

Responses to Recommendations

BOLIVIA

Review in the Working Group: 10 February 2010
 Adoption in the Plenary: 9 June 2010

Bolivia’s responses to recommendations (as of 22.06.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
78 REC accepted; 1 rejected	No addendum	No additional information provided	Accepted: 78 Rejected: 1 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/14/7:

98. The recommendations formulated during the interactive dialogue and listed below have been examined by Bolivia and enjoy its support:

A - 1. To consider ratifying or acceding to the international human rights instruments to which it is not yet party (Nigeria); to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Switzerland); to consider ratifying, as early as possible, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Second Protocol thereto (Argentina);

A - 2. To continue to exercise its right to self-determination and independence and to move forward with its sovereign commitment to positioning its legal system so as to meet the needs of its people, as is already being done (Cuba);

A - 3. To strengthen its legal framework and mechanism for promoting and protecting the human rights of its population (Lao People’s Democratic Republic);

A - 4. To promote the adoption, on a priority basis, of the draft bill for the prevention and elimination of all forms of discrimination and to consider favourably the criminalization of racial discrimination, in keeping with recommendations made by the Committee on the Elimination of Racial Discrimination and other international mechanisms (Mexico); to include the criminalization of all forms of racial discrimination in the draft bill on the elimination of all forms of discrimination, expected to be adopted by the Legislature, as recommended by the Special Rapporteur on indigenous people, the High Commissioner for Human Rights and the United Nations country team, if that has not yet been done (Guatemala);

A - 5. To strengthen the national mechanisms for the advancement of women so that a gender perspective is reflected, in a cross-cutting manner, as a priority issue in policies and sectoral programmes (Mexico);

A - 6. To adopt, as early as possible, a comprehensive law against the trafficking in human beings and to adopt the measures necessary to prevent and combat that scourge (Argentina); and to conclude the development of a national strategy for combating the trafficking in persons and their illicit movement (Belarus);

A - 7. To promulgate, as soon as possible, the new integral law on the sale of children, sexual exploitation and trafficking, and to take concrete and immediate actions to strengthen the National Council against Human Trafficking (Poland);

A - 8. To continue to implement the policies aimed at guaranteeing the best interests of children and adolescents, and to consider the establishment of a children's ombudsman in that context (Bangladesh); to establish an office of the children's ombudsman (Poland);

A - 9. To consider the achievement of the human rights goals approved by resolution 9/12 of the Human Rights Council (Brazil); **1**

A - 10. To strengthen efforts to ensure respect for fundamental human rights (Palestine);

A - 11. To expand its ongoing policies and programmes in order to consolidate the realization of a Bolivia that is plurinational and based on equality and social justice for all (Cuba);

A - 12. To initiate sectoral policies taking into account the needs of certain vulnerable groups (Algeria);

A - 13. To take effective measures and provide funds for the development of standards and policies to meet the needs of the most vulnerable groups in various areas, in particular education, health and housing (Islamic Republic of Iran);

A - 14. To devote special attention to protecting and promoting the rights of women and children in the processes of developing and implementing national policy (Belarus);

A - 15. To reinforce the policy of promoting children's rights and the implementation of the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11/7 and General Assembly resolution 64/142 (Brazil); **2**

A - 16. To expeditiously adopt, implement and monitor policies and programmes aimed at combating the sale of children and sexual exploitation and trafficking (Slovakia);

A - 17. To embark on a clear road map for the swift implementation of the legislation and regulatory framework for the new Constitution so that it can make progress with regard to economic, social and cultural rights and to achieve the Millennium Development Goal related to poverty reduction (Syrian Arab Republic);

A - 18. To continue to cooperate with the United Nations and other international organizations to strengthen human rights in Bolivia (Lao People's Democratic Republic);

A - 19. To extend a standing invitation to all special procedures (Brazil); to consent, as early as possible, to all outstanding requests by special procedures to visit Bolivia (Republic of Korea); to respond positively, as soon as possible, to unanswered requests for visits by special procedures rapporteurs (France);

A - 20. To strengthen the fight against discrimination and violence against women (Brazil); to repeal without delay all legislation that discriminates against women, including discriminatory provisions in its criminal and civil law (Netherlands);

A - 21. To continue efforts to eliminate discrimination against indigenous peoples (Azerbaijan);

- A - 22. To continue its work to eliminate discrimination against women and children among indigenous peoples (Kyrgyzstan);
- A - 23. To continue to move forward in implementing programmes and measures aimed at combating all forms of discrimination (Colombia);
- A - 24. To continue to promote equal opportunities and to fight poverty (Angola);
- A - 25. To continue efforts to ensure equal opportunities for girls and women in terms of education, access to employment, housing and working conditions (Egypt);
- A - 26. To include sexual orientation and gender identity in all laws and initiatives combating discrimination and promoting equality, and to develop public education and sensitivity programmes and make them available, including to police, military, judicial, prison and other authorities (Netherlands);
- A - 27. To amend domestic legislation, in keeping with its international commitments, to include the concept of torture (Argentina);
- A - 28. To improve detention conditions in general, particularly for women and children (Italy); To take concrete measures to prevent prison overcrowding and enhance prison education and training in order to reintegrate inmates into society (Turkey); to intensify efforts to improve the situation in detention centres and prisons, with a special focus on ensuring the separation of juvenile convicts from adult inmates (Slovakia);
- A - 29. To ensure that all children living in detention are accorded special protection, including the nutrition, health and educational services necessary for their proper development (Austria);
- A - 30. To make greater efforts to protect children and women from all forms of abuse, in particular trafficking and domestic violence (Slovenia);
- A - 31. To take specific measures to combat domestic violence against women and children (France); to take all measures necessary to eradicate gender violence, including the classification of femicide and its adequate penalization (Netherlands); to take further measures to put an end to violence against women (Azerbaijan);
- A - 32. To create a unified data register on violence against women, as well as norms to address the murder of women, and to promulgate Framework Law 810 on Sexual and Reproductive Rights in the country (Spain); to establish a unified registry of cases of violence against women, and to intensify efforts to improve human rights for women (Norway);
- A - 33. To incorporate into the new plans the need for a unified register of cases of violence against women, and to increase efforts to combat that scourge and impunity for those who commit such acts, and in particular to consider criminalizing the crime of femicide (Costa Rica);
- A - 34. To continue to strengthen measures to eliminate all forms of servitude and forced labour, including with international cooperation and assistance, and social programmes aimed at reducing the vulnerability of the victims of that scourge (Mexico); to intensify efforts to eliminate the servitude and forced labour persisting in some parts of the country (Azerbaijan);
- A - 35. To study the possibility of seeking technical assistance in the area of reintegration programmes for exploited children and regarding juvenile justice (Malaysia);
- A - 36. To adopt specific measures to protect boys, girls and adolescents from all violence against them, to eradicate child labour, to combat the exploitation of boys, girls and adolescents and to prohibit all forms of corporal punishment (Costa Rica);
- A - 37. To strengthen measures to abolish servitude and forced labour in the country, with the assistance of the International Labour Organization, and to seek technical assistance in the reintegration of programmes aimed at exploited children, juvenile justice and follow-up to the study on violence against children (Spain); to intensify efforts to combat the manifestation of servitude (Algeria);

A - 38. To continue to implement protection programmes for girls and boys, in particular to eliminate child labour (Chile); to take effective measures to protect children from exploitative forms of labour and work in hazardous areas (Germany); to urgently adopt and implement measures to address child labour, in particular its exploitative forms (Slovakia);

A - 39. To accelerate judicial reforms in order to ensure the independence and impartiality of the system and a corruption-free environment (Slovakia); to continue reforms to improve the judicial system (Turkey); to ensure that the judiciary system respects the principle of independence from the executive branch, as well as the rule of law (Slovenia); to guarantee the full independence of the judiciary system, in accordance with relevant international standards (France);

A - 40. To adopt the measures necessary to ensure the independence of the judicial branch from the executive branch in order to promote the rule of law and guarantee the proper functioning of the Constitutional Court and the Supreme Court (Italy); To delay no longer in appointing members of the highest judicial authorities and to ensure the impartiality of those members (Denmark); to end the paralysis of the Constitutional Tribunal by appointing new judges (Germany); to ensure that the draft electoral law under the new constitution and the process of appointments guarantee the independence of the judiciary (United Kingdom of Great Britain and Northern Ireland);

A - 41. To consider more comprehensive measures that go beyond the 15 integrated justice services referred to in the national report (Denmark);

A - 42. To take measures to ensure that the Constitutional Court, which is provided for under the Constitution, becomes functional as soon as possible (Algeria); to promote judicial independence and strengthen the rule of law by ensuring that key institutions such as the Constitutional Tribunal and the Supreme Court operate in a free, fair and transparent manner and serve as an effective and independent check on the executive and legislative branches (United States of America);

A - 43. To designate members of the Supreme Court and the Constitutional Tribunal who are of proven technical ability and are independent of any external influence (Norway); to identify means by which the Supreme Court and the Constitutional Court can carry out their functions, especially through the designation of members of proven technical ability, moral probity and independence from external influence (Netherlands); to adopt legislation, fill vacancies and provide adequate resources to ensure that institutions such as the judiciary, which play a vital role in protecting and implementing human rights, are independent and effective (Canada);

A - 44. To promptly adopt effective measures to ensure that the judicial authorities are elected by direct universal suffrage, in order to guarantee the independence and impartiality of the judicial bodies, often represented by members of elite classes as a result of unsound management by previous Governments, which has caused impunity and delays in the area of justice (Nicaragua);

A - 45. To continue efforts to implement the provisions of the new Constitution in order to ensure that indigenous peoples fully enjoy their rights (Slovenia); to ensure that the implementation of indigenous systems of justice conforms to international human rights standards, including those set out in the Convention on the Elimination of All Forms of Discrimination against Women (Canada);

A - 46. To take the measures necessary to ensure that the traditional indigenous justice system complies with the provisions of the international human rights treaties that Bolivia has ratified (Netherlands); to ensure that the separation of ordinary and indigenous courts does not contribute to tensions among different communities, but rather promotes inclusion and social stability by, inter alia, bringing the jurisdiction into full conformity with the new Constitution (Austria); to ensure that all judgments and sentences handed down by indigenous courts respect international provisions and, in that regard, to establish an appeals system and an independent monitoring system (Switzerland);

A - 47. To take the measures necessary to make the ordinary justice system effective and independent of political pressures, devoting particular attention to the problem of violence against women (Switzerland);

A - 48. To debate thoroughly, in the Plurinational Legislative Assembly, the issue of the right of individuals to appeal in cases addressed by communal courts, before the law on jurisdiction

delimitation is adopted and, in that context, to devote particular attention to the contradiction between article 28 of the Procedural Penal Code and article 192.1 of the new Constitution (Finland);

A - 49. To take steps to reduce the use of pre-trial custody, to increase alternatives to imprisonment and to develop policies to protect the best interests of children with a parent in detention (Austria);

A - 50. To adopt the measures necessary to prevent cases of lynching, in particular through the strengthening of the police and justice sectors (Chile);

A - 51. To take further measures to bring to justice all perpetrators of abuse in order to eradicate impunity for those who commit human rights violations (Sweden); to expedite impartial investigations into the violent incidents in Santa Cruz and Pando with a view to identifying those responsible and bringing them to justice in a fair trial before an independent court (Austria); to conclude a thorough and impartial judicial investigation into the acts of violence in Pando (United Kingdom);

A - 52. To thoroughly investigate complaints filed by journalists and to promote good relations with and among media institutions (Norway); to take measures to protect journalists from acts of violence and intimidation (Germany);

A - 53. To more effectively enforce the criminal penalties for official corruption (United States of America);

A - 54. To consider making further efforts to train law enforcement officials, judges and police officers in the area of human rights (Egypt);

A - 55. To fully guarantee freedom of expression, ensuring that regulation in respect of the mass media is carried out in accordance with international human rights instruments (Chile); to robustly support and uphold the universal principle of freedom of expression, recognizing that such freedom is essential to a fully functioning democracy (United States of America); to contribute to an atmosphere supportive of independent and diverse media, including by encouraging all actors, including public officeholders and political actors, to condemn any attempt to intimidate the media and by fully investigating all complaints of media harassment and prosecuting those responsible (Canada);³

A - 56. To develop the new media legislation on the basis of broad consultation with all stakeholders, and to ensure full respect for international standards on human rights (Slovenia);

A - 57. To approve, as soon as possible, the draft law against assault and gender-based political violence (United Kingdom);

A - 58. To continue to promote the democratization of mass media through the promotion of bilingualism and the use of media in rural areas (Lebanon);

A - 59. To study the possibility of formulating national policy on short-, medium- and long-term employment (Malaysia);

A - 60. To continue to implement its macro-economic and structural policy in such a way as to ensure the enjoyment of human rights, and to achieve dignified living conditions for the entire population of Bolivia (Russian Federation);

A - 61. To continue to provide technical and financial assistance for the development of agricultural production in the context of the enjoyment of the right to decent food, in particular with support for medium-sized and small enterprises (Russia Federation);

A - 62. To continue to fight poverty with the support and cooperation of the international community (Bangladesh); to intensify programmes to combat poverty with the assistance of the international community, as needed (Algeria); to strengthen measures to reduce poverty (Azerbaijan); to continue efforts to eliminate poverty (Kyrgyzstan);

A - 63. To strengthen efforts to eradicate extreme poverty through the amendment of its macro-economic and structural policies (Islamic Republic of Iran);

A - 64. To share experiences in the implementation of the Zero Malnutrition Programme and the Juana Azurduy voucher programme, which has reduced the maternal mortality and child malnutrition rates (Bangladesh);

A - 65. To continue efforts aimed at the broader and more just redistribution of national wealth (Algeria); to adopt the measures necessary to ensure that its social programmes reach the most vulnerable groups of society (Panama);

A - 66. To continue active cooperation with international organizations on the provision of technical assistance to support people with disabilities (Kyrgyzstan);

A - 67. To continue to implement programmes for the protection of women's rights, in particular pregnant women, with a view to significantly reducing the maternal and infant mortality rates and the malnutrition rate (Chile); to continue to implement measures to reduce maternal mortality (Turkey);

A - 68. To continue its reforms to improve the level and the quality of social protection, education and health (Belarus);

A - 69. To take further efforts to ensure that all women enjoy their right to sexual and reproductive health, and to increase access to health services, particularly in rural areas, in order to reduce the incidence of maternal mortality, especially among young, rural and indigenous women (Sweden); to continue to promote the implementation of the pilot project aimed at vaccination against cervical cancer (Colombia);

A - 70. To continue to make efforts to sustainably increase coverage and benefits under the Bono Juana Azurduy voucher system with a view to reducing levels of maternal and infant mortality and chronic malnutrition among children under the age of 2 (Colombia);

A - 71. To explore possibilities for further cooperation at the regional and international levels with relevant stakeholders with a view to achieving the Millennium Development Goals related to poverty eradication, nutrition, water and sanitation and environmental sustainability (Malaysia); to seek development assistance from development partners and United Nations specialized agencies in order to find solutions to identified challenges hampering the enjoyment of human rights and the achievement of the Millennium Development Goals (Nigeria); to continue efforts to ensure the implementation of the Millennium Development Goals, in particular by ensuring universal primary education and combating illiteracy, which would guarantee that the population enjoys its social and economic rights (Lebanon);

A - 72. To develop a national strategy for human rights education in the school system, in accordance with the Plan of Action of the World Programme for Human Rights Education, with the full participation of all stakeholders (Italy);

A - 73. To consolidate the progress made within the framework of literacy programmes (Algeria);

A - 74. To continue to strengthen the rights of indigenous peoples, placing priority on the adoption of a law to prevent and eliminate all forms of discrimination and criminalizing such offences (Bolivarian Republic of Venezuela); to intensify measures to ensure that indigenous peoples' rights are respected at the community level (Norway);

A - 75. To continue efforts to ensure a life of dignity for members of indigenous communities (Pakistan);

A - 76. To continue to consolidate the rights of indigenous peoples both in practice and within its legal framework, thereby guaranteeing their participation and consultation (Bolivarian Republic of Venezuela);

A - 77. To continue to effectively address the precarious situation of the Guaraní indigenous peoples (Germany);

A - 78. To consider intensifying its efforts to eliminate discrimination against migrants (Egypt).

99. Bolivia considers that recommendations Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 31, 32, 34, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77 and 78, set out in paragraph 98 above, are either already implemented or in the process of implementation.

100. The following recommendation did not enjoy the support of Bolivia:

R - Continue to support media initiatives on self-regulation, including the newly established Tribunal deEtica for print journalists (United Kingdom).

The country offered the following comments:

The Government of Bolivia recognizes, in terms of norms and practice, the right to freedom of expression, opinion and information. In addition, it supports the creation of organizations and the self-regulation of employees of the media, which are participatory and inclusive. However, it cannot support a tribunal of ethics if it comprises only entrepreneurs and does not include all media employees. It is for that reason that we are obliged to reject this recommendation. Accordingly, we shall continue to support all initiatives that support the building of a democratic and inclusive society.

Notes

1 The recommendation as read during the dialogue: to consider the achievement of the human rights goals approved by the Council (Brazil).

2 The recommendation as read during the dialogue: to reinforce the policy of promoting children's rights and the implementation of the Guidelines for the Alternative Care of Children (Brazil).

3 The recommendation as read during the dialogue: to contribute to an atmosphere supportive of independent and diverse media, including by encouraging all public office-holders and political actors to refrain from attempts to intimidate the media (Canada).

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