racism and Anti-Discrimination Act (Act No. 045) of 8 October 2010;

(h) The Judiciary Act (Act No. 025) of 24 June 2010;

(i) Act No. 3760 of 7 November 2007, which incorporates the United Nations Declaration on the Rights of Indigenous Peoples into Bolivian law;

(j) The adoption of Act No. 2640 of 11 March 2004, which provides for special compensation for victims of political violence during periods of unconstitutional government, as amended by Act No. 238 of 30 April 2012, and Act No. 3955 of 6 November 2008, which provides for benefits for victims of the events of February, September and October 2003.

7. The Committee also commends the State party upon the efforts it has made to modify its policies and procedures so that they will afford greater protection for human rights and facilitate the application of the Convention. It also notes that the State party's efforts in this regard have included the adoption of the National Human Rights Action Plan for 2009–2013 by means of Supreme Decree No. 29851 of 10 December 2008.

## **C. Principal subjects of concern and recommendations**

### **Definition of torture and the crime of torture**

8. The Committee is concerned that, its previous concluding observations (A/56/44, paras. 89–98) notwithstanding, the State party has not yet established a definition of the crime of torture that is in conformity with the Convention. While it takes note of the existence of a draft bill that would amend article 295 (ill-treatment and torture) of the Criminal Code, the Committee is of the view that the wording of that draft bill is seriously flawed, since it does not include the purpose of the conduct in question in the basic definition of the offence but instead classifies the reasons for inflicting torture as

aggravating circumstances. The draft bill, as it now stands, does not cover acts of torture carried out in order to intimidate or coerce a third person or acts committed by a person other than a public official who is acting in an official capacity (arts. 1 and 4).

**The Committee reiterates its earlier recommendation (para. 97 (a)) to the effect that the State party should incorporate a definition of torture into its body of criminal law that includes all the elements set forth in article 1 of the Convention. These elements include a clear definition of intent, of aggravating circumstances, of attempted torture, of acts of torture committed to intimidate or coerce a person or a third person and of acts of torture committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.**

**The Committee would like to draw the State party's attention to its general comment No. 2 (2007), on the application of article 2 by States parties, which underscores the preventive effect of having the crime of torture defined as an offence in its own right (CAT/C/GC/2, para. 11).**

**The State party should also ensure that these offences are punishable by appropriate penalties which take into account their grave nature, as stipulated in article 4, paragraph 2, of the Convention.**

#### **Fundamental procedural safeguards**

9. The Committee takes note of the information provided by the State party's delegation about the rules and regulations governing prisoners' rights during the initial stages of their detention. However, it regrets the lack of information on the measures and procedures in place to ensure that, in practice, all persons deprived of their liberty are actually able to exercise those rights. Nor has the State party explained what obstacles it has encountered in its efforts to give effect to the Committee's earlier recommendation that a national public register of persons deprived of their liberty be established that indicates the authority which ordered such deprivation, the grounds for doing so and the type of proceedings to be instituted (A/56/44, para. 97 (c)). The Committee is concerned by the fact that article 296 of the Code of Criminal Procedure requires police officers to enter no more than the place, date and time of arrest in the register (art. 2).

#### **The State party should:**

**(a) Take effective steps to ensure that persons who are arrested actually have the benefit of all fundamental legal safeguards from the very outset of their detention. These safeguards include the right to be informed of the reasons for the arrest, access to a lawyer, the right to contact family members or other persons of the detainee's choice and the right to have an independent medical exam performed without delay. The Committee encourages the State party to continue its efforts to expand and improve the coverage of the National Public Defence Service (SENADEP);**

**(b) Carry out monitoring and inspections on a systematic basis in order to ensure fulfilment of the obligation to duly record the information regarding each arrest that is outlined in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173 of 9 December 1988).**

#### **Complaints of torture and ill-treatment**

10. Information provided by the State party indicates that the Bolivian police force dealt with 42 individual cases (28 involving men and 14 involving women) of ill-treatment or torture (article 295 of the Criminal Code) between 2001 and 2012, while the Attorney

General's Office registered 36 reports (31 involving men and 5 involving women) between March 2006 and February 2013. The Directorate-General of Prisons registered just four individual cases of torture or ill-treatment involving male juveniles at the rehabilitation centre in Qaluama, Viacha, during the reporting period. These figures differ from those provided by the Ombudsman's Office, whose report to the Committee states that it dealt with a total of 3,784 complaints of torture or ill-treatment between 2007 and 2012 and issued 91 decisions in that connection (arts. 2, 12, 13, 16).

**The State party should establish a special independent complaints mechanism for receiving reports of torture and ill-treatment so that such reports can be dealt with swiftly and impartially. It should also examine the internal complaints system available to persons deprived of their liberty in order to determine how effective it is.**

**The Committee reiterates its earlier recommendation (para. 97 (e)) to the effect that the State party should set up a centralized public register of complaints of torture that includes information on the corresponding investigations, trials and criminal or disciplinary penalties imposed.**

#### **Investigations and legal proceedings**

11. The Committee is concerned by the delays that have occurred in the criminal investigation and prosecution of most of the individual cases of ill-treatment, torture, excessive use of force and death in custody that were drawn to the State party's attention in the list of issues (CAT/C/BOL/Q/2/Add.1, paras. 22 and 27). The Committee shares the concern of the Ombudsman's Office about the possibility that the prosecution of some of these crimes might be time-barred. The Committee also regrets that it has not received detailed information on the outcome of the investigations, on related legal or disciplinary proceedings or on the sentences or disciplinary penalties imposed on persons who committed acts of torture during the period covered by the report. In the absence of this information, the Committee finds itself unable to evaluate the actions of the State party in the light of article 12 of the Convention (arts. 2, 12 and 16).

#### **The State party should:**

**(a) Ensure that all reports of torture or ill-treatment are investigated promptly and impartially;**

**(b) Promptly undertake a thorough, effective investigation on its own initiative whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;**

**(c) Ensure that persons suspected of having committed acts of torture or ill-treatment are suspended from their duties immediately and remain so throughout the investigation, particularly if there is any risk that they might otherwise be in a position to repeat the alleged act or interfere with the investigation;**

**(d) Prosecute persons suspected of having committed torture or ill-treatment and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that their victims are afforded appropriate redress. The State party should provide up-to-date statistics in this respect.**

**The Committee recommends that the State party ensure that acts of torture are not subject to any statute of limitations.**

### **Military jurisdiction**

12. The Committee applauds the Plurinational Constitutional Court's decision (Decision No. 2540/2012 of 21 December 2012) to resolve the jurisdictional dispute regarding the case of Second Lieutenant Grover Beto Poma Guanto by referring that case to a civilian court. The Committee notes, however, that, in its decision, the Court urged the Plurinational Legislative Assembly to amend the military penal provisions set forth in Decree-Law No. 13321 of 22 January 1976 so that they would be compliant with the Constitution and with international human rights treaties under which the State party has an obligation to ensure that military courts do not have jurisdiction over cases involving human rights violations (art. 2, paras. 1 and 3, and arts. 12, 13 and 16).

**The Committee urges the State party to amend its Military Criminal Code, Code of Military Criminal Procedure and the Military Justice Organization Act in order to establish that military courts do not have jurisdiction over cases involving human rights violations, including acts of torture and ill-treatment committed by members of the armed forces.**

**The State party should ensure that the conduct of members of the armed forces who are suspected of having committed acts of ill-treatment or torture against military personnel is thoroughly investigated, that persons suspected of committing such acts are tried in civilian courts and that, if found guilty, they are punished appropriately.**

### **Efforts to combat impunity and to provide redress for past human rights violations**

13. The Committee takes note with interest of the existence of a draft bill concerning the establishment of a truth and justice commission to investigate human rights violations committed in Bolivia in the period 1964–1982. It takes note with concern, however, of the delays and scant progress made in investigating serious human rights violations committed during the period when the country was under military rule (1964–1982) and in prosecuting the persons responsible for them. The Committee is also concerned that, despite the establishment of the Inter-Agency Council of Inquiry on Enforced Disappearances in 2003, the whereabouts of many of the people who disappeared between 1980 and 1982 remain unknown. It is concerned, in particular, about the armed forces' refusal to declassify records that could help investigators to determine the fate and discover the whereabouts of these people (arts. 1, 4, 12, 13 and 16).

#### **The State party should:**

(a) **Ensure that sufficient resources are made available to permit impartial, effective investigations to be conducted and to bring suspects to trial;**

(b) **Take steps to complete the work of exhuming and identifying the remains of disappeared persons;**

(c) **Adopt the necessary measures to provide access to all civilian and military files that may contain documentation relevant to ongoing investigations and documentation that could be of assistance in determining the fate and discovering the whereabouts of disappeared persons.**

14. The Committee is concerned by the fact that such a large percentage of the applications for redress submitted in connection with acts of torture committed between 1964 and 1982 have been turned down. The State party has indicated that only 558 of the 3,306 applications it received have been accepted for processing. The Committee takes note with concern of reports from non-governmental organizations (NGOs) which indicate that administrative hurdles exist that make it difficult for victims to secure sufficient, effective and full redress. The Committee also observes that the 488 payments made thus far correspond to just 20 per cent of the total amount of compensation anticipated and that the

remainder is to be paid out as donations are received from the “private sector, foreign donors and international agencies”, as provided for in article 16 (b) of Act No. 2640 (art. 14).

**The State party should take the necessary steps to ensure that victims of torture or ill-treatment receive redress, including fair and adequate compensation and the means for as full a rehabilitation as possible. The Committee would like to direct the State party’s attention to its general comment No. 3 (2012), on the implementation of article 14 of the Convention by States parties (CAT/C/GC/3), and, in particular, to paragraphs 37 through 43, which deal with obstacles to the exercise of the right to redress and establish that States parties have an obligation to ensure that the right to redress is effective and that a State party may not invoke its level of development as a justification for failing to provide a victim of torture with redress.**

#### **Violence against women**

15. While taking note of recent advances in the development of laws and regulations, the Committee is concerned by reports regarding the persistence of gender violence in the State party, particularly domestic and sexual violence, which in many cases goes unreported. The Committee regrets that, while information has been provided concerning numerous acts of gender violence, including cases of femicide, the State party has not furnished the requested statistics on the number of complaints filed, convictions handed down or penalties imposed during the reporting period or on the prevalence of such violence in respect of indigenous and Afro-Bolivian women (arts. 1, 2, 4, 12, 13 and 16).

#### **The Committee urges the State party to:**

- (a) Investigate, prosecute and punish the persons who commit such acts;**
- (b) Adopt effective measures to assist victims to prepare and file complaints;**
- (c) Ensure that victims receive effective protection by guaranteeing their access to shelters and health-care services;**
- (d) Expedite the creation of special investigative courts to deal with cases of gender violence, as provided for in Comprehensive Act No. 348;**
- (e) Strengthen efforts to raise awareness and educate public officials who work directly with victims and the general public about gender violence;**
- (f) Provide detailed information on the incidents of violence against women that have occurred during the reporting period, including disaggregated data on the number of complaints, investigations, trials, sentences and measures instituted to provide victims with redress.**

#### **Child abuse and sexual violence against children**

16. The Committee has received reports on the severity of the problem of child abuse and sexual violence against minors existing in Bolivian educational institutions. Although it notes that the delegation has said that such incidents are isolated cases, the Committee is concerned by the fact that official statistics that could be used to evaluate the situation in this respect have not been made available. The Committee also regrets that so little information was provided by the delegation on the obstacles that hinder victims and their families from gaining access to justice. The Committee will be closely following the progress of the petition submitted to the Inter-American Commission on Human Rights concerning the case of the girl child Patricia Flores (arts. 2 and 16).

The Committee urges the State party to take steps to prevent the sexual abuse of children in its schools, to mount an appropriate response to cases of such abuse and, in particular, to:

- (a) Urge all the relevant authorities to investigate such abuses and to bring the suspected perpetrators to trial;
- (b) Set up effective complaints mechanisms and mechanisms for the provision of comprehensive assistance to victims and their families that will afford them protection, access to justice and redress of the harm suffered;
- (c) Ensure that victims have access to specialized health-care services in the areas of family planning and the prevention and diagnosis of sexually transmitted diseases;
- (d) Develop ongoing awareness-raising and training programmes that focus on this problem for teachers and other civil servants involved in victim protection;
- (e) Compile a broader range of data on this issue.

The State party should ensure that the persons suspected of having murdered the child Patricia Flores are brought to trial and, if found guilty, punished appropriately. It should also make certain that her family members receive full and effective redress.

#### **Refugees, non-refoulement**

17. The Committee is aware of the efforts made by the State party to establish an appropriate legal and institutional framework for protecting refugees and asylum seekers present in the country. However, it notes that, prior to the entry into force of Act No. 251 in 2012, in some cases the State party engaged in practices that were at odds with the principle of non-refoulement. The Committee also observes that the transitional provision of Supreme Decree No. 1440 establishes that applications from stateless persons are, on a provisional basis, to be processed by the National Commission for Refugees (CONARE) (arts. 2 and 3).

The Committee reiterates its earlier recommendation (para. 97 (i)) to the effect that the State party should adopt adequate measures to ensure that no person can be expelled, returned or extradited to another State where there are substantial grounds for believing that that person would face a personal and foreseeable risk of being subjected to torture. In particular, the State party should give clear instructions to its immigration officials and other law enforcement officers, expand the curriculum of its mandatory training courses on asylum and the protection of refugees, and ensure that CONARE takes prompt action, in accordance with its terms of reference, to ensure that the principle of non-refoulement is upheld.

The State party should also:

- (a) Establish regulations to govern the procedures used to determine whether or not a person is stateless and the procedures relating to the determination of migrant status, documentation and the protection of such persons in order to ensure that the State party is fulfilling the international commitments assumed under the Convention relating to the Status of Stateless Persons (1954). The State party should also grant its nationality, in accordance with its national laws and subject to the criteria set forth in the Convention on the Reduction of Statelessness (1961), to persons who were not born on Bolivian territory but who would otherwise be stateless. The State may request technical advisory services, as needed, from the Office of the United Nations High Commissioner for Refugees (UNHCR) in this connection;

**(b) Establish effective mechanisms for the identification of asylum seekers, stateless persons and other individuals in need of international protection and for their referral to CONARE and other authorized institutions. The State party should take particular care to ensure that people are not wrongfully turned back at the border and that victims of trafficking and other persons in need of international protection are identified, especially in the context of mixed migration flows.**

#### **Prison conditions**

18. The Committee is alarmed by the extent of overcrowding in the State party's jails. The delegation has indicated that the mean rate of overcrowding in the prison system is 193 per cent, with a total prison population of 14,272 inmates being held in facilities built to house 4,864. While taking note of the fact that new facilities are being built and of Presidential Decree No. 1445, which deals with pardons, of 22 December 2012, the Committee is of the view that the impact of these measures will be minimal, given the sharp increase in the prison population in recent years and the large percentage of the prison population that is made up of people awaiting trial (83.3 per cent). The Committee regrets that it has not received the additional information that it requested on progress in the implementation of the National Human Rights Action Plan in this area. Nor has it received the information requested from the State party about the riots and disturbances that frequently occur in the country's jails as prisoners protest about failures to pay the daily food allowance, demand better medical care and a reduction in overcrowding, and protest against decisions taken by prison administrators on such issues as the restriction of visiting hours or the transfer of minors from rehabilitation centres. In addition, the Committee is concerned by reports describing the power wielded by organized gangs of prisoners in some correctional facilities, cases of abuse and extortion, and violent incidents among inmates. It is also concerned by the fact that remand prisoners are not always held separately from convicted prisoners and by the existence of mixed prison facilities in which female inmates have become victims of sexual violence, as acknowledged by the delegation of the State party (arts. 2, 11 and 16).

**The Committee urges the State party to take the necessary steps to ensure that prison conditions are in keeping with the Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and its resolution 2076 (LXII) of 13 May 1977 and, in particular, to:**

**(a) Redouble its efforts to relieve overcrowding in the prison system by using non-custodial measures in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), as adopted by the General Assembly in its resolution 45/110 of 14 December 1990, and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), as adopted by the General Assembly in its resolution 65/229 of 21 December 2010;**

**(b) Increase the level of resources allocated for inmates' meals and for medical and health care as a matter of urgency;**

**(c) Proceed with the work being done to improve and expand prison facilities in order to remodel those facilities that do not meet international standards;**

**(d) Establish the full authority of the State in all correctional facilities;**

**(e) Take steps to prevent inter-prisoner violence, including sexual violence, and investigate all such incidents so that the suspected perpetrators may be brought to trial and victims may be protected;**

**(f) Ensure that different categories of prisoners are housed in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.**

#### **Deaths in custody**

19. According to the State party, 85 prison inmates died in police stations between January 2006 and May 2010. The Committee is disturbed by the large number of deaths occurring in custody and by the fact that it has not received information on the causes of death or on the outcome of the corresponding investigations. The Committee also finds it regrettable that it does not have data on mortality rates in places of detention, including prisons, for the period from 2010 to 2012 (arts. 2, 11 and 16).

**The Committee urges the State party to promptly undertake thorough, impartial investigations into all deaths of persons held in custody and to carry out the corresponding autopsies. The State party should also assess any possibility that prison officers or other staff might bear responsibility for such deaths and, if this proves to be the case, to punish those responsible appropriately and to provide compensation to the victims' families.**

**The State party should supply detailed information on the causes of death recorded for persons who have died in custody, disaggregated by place of detention, sex, age, ethnic origin and cause of death.**

#### **Monitoring and inspection of detention centres**

20. While recognizing that, by law, the Ombudsman's Office has unhindered access to the country's prisons and other places of internment, the Committee does not have information on the adequacy of the measures adopted by the State party in response to the recommendations made by the Office in connection with its visits. Nor does the Committee have information on what the State party has done to ensure effective, independent oversight of detention centres by other agencies (arts. 11 and 12).

#### **The State party should:**

**(a) Take the necessary steps to support the work of the Ombudsman's Office in detention centres and to ensure that its recommendations are given full effect;**

**(b) Build NGO oversight capacity and take the necessary steps to enable NGOs to visit places of detention regularly.**

#### **The Optional Protocol and a national preventive mechanism**

21. The Committee regrets that the State party has not yet established a national mechanism for the prevention of torture as provided for by the Optional Protocol to the Convention. It takes note of the fact that the delegation has informed it that the Ministry of Justice has prepared a new draft bill that would designate the Ombudsman's Office as the national preventive mechanism. The Committee also notes, however, that the text of that draft bill does not define the terms of reference or the areas of authority of the mechanism, provides that the corresponding regulations are to be established by the Ombudsman's Office and, with respect to the mechanism's financial autonomy, simply says that "the Ministry of Economic Affairs and Public Finance shall allocate the necessary resources ... within the available resources" (art. 2).

**The Committee urges the State party to complete the process of establishing or designating the national preventive mechanism in accordance with the Optional Protocol to the Convention and in keeping with the Guidelines on National Preventive**

**Mechanisms (CAT/OP/12/5, paras. 7, 8 and 16). The State party should ensure that the national preventive mechanism is endowed with sufficient resources to do its work effectively on a fully independent basis.**

**The Committee encourages the State party to authorize the publication of the report on the visit to Bolivia made by members of the Subcommittee against Torture in 2008, along with the Bolivian authorities' response to the Subcommittee's recommendations, dated 27 October 2011.**

### **Training**

22. While taking note of the special module devoted to the Convention that has been included in training programmes for the armed forces, the Committee is concerned by the fact that the instructional programmes for police officers do not include training that deals specifically with the provisions of the Convention. Nor does the training provided to judges, prosecutors and medical personnel who work with prisoners specifically cover methods of improving the detection and documentation of the physical and psychological after-effects of torture (art. 10).

#### **The State party should:**

**(a) Revise its training programmes in order to ensure that law enforcement officers and prison staff are fully aware of the provisions of the Convention, that violations of the Convention are not tolerated and are investigated, and that the persons committing such violations are brought to justice;**

**(b) Ensure that training programmes for judges, prosecutors, forensic physicians and other medical personnel who work with prisoners specifically cover the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

**(c) Develop and apply a methodology for evaluating the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment.**

### **Illegal abortions**

23. The Committee takes note of the explicit recognition of sexual and reproductive rights accorded in article 66 of the Constitution and of article 20.I.7 of Act No. 348, which sets forth the State party's obligation to "respect the decisions taken by women victims of violence in exercising their sexual rights and their reproductive rights in accordance with the laws and regulations in force". However, the Committee notes with concern that, under article 266 (permissible abortions) of the Criminal Code, rape victims who decide to interrupt their pregnancy must obtain authorization from a judge in order to do so. Information made available to the Committee regarding the use of the right to conscientious objection by the judiciary indicates that this requirement constitutes an insurmountable obstacle in many cases, and women in this situation are therefore forced to undergo illegal abortions, with all the health risks that this entails (arts. 2 and 16).

**The State party should ensure that rape victims who voluntarily decide to interrupt their pregnancy have access to safe abortions. To this end, the State party should do away with any unnecessary obstacle in that regard. The Committee refers the State party to the recommendations made to it by the Committee on the Elimination of Discrimination against Women (CEDAW/C/BOL/CO/4, paras. 42 and 43). The Committee against Torture urges the State party to evaluate what effects the current highly restrictive laws on abortion have on women's health.**

**Forced labour and servitude**

24. The Committee regrets that it has received very little information on the implementation of the transitional interministerial plan to defend the rights of the Guaraní people or on progress in eradicating forced labour and servitude in Guaraní communities (arts. 2 and 16).

**The Committee urges the State party to redouble its efforts to eradicate forced labour and servitude and to continue its efforts to implement the agreements reached between government authorities and representatives of the Guaraní people in this regard.**

**Other issues**

25. The Committee invites the State party to deposit an instrument of ratification for the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, with the Secretary-General of the United Nations.

26. The Committee invites the State party to disseminate its report to the Committee and these concluding observations widely, in all the appropriate languages, by means of official websites, the media and NGOs.

27. The Committee requests the State party to furnish it with information by 31 May 2014, at the latest, on the action it has taken in response to the recommendations that it: (a) consolidate or strengthen fundamental legal safeguards for persons in custody; (b) promptly conduct impartial, effective investigations; and (c) prosecute persons suspected of committing torture or ill-treatment and punish those found guilty of having done so. These recommendations are set forth in paragraphs 9 (b), 11 (d) and 13 (c) herein. In addition, the Committee would like to be informed about the measures adopted to prevent and deal appropriately with cases of sexual abuse of children in educational institutions. The corresponding recommendation is set forth in paragraph 16 (a) herein.

28. The Committee invites the State party to submit its third periodic report by 31 May 2017. To that end, it invites the State party to agree, by 31 May 2014, to use the optional reporting procedure, whereby the Committee would transmit a list of issues to the State party prior to the submission of its report. As provided for by article 19 of the Convention, the State party's replies to that list of issues would then constitute its next periodic report.

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