Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Bolivia - 7th Session - 2010
10th February, 2.30pm to 5.30pm

National Report
13. The Constitution has set forth wide-ranging rights based on those outlined in inter-American and universal instruments for the protection of human rights. It defines fundamental rights; civil and political rights; the rights of native indigenous campesino nations and peoples; social and economic rights; the rights of children, adolescents and young people; the rights of the family; the rights of older persons; the rights of persons with disabilities; the rights of persons deprived of their liberty; the rights of persons of diverse sexual orientation; the rights of persons with HIV/AIDS; women’s rights; users’ and consumers’ rights; education, intercultural and cultural rights.

85. Bolivia promotes decolonized education, which gave rise to the “Yes I can” literacy programme that freed the country from illiteracy.42 In 2009, the post-literacy programme “I can go further” was introduced to ensure that adult learners remember what they learned and consolidate their knowledge. The programme includes bilingual education, providing literacy training to 24,699 persons in the Aymara language and 13,599 in Quechua.

86. Under the literacy programme, 212,078 magnifying glasses were distributed free of charge. With help from the Government of Cuba, 251,825 ophthalmological tests were carried out, mainly in rural areas, and 8,350 solar panels were provided to power the literacy centres.

87. As a result of high dropout rates in schools in previous years, the Government launched the Juancito Pinto voucher, a scheme to encourage children to remain in primary school, particularly in rural areas. From 2006 to 2008, it was issued to 4,090,494 pupils. In 2009, a further 1,872,491 pupils will benefit, thereby reducing school dropout rates from 5.3 per cent to 2.8 per cent.

88. Starting in 2008, work began on a new education curriculum that encompasses human rights principles and values such as non-discrimination and interculturality, and also promotes bilingualism.43 From 2006 to 2009, 269 new schools were built, which represents a 100 per cent increase over previously existing facilities.44

91. The Constitution recognizes education as one of the highest functions and a prime financial responsibility of the State.46 Education is compulsory and free of charge up to the secondary level. There are then State universities, also free, for further professional training. In addition, in response to the demands of teachers across the country, salaries were raised by more than 35 per cent between 2006 and 2009.

92. Community distance learning centres have been created, providing students, teachers and the community at large with access to computers and Internet and thereby to information, and facilitating communication for community development. The aim of the centres is to offer supplementary education to children, young people and adults. As of 2009, 133 distance learning centres had been established nationwide.

120. Children aged between 0 and 12 account for 26.13 per cent of Bolivia’s population and adolescents (12–18-year-olds) for 20.32 per cent. The constitutional recognition of their rights and of the State’s obligation to guarantee the best interests of children and adolescents is one of this Government’s main achievements.61 A national plan for children and adolescents is currently making its way through Congress.62 The Constitution also recognizes the importance of the family.

121. The programme to eradicate extreme poverty provides for the issuance of birth certificates free of charge for every child, thereby
guaranteeing the right to an identity. The Juancito Pinto voucher, which encourages children to remain in school, is also now universally applied.

122. Health service coverage has been expanded through the implementation of the Universal Health Insurance for Mothers and Children (SUMI) scheme, and malnutrition and infant and maternal mortality have been reduced through the Zero Malnutrition programme and the Juana Azurduy voucher.

123. The Government has established a Children’s Parliament. The Parliament meets once a year and comprises 130 children elected from every constituency across the country. This encourages civic involvement and gives children a say on issues they care about.

124. It is recognized, however, that there are still difficulties in guaranteeing the rights of all children and adolescents. Bolivia submitted a country report to the Committee on the Rights of the Child, and the Committee made major recommendations on, among other things, the lack of juvenile courts, special prosecutors and policies on child labour and sexual violence against children. The Government is currently working to develop standards and State policies to meet children’s needs in these areas.

156. Bolivia has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and has set up a human-trafficking and migrant-smuggling division in the Bolivian police force in major cities; the creation of such divisions in the rest of the country is still pending.

161. On the basis of an agreement between the Ministry of the Interior and the Proyecto Mundo Movimiento Laico para América Latina (World Project Latin American Lay Movement), work has been going on to create an institution for juveniles aged under 21, i.e., juveniles who are criminally liable. In this context, the General Directorate of the Penitentiary System takes responsibility for administration of this juvenile prison, which aims to promote social reintegration once sentence has been served. Also, as a matter of good practice for the prison population, round tables have been set up for dialogue with adults, young people, and children living with their parents in detention.

UN Compilation

1. In 2009, the Committee on the Rights of the Child (CRC) and the United Nations Country Team (UNCT) recommended that the Plurinational State of Bolivia ratify OP-ICESCR and ICCPR-OP. In 2008, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) encouraged Bolivia to consider making the declarations provided for in articles 76 and 77 of the Convention, and acceding to ILO Conventions No. 97 and No. 143.

2. CRC welcomed the adoption of the new Constitution in 2009. The UNCT indicated that the Constitution includes individual rights and collective rights recognized in international human rights treaties. These latter have constitutional status, and are even more favorable than the Constitution when its provisions are more favorable. UNICEF and the Special Rapporteur on the right to food made similar observations.

5. In 2009, CRC regretted that national legislation was not in conformity with the Convention, including the Child Code (Código del Niño, Niña y Adolescente) and laws concerning corporal punishment, marriage, alternative care and juvenile justice. UNICEF and UNICEF recommended that Bolivia strengthen the overall legal framework on child rights and child protection.


11. CRC regretted in 2009 that the draft National Plan of Action for Children had not yet been approved, and that the draft text did not cover all the areas of the Convention or all children up to the age of 18.

34. In 2009, CRC expressed concern that children above the age of 16 serve sentences in adult prisons in precarious conditions, and that deprivation of liberty is not used as a measure of last resort. The UNICEF stressed in 2009, that alternatives to custodial sentencing need to be implemented. It also recommended more efforts to ensure that children and adolescents are better served and protected by the justice systems.

35. CRC was concerned that there are no systematic strategies in place to guarantee transparent adoption processes. UNICEF highlighted that the mechanisms to monitor the post-adoption process are insufficient. The UNCT added that regulations for alternative care are inappropriate and that the SEDEGES (Servicios Departamentales de Gestión Social) do not have the capacity or resources to take on sufficiently their responsibility for alternative care.

45. In 2009, CRC was concerned that HIV/AIDS is becoming a prevalent problem in Bolivia. UNICEF recommended promoting the fulfillment of the Law of SIDRA at a national level and increasing the financial resources provided by the General Treasury of the Nation.

47. In 2009, CRC was concerned that the extremely low level of sanitation coverage and the high discrepancy between urban and rural areas. The Special Rapporteur on the right to food noted that up to 43 per cent of the population in rural areas has no access to safe drinking water and 75 per cent have no sanitation.

48. UNICEF and CRC noted that the Constitution establishes free and compulsory primary and secondary education. However, CRC was concerned that not all children, particularly indigenous children, attend primary school and that some primary school fees continue to be charged. CRC was further concerned at the lack of preschools, the poor quality of education, the low transition rate from primary to secondary school and the marked gender disparity in secondary school. It recommended ensuring that girls and indigenous children also fully realize their right to education, and improving the quality of teacher training, particularly with
regard to intercultural and bilingual education. UNICEF recommended, inter alia, the development of a national early learning policy and early childhood development standards.


Stakeholder Compilation - To follow

Final Report and Conclusions - To follow