



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of the Plurinational State of Bolivia (CCPR/C/BOL/3), adopted by the Committee at its 107th session (11–28 March 2013)

Constitutional and legal framework (arts. 1 and 2)

1. Please provide information on cases in which the provisions of the Covenant have been cited and applied in the national courts. Please describe the procedure currently applicable for implementation of Views adopted by the Committee under the Optional Protocol.

States of emergency (art. 4)

2. Please report whether a bill is under consideration to govern states of emergency, as stipulated by the Constitution. If so, please provide information on how the bill is consistent with the provisions of the Covenant and on the progress made in adopting the bill.

Non-discrimination, rights of minorities, violence against women and equal rights of men and women (arts. 3, 6, 7 and 26)

3. Please describe the measures taken to ensure implementation of the principle of non-discrimination and to eradicate persistent social stereotypes and prejudices, in particular against indigenous people and Bolivians of African descent. Please also describe the measures taken to prevent and punish discrimination against migrants. In this connection, please specify in particular the measures taken to implement the State policy against Racism and All Forms of Discrimination (plan of action for 2012–2015) adopted in February 2012 by the National Committee against Racism and All Forms of Discrimination and provide details about the resources allocated for implementation of the plan of action.

4. Please describe the impact of the measures taken, including in the implementation of Acts Nos. 26 and 018, to support the principle of equal access for men and women to public service and the presence of women in posts of responsibility in the private and public sectors. Please also describe steps taken to support equal labour rights, in particular for persons with disabilities, women from indigenous groups and Bolivians of African descent, with an emphasis on those living in rural areas.

5. Please describe the steps taken to make additional exceptions to the prohibition and punishment of abortion legal, in cases such as pregnancy resulting from rape or incest. Please provide information on the procedures adopted at the national level to make therapeutic abortion legal and indicate the proportion of cases in the last five years in which abortion has been prosecuted under article 266 of the Criminal Code. Please also describe the steps taken to provide appropriate information to women on methods of contraception and on ways to avoid unwanted pregnancies.

Right to life, violence against women, prohibition of torture and cruel, inhuman or degrading treatment and the fight against impunity (arts. 2, 6 and 7)

6. Please describe the measures taken for the effective implementation of Act No. 348 of 9 March 2013 “to guarantee women a life free from violence”. In this connection, please specify the human, material and financial resources earmarked for the bodies responsible for such implementation. Please also provide information on: (a) the number of complaints of domestic violence received; (b) the investigations carried out; (c) the penalties imposed; (d) compensation awarded to the victims; and (e) the number of shelters built for victims of domestic violence.

7. Please describe the steps taken to prevent, investigate and penalize lynching of alleged criminals by neighbours or communities.

8. Please provide information on the measures taken, in accordance with the Committee’s previous recommendations, to investigate and punish human rights violations committed during the de facto regimes, including forced disappearances between 1964 and 1982. In this connection please describe the steps taken to allow access to military archives. Please also describe the measures adopted to implement reparation programmes, including collective reparations, and provide statistics showing the amounts awarded to victims and other reparation measures, by violation. In this context, please describe how the State party has taken into account the gender perspective and the needs of vulnerable groups such as members of the indigenous communities, Bolivians of African descent and women.

9. Please describe the measures taken to prevent the excessive use of force by the police, in particular during demonstrations, and the progress made in the investigation of such incidents. Please also describe the action taken to ensure a prompt and impartial investigation of violent events such as the massacre of 11 September 2008 in Porvenir, Pando, and racist acts committed in Sucre in 2008. Please describe the protection and compensation provided to the victims in these cases.

10. Please provide information on the progress made in establishing a national mechanism for the prevention of torture and in incorporating in criminal law a definition of torture that is fully in keeping with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and also with article 7 of the Covenant. Please also describe the other measures implemented to prevent torture and ill-treatment of persons deprived of their liberty, including in pretrial detention, as well as the resources available to report and investigate such cases. In this connection, please provide information on the progress made in the investigations into the deaths of David Olorio Apaza, sub lieutenant Grover Poma, Fidel Hernani Jiménez and David Calisaya Mamani, and into the cruel or degrading treatment to which members of indigenous communities taking part in the Eighth Indigenous March to Defend the Isiboro Sécure National Park and Indigenous Territory were reportedly subjected in Chaparina, in 2011.

11. Please provide information on the legal measures taken to prohibit, prevent and punish corporal punishment in the home and to enforce that prohibition in all contexts, including where customary law applies.

Elimination of slavery, servitude and forced labour and measures to protect minors (arts. 8 and 24)

12. Please describe the action taken and results obtained in preventing and punishing forced labour in general and describe in particular the results of the plans to eradicate forced labour and servitude in the Chaco region and in Guaraní families.

13. Please provide information on the procedure for the implementation of Act No. 263 of 31 July 2012, the Trafficking and Smuggling of Persons Act. Please provide statistics on the number of complaints and investigations and the punishment imposed for trafficking in persons since the Act's adoption. Please also describe the measures taken to prevent trade in persons, to protect and rehabilitate victims and to ensure that they can be reintegrated in society.

Right to liberty and security of person; rights of persons deprived of their liberty (arts. 9 and 10)

14. Please describe the measures taken to ensure that the use of pretrial detention is limited to exceptional cases, to the extent necessary and consistent with due process and with articles 9 and 10 of the Covenant. Please also provide information on steps taken to promote the use of alternatives such as protective measures, bail or electronic bracelets.

15. Please describe the result of the measures taken in the prison system to reduce overcrowding and improve health and safety, including in terms of hygiene, medical care, access to education and nutrition, for persons deprived of their liberty, be they adults, children or adolescents. Please inform the Committee of the measures taken to ensure that children given custodial sentences are held in special detention facilities and are systematically separated from adults. Please also state what measures have been taken to establish effective oversight of self-governance within the prisons and to ensure that it complies fully with the Covenant.

Fair trial and due process (art. 14)

16. Please describe the results of the measures adopted to establish the legal framework called for under the new Constitution (specifically, the Plurinational Electoral Bureau Act, Act No. 018 of 16 June 2010; the Judiciary Act, Act No. 025 of 24 June 2010; the Plurinational Constitutional Court Act, Act No. 027 of 6 July 2010; and the Framework Act on Autonomous Entities and Decentralization, Act No. 31 of 19 July 2010; as well as the Public Prosecution Service Organization Act of 11 July 2012).

17. Please provide information on the measures taken to promote the independence of institutions in the justice system, inter alia in respect of the disciplinary system for judges and/or prosecutors, the implementation of appropriate training programmes and the provision of the budget resources required for the proper functioning of such institutions. Please indicate what measures have been taken to strengthen criminal investigation capacities and to improve inter-institutional coordination between the Public Prosecution Service, law enforcement agencies and the judiciary, and the outcomes. Please also describe action taken to ensure access to the Public Defender Service throughout the country.

18. Please indicate what measures the State party has taken to increase the geographic coverage of the justice system and access to justice, taking into consideration the cultural and linguistic characteristics of the population. Specifically, please provide updated information on the measures adopted to bring the Jurisdiction Demarcation Act, Act No. 073 of 29 December 2010, into line with the Constitution and the relevant international standards and principles. In particular, please provide information on: (a) the measures taken to ensure full compatibility of customary law with the principles of the Covenant; (b) training courses given to judicial officials on the cultural specificities of indigenous peoples; and (c) indigenous language interpreters working in courts, tribunals and prosecutors' offices.

19. Please provide information on the measures taken to combat corruption, in particular in the judiciary, the police and the prison system. Please describe the steps taken to strengthen investigation of cases of corruption and the disciplinary measures and judicial sanctions imposed in such cases, notably in respect of the extortion network exposed in late 2012.

Freedom of thought, conscience and religion (arts. 18 and 26)

20. Please provide information on the legal status of objection to military service. In particular, please provide information on the measures adopted to recognize in law and in practice conscientious objection to military service.

Freedom of opinion and expression (arts. 19 and 20)

21. Please describe the legal framework for the protection of human rights defenders and the practical measures taken to ensure their safety and physical integrity and allow them to carry out their work. Please inform the Committee of the results of judicial investigations carried out in cases of harassment and threats against human rights defenders and journalists in the past five years and on measures taken to defend freedom of opinion and expression in the country. Please also inform the Committee about measures taken to ensure that the application of article 350 of the Criminal Code, which penalizes defamation, and of other legal provisions limiting freedom of expression, is fully consistent with the principles of article 19 of the Covenant.

Measures for the protection of minors (art. 24)

22. Please describe how the State party ensures the proper application of the principles of article 24 to children living in prisons with a parent deprived of liberty.

23. Please describe the measures taken to prevent children from being subjected to the worst forms of child labour and economic exploitation, including in the chestnut harvest and, in particular disadvantaged or marginalized children, including those from indigenous families that migrate to the cities. Please also provide information on measures taken to prevent and punish the use of child labour and the exploitation of minors for prostitution, pornography, paedophilia and sex tourism. Please also describe initiatives taken to promote the protection and social reintegration of children and adolescents in conflict with the law or placed in institutions for other economic or social reasons.

Rights of minorities (art. 27)

24. Please indicate what measures have been taken to ensure the prior, free and informed consent of indigenous peoples for the licensing of exploitation or exploration on indigenous lands. Please describe the consultation process carried out by the State party with the indigenous and aboriginal campesino nations and peoples, giving specific examples of consultations that have been held.

25. Please describe the progress made with the autonomous departments, regions, municipalities, and native indigenous campesino autonomous entities, in application of Act No. 031, the Framework Act on Autonomous Entities and Decentralization, adopted on 19 July 2010.

Dissemination of information relating to the Covenant and its optional protocols (art. 2)

26. Please provide information on steps taken to disseminate information about the Covenant and its optional protocols and about the submission of the State party's report and its forthcoming consideration by the Committee. Please also provide more detailed information on the participation of representatives of ethnic groups and minorities, civil society, non-governmental organizations and the national human rights institution in the preparation of the report.
