



## **BOLIVIA**

### **SUMMARY OF RECOMMENDATIONS SELECTED FOR FOLLOW UP BY OTHER TREATY BODIES**

January 2022

Distinguished members of the Human Rights Committee:

The Centre for Civil and Political Rights and *Comunidad de Derechos Humanos* seek to contribute to the Human Rights Committee's review of the 4<sup>th</sup> periodic report of the Plurinational State of Bolivia under the ICCPR by bringing to your attention the most recent recommendations selected for follow up by other treaty bodies and, if applicable, the response given by Bolivia to those recommendations.

#### **I. COMMITTEE AGAINST TORTURE**

The Committee against Torture reviewed Bolivia in November 2021. In the following table we include the recommendations selected for follow up and the responses given by Bolivia during the constructive dialogue with the CAT members.

<b>Follow-up recommendations<sup>1</sup></b>	<b>Responses given by Bolivia during the review<sup>2</sup></b>
Investigation of the acts of torture, ill-treatments and excessive use of force that took place during the 2019-2020 crisis; sanction perpetrators and provide reparation to victims.	The State remarked that it is taking measures to investigate and punish all crime perpetrated during the 2019-2020 crisis, including the creation of a database on legal proceedings related to the events of 2019, and the establishment of an independent commission to investigate the complaints of torture and ill-treatment <sup>3</sup> .
Reform of the justice system to ensure its independence and respect to due process, in	The State informed that it is planning to “present a package of measures for

<sup>1</sup> Committee against Torture, Concluding Observations on the third periodic report submitted by the Plurinational State of Bolivia, [U.N. Doc. CAT/C/BOL/CO/3](#), 29 December 2021, para. 19 a) y b), 23 c), 31 a) and 43 c).

<sup>2</sup> Committee against Torture, Summary record of the 1867th meeting, [U.N. Doc. CAT/C/SR.1867](#), 3 December 2021, and Summary record of the 1869th meeting, [U.N. Doc. CAT/C/SR.1869](#), 2 December 2021.

<sup>2</sup> Committee against Torture, Summary record of the 1869th meeting, [U.N. Doc. CAT/C/SR.1869](#), 2 December 2021, para. 10.

<sup>3</sup> Committee against Torture, Summary record of the 1867th meeting, [U.N. Doc. CAT/C/SR.1867](#), 3 December 2021, paras. 27, 30 and 38.

particular, by adopting a law on the judicial career.	strengthening the independence of the judiciary in March 2022” <sup>4</sup> .
Derogation of article 309 of the Criminal Code regarding sexual intercourse with a child (estupro)	Bolivia stated that it was considering the reform of the crime of rape <sup>5</sup> .
Activation of the Plurinational Council on Human Rights	Bolivia pointed out that efforts were under way to resume the work of the Plurinational Council on Human Rights <sup>6</sup> .

## II. COMMITTEE ON ENFORCED DISAPPEARANCES

The Committee on Enforced Disappearances examined Bolivia in 2019. In the following table we include the recommendations selected for follow up and the written responses given by Bolivia regarding the implementation of those recommendations.

Follow-up recommendations <sup>7</sup>	Written responses given by Bolivia for the follow-up procedure <sup>8</sup>
Ensure that, from the outset of deprivation of liberty, all detained persons, have immediate access to a lawyer and can communicate with their families or any other person of their choice	The State only mentioned how these rights are protected by Bolivian law <sup>9</sup> .
Ensure that all cases of deprivation of liberty are entered in up-to-date official registers	
Intensify efforts to search for, locate and release all disappeared persons	The State replied that the Truth Commission established to investigate human rights violation that occurred between 4 November 1964 and 10 October 1982 had issued its report <sup>10</sup> .

<sup>4</sup> Committee against Torture, Summary record of the 1869th meeting, [U.N. Doc. CAT/C/SR.1869](#), 2 December 2021, para. 10.

<sup>5</sup> Committee against Torture, Summary record of the 1869th meeting, [U.N. Doc. CAT/C/SR.1869](#), 2 December 2021, paras. 10 and 11.

<sup>6</sup> Committee against Torture, Summary record of the 1869th meeting, [U.N. Doc. CAT/C/SR.1869](#), 2 December 2021, paras. 10 and 11.

<sup>7</sup> Committee on Enforced Disappearances, Concluding Observations on the report submitted by the Plurinational State of Bolivia under article 29 (1) of the Convention, [U.N. Doc. CED/C/BOL/CO/1](#), 24 October 2019, paras. 27, 29, and 39.

<sup>8</sup> Committee on Enforced Disappearances, Information received from the Plurinational State of Bolivia on follow-up to concluding observation on its initial report submitted under article 29 (1) of the Convention, [U.N. Doc. CED/C/BOL/FCO/1](#), 4 November 2020.

<sup>9</sup> Committee on Enforced Disappearances, Information received from the Plurinational State of Bolivia on follow-up to concluding observation on its initial report submitted under article 29 (1) of the Convention, [U.N. Doc. CED/C/BOL/FCO/1](#), 4 November 2020, paras. 3-15.

<sup>10</sup> Committee on Enforced Disappearances, Information received from the Plurinational State of Bolivia on follow-up to concluding observation on its initial report submitted under article 29 (1) of the Convention, [U.N. Doc. CED/C/BOL/FCO/1](#), 4 November 2020, paras. 16-17.

### III. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

The Committee on the Elimination of Discrimination against Women examined Bolivia in 2015. In the following table we include the recommendations selected for follow up, the letter sent by CEDAW regarding the implementation of the recommendations and the responses given by Bolivia in its seventh periodic report and the State's reply to the list of issues.

Follow-up recommendations <sup>11</sup>	Letter sent by CEDAW regarding implementation <sup>12</sup>	Seventh periodic State report and reply to list of issues <sup>13</sup>
Develop a strategy to prevent violence against women	CEDAW considered that the State party took some steps to implement the recommendation, but it did not provide information on “the adoption of a strategy for the prevention of violence against women and on consultations with various stakeholders for the adoption of adopted actions plans, and on measures taken to consider the heightened risk of Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention to be exposed to violence” <sup>14</sup> .	Bolivia mentioned different strategies to prevent violence against women. But failed to mention measures taken to consider the heightened risk of Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention.
Strengthen the mandate of the “Genoveva Ríos” special police force against violence	CEDAW considered that the recommendation has not been implemented since the force was not present in all municipalities and no other measures were taken to strengthen it <sup>15</sup> .	No information presented regarding the presence of the force in all municipalities.
Capacity-building of police officers on gender sensitivity.	CEDAW considered that the recommendation has been implemented <sup>16</sup> .	

<sup>11</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fifth and sixth periodic reports of the Plurinational State of Bolivia, [U.N. Doc. CEDAW/C/BOL/CO/5.6](#), paras. 19 a ) and e), 29 b) and c).

<sup>12</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018.

<sup>13</sup> Committee on the Elimination of Discrimination against Women, Seventh periodic report submitted by the Plurinational State of Bolivia under article 19 of the Convention, [U.N. Doc. CEDAW/C/BOL/7](#), 8 January 2020.

<sup>14</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018, pag. 2.

<sup>15</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018, pag. 2.

<sup>16</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018, pag. 3.

Ensure access to services and information on sexual and reproductive rights for adolescent girls and boys and increase access to contraceptives	CEDAW considered that the recommendation has been substantially implemented <sup>17</sup> .	
Conduct campaigns about modern contraceptive methods in indigenous languages	Bolivia did not provide information. Thus, CEDAW considered the recommendation has not been implemented <sup>18</sup> .	The State informed that it was distributing contraceptives and educational material <sup>19</sup> .
Decriminalize abortion and ensure that it is legally available in cases of threats to the life or health of the pregnant woman, rape, incest and serious impairment of the foetus	CEDAW highlighted that the State had taken some steps to implement the recommendation and considered that it had been partially implemented <sup>20</sup> .	No information presented.
Ensure the appropriate implementation of the Constitutional Court ruling abolishing the requirement of judicial authorization for access to abortion in cases of rape or incest	CEDAW considered it has not received sufficient information to assess whether the recommendation was implemented <sup>21</sup> .	No information presented.

<sup>17</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018, pag. 4.

<sup>18</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018, pag. 4.

<sup>19</sup> Committee on the Elimination of Discrimination against Women, Seventh periodic report submitted by the Plurinational State of Bolivia under article 19 of the Convention, [U.N. Doc. CEDAW/C/BOL/7](#), 8 January 2020, para. 120.

<sup>20</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018, pag. 5.

<sup>21</sup> Committee on the Elimination of Discrimination against Women, [Follow-up letter sent to the State party](#), 13 April 2018, pag. 5.

#### IV. SUGGESTED QUESTIONS

Considering the follow-up recommendations issued by the CAT, CED and CEDAW still pending of compliance, the CCPR-Centre suggests the members of the Committee to pose to the State the following questions:

- What is the current state of the investigations of the acts of torture, ill-treatments and excessive use of force that took place during the 2019-2020 crisis?
- What is the status of the package of measures for strengthening the independence of the judiciary which was planned to be presented in March 2022?
- What are the measures the State has taken to reform article 309 of the Criminal Code regarding sexual intercourse with a child (estupro)?
- When is the Plurinational Council on Human Rights going to resume its work?
- What are the measures the State takes to ensure, in practice, the right of all detainees to access a lawyer?
- What are the measures the State takes to ensure, in practice, the official registration of all detentions?
- What are the measures the State has taken to search and locate victims of enforced disappearances that occurred after 1982?
- What are the measures the State has taken to prevent violence against Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention?
- In what percentage of municipalities is the Genoveva Ríos special force present?
- When is the Genoveva Ríos special force going to be present in all municipalities?
- What measures is the State taking to provide information on contraceptive methods in indigenous languages?
- What are the measures the State has taken to ensure that abortion is easily available in cases of threats to the life or health of the pregnant woman, rape, incest and serious impairment of the foetus?