



**Franciscans International**  
A voice at the United Nations



**UN Human Rights Council**

**UNIVERSAL PERIODIC REVIEW**

**PLURINATIONAL STATE OF**

**BOLIVIA**

**JOINT SUBMISSION**

*Presented by*

**Edmund Rice International**

*NGO in Consultative Status with ECOSOC*

**Franciscans International**

*NGO in General Consultative Status with ECOSOC*

**Therapy and Research Institute on the Effects of Torture and State Violence**  
*(Instituto de Terapia e Investigación sobre las Secuelas de la Tortura y la Violencia Estatal)*

**Maryknoll Global Concerns Group in Bolivia**

*Local group of Maryknoll NGO in Consultative Status with ECOSOC*

**VIVAT International**

*NGO in Consultative Status with ECOSOC*

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## Coalition of organizations for the 2014 Universal Periodic Review

**Edmund Rice International (ERI)** is an international non-governmental organization, founded in 2005 and with consultative status with ECOSOC since 2012. ERI works with networks of like-minded organizations and in the countries where the Christian Brothers Congregation is present. ERI has a special interest in the rights of the child and in eco-justice.

**Franciscans International (FI)** is an international non-governmental organization founded in 1989 and with General Consultative Status with ECOSOC since 1995. FI has an advocacy team in New York and Geneva that supports Franciscan communities and organizations and other partners to bring their concerns and expertise to the UN. By working with networks of organizations, we aim to build strategies that address the root causes of human rights violations. Franciscans International - Bolivia is the national expression of FI, promoting peace, the eradication of poverty, and care and protection for mother earth, in Bolivia.

**Therapy and Research Institute on the Effects of Torture and State Violence** (*Instituto de Terapia e Investigación sobre las Secuelas de la Tortura y la Violencia Estatal* - ITEI) is a non-profit organization in Bolivia that for more than 12 years has worked with people affected by torture and state-induced violence in the areas of mental health and human rights.

**Maryknoll Global Concerns Group in Bolivia** is a collaborative ministry of members of the Maryknoll Sisters, the Maryknoll Fathers and Brothers, the Maryknoll Lay Missioners, and the Maryknoll Affiliates living and serving in Bolivia, in conjunction with the US-based Maryknoll Office for Global Concerns (MOGC). In June 1998, the Maryknoll Fathers and Brothers, and the Maryknoll Sisters of St. Dominic were granted Special Consultative Status with the United Nations Economic and Social Council (ECOSOC). The MOGC carries out the work of implementing this status. The mission of the MOGC is carried out through education and advocacy in cooperation with other Maryknoll departments and entities. The office also collaborates regularly with other institutions and organizations working for peace, social justice and the integrity of creation. It brings the voice and experience of Maryknoll into policy discussions in the United Nations, the U.S. and other governments, international financial institutions and the corporate world.

**VIVAT International** is an NGO with representation at the UN which currently consists of 8 different religious congregations. In July 2004 we obtained Special Consultative Status in ECOSOC, our goal is to create a network of action among the members and especially promoting collaboration with the United Nations to achieve these common goals: peace, respect for human rights, fair and harmonious relations between peoples and nations, socio-economic and ecological well-being. Our name, derived from the Latin “vivere” means that our priority is that all persons and all creation have life. In Bolivia, Vivat is composed of four religious congregations: SVD, SSpS, CSpS, and IMO. For two years we have shared a network with other congregations with representation in the UN, and with this group we have worked on the elaboration of this document for the UPR.

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## Introduction and Methodology

1. Our organizations respectfully present the following observations and recommendations on the human rights situation in Bolivia to contribute to the UPR working group during its 20th session. This report is focused on measuring the implementation of the recommendations that Bolivia accepted in its first UPR in 2010.
2. The observations, analysis and recommendations that are presented in this report are based on the first-hand information that we have collectively gathered based on the ongoing work of our organizations. We supplemented this information with in-depth research and interviews.
3. **Consultations.** This report has been elaborated based on consultations with different groups of women, with the Union of Children/Adolescent Workers of Cochabamba (UNATSCO), on individual interviews, and on two community forums. For the Forum “Bolivia Youth Today, The Voices of the Youth” (*Bolivia Juventud Hoy, Las Voces de los Jóvenes* - November 8, 2013), we convened youth from 10 schools in the metropolitan zone of Cochabamba to hear and document their opinions and proposals about their experiences with their families, their neighborhoods, and their schools. For the Forum “Bolivia Women Today, The Voices of Women” (*Bolivia Mujer Hoy, Las Voces de las Mujeres* – September 17, 2013) we hosted a dialogue in which 97 people participated. The participants included women from several neighborhoods, NGOs, police and governmental institutions that work with women on issues related to violence and discrimination, representatives of the Ombudsman’s Office (*Defensoría del Pueblo*), and religious and lay men and women of the Catholic Church. The objectives of the Forum were to reflect on the situation of violence against women in Bolivia and to formulate proposals that would help to improve the situation of this sector of the population.
4. The sample reflects what can be seen every day in the country and confirms what the Ombudsman’s Office concluded in its latest human rights report: In Bolivia women and children/adolescents are the most vulnerable sector in terms of human rights.<sup>1</sup>
5. This report focuses on the following issues:
  - (I) Violence against Children and Adolescents;
  - (II) Child Labor and the Right to Education;
  - (III) Right to Health;
  - (IV) Gender Equality and the Right to Non-discrimination;
  - (V) Violence against Women and Access to Justice;
  - (VI) Political Violence Against Indigenous (Women);
  - (VII) Situation of Women in Detention
6. We hope that presenting this information will contribute to a constructive review of the human rights situation in Bolivia and a Review that responds to the reality of the populations that are most vulnerable to suffer violations of their rights.

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<sup>1</sup> Human rights of conscripts, women, children and the most vulnerable in 2013 “. Newspaper Los Tiempos, Section National A3, December 11, 2013. [http://www.lostiempos.com/diario/actualidad/nacional/20131211/ddhh-de-conscriptos-mujeres-y-ninos-los-mas-vulnerados-en\\_238125\\_517143.html](http://www.lostiempos.com/diario/actualidad/nacional/20131211/ddhh-de-conscriptos-mujeres-y-ninos-los-mas-vulnerados-en_238125_517143.html).



## I. Violence against Children and Adolescents: Rights to Life and Security

7. In our consultations on the rights of children and adolescents, violence emerged as one of the priority themes. We will evaluate the response of the State on three fundamental dimensions: violence in homes and schools; the situation of children and adolescents living on the street, and cultural factors that contribute to the incidence of violence.

### A. Violence in Homes and Schools

8. It was recently found that a total of 83% of children and adolescents in Bolivia suffer some form of physical, psychological or sexual violence in the home or school.<sup>2</sup> This statistic is consistent with the reality reported by the people consulted for this report. This high rate of such a notorious problem demands a coordinated and concentrated response by the State.
9. The municipalities in Bolivia have units of the Child and Adolescence Ombudsmen's Office (Defensorías de la Niñez y Adolescencia) to handle cases of violence or abuse in the family, school, or community. However, we can observe serious deficiencies in the services. Teachers and family members of victims that we consulted<sup>3</sup> reported to have lost confidence in the institution since many cases that had been reported had not reached a resolution. This was assessed to be due to factors such as:
  - the inadequate state of the infrastructure (ombudsmen's office and prosecutor's offices);
  - the lack of privacy during the legal or psychological assistance to victims, overcrowded spaces;
  - the different procedural stages are separate and far apart, which does not allow for victims, especially the poorest, to conclude the case;
  - the constant changes in personnel which contributes to the failure to give continuity and resolution to the cases and also to the lack of clarity as to the handling of the proceedings.<sup>4</sup>
10. Another systemic factor that makes it difficult for there to be an adequate response to incidents of violence against children and adolescents is that there are parents that do not report violence in schools. Among these, many think that physical aggression is a good way to educate and discipline children, and others are fearful that their kids will be held back. In this context of a lack of protection and backing, the children prefer to remain silent.

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<sup>2</sup> Human rights of conscripts, women, children and the most vulnerable in 2013 “, Newspaper Los Tiempos, Section National A3, December 11, 2013. [http://www.lostiempos.com/diario/actualidad/nacional/20131211/ddhh-de-conscriptos-mujeres-y-ninos-los-mas-vulnerados-en\\_238125\\_517143.html](http://www.lostiempos.com/diario/actualidad/nacional/20131211/ddhh-de-conscriptos-mujeres-y-ninos-los-mas-vulnerados-en_238125_517143.html). Also, “thousands more are victims of commercial sexual violence, and trafficking.”

<sup>3</sup> Forum “Bolivia Youth Today, The Voices of the Youth” (*Bolivia Juventud Hoy, Las Voces de los Jóvenes*) Cochabamba, Bolivia. November 8, 2013.

<sup>4</sup> Interview. Franciscans International-Bolivia, with a psychologist, former employee of the Child and Adolescence Ombudsman's Office (Defensoría de la Niñez y Adolescencia) in Cochabamba, December 20, 2013.



## B. Violence against Children and Adolescents living on the Street

11. Illustrative of a national reality, Cochabamba has at least 500 children and adolescents living on the street.<sup>5</sup> We have observed concretely that this situation itself is often the result of domestic and social violence.
12. The lack of an action plan regarding how to intervene with the children and adolescents living on the street contributes to the fact that police actions are violent and repressive in their carrying out of public security policies. There are cases of extortion to get the population living on the street to commit crimes.<sup>6</sup> In these circumstances, the children and adolescents are totally unprotected by the society and institutions that have an obligation to take care of the youth.
13. Each department in Bolivia has a Departmental Social Management Service (*Servicio Departamental de Gestión Social – SEDEGES*). However, because of the political nature of this institution, it does not function as it should in assisting and protecting vulnerable sectors of the population, including in this case the children and adolescents living on the street. One factor that we have identified is that there are frequent changes of the public servants, and especially the directors,<sup>7</sup> which makes it difficult for the institution to offer continuity and seriousness in the services that it offers to this young population.<sup>8</sup>

## C. Factors that Contribute to Violence against Children and Adolescents

14. First, in the consultations that we held we have confirmed that there is a vicious circle—with excessive alcohol consumption, intra-familial violence, and depression—a cycle from which it is difficult to break free and which has negative consequences for the entire family, and especially those that live in poverty. It is particularly noteworthy that Bolivia is at the top of the list in terms of problematic consumption of alcohol compared to Argentina, Chile, Ecuador, Peru and Uruguay.<sup>9</sup>
15. The communities and adolescents consulted say that one of the factors contributing to alcohol abuse among the youth is the depression cause by intra-familial violence.<sup>10</sup> They cite as reasons youth fall into addictions: influence of friends and family, low

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<sup>5</sup> “Cochabamba: 500 children live in the streets”. By: Katuska Vasquez. Newspaper, Los Tiempos. July 26, 2011. “The lack of basic services, access to housing, overcrowding, malnutrition and the lack of access to educational services”, ranks as the main causes for the breakdown of the family.” [http://www.lostiempos.com/diario/actualidad/local/20110726/cochabamba-500-menores-viven-en-las-calles\\_135185\\_275384.html](http://www.lostiempos.com/diario/actualidad/local/20110726/cochabamba-500-menores-viven-en-las-calles_135185_275384.html).

<sup>6</sup> *Inhaladores vuelven a las calles y no hay soluciones*. Newspaper, Los Tiempos. Katuska Vásquez. July 23, 2011. [http://www.lostiempos.com/diario/actualidad/local/20110723/inhaladores-vuelven-a-las-calles-y-no-hay\\_134873\\_274589.html](http://www.lostiempos.com/diario/actualidad/local/20110723/inhaladores-vuelven-a-las-calles-y-no-hay_134873_274589.html).

<sup>7</sup> The Cochabamba SEDEGES changed directors 6 times in 2012 and 2013.

<sup>8</sup> Summary of *La respuesta institucional del estado a la temática de violencia contra la niñez y adolescencia. Estudio de casos: SEDEGES de La Paz, Cochabamba, Tarija, Santa Cruz y Pando*, by the Unidad de Análisis de Políticas Sociales y Económicas (UDAPE) with the support of UNICEF Bolivia. 2008, P 3. [http://www.unicef.org/bolivia/bol\\_pub\\_sedeges.pdf](http://www.unicef.org/bolivia/bol_pub_sedeges.pdf).

<sup>9</sup> Survey measuring the ranking of abnormal drinkers of alcohol (*la Escala Breve de Bebedor Anormal de Alcohol - Ebbaa*).

<sup>10</sup> Forum “Bolivia Youth Today, The Voices of the Youth” (*Bolivia Juventud Hoy, Las Voces de los Jóvenes*) Cochabamba, Bolivia. November 8, 2013.



self-esteem and apathy, discrimination, and a lack of healthy alternatives.<sup>11</sup> While we recognize the efforts of municipal governments to control the consumption and sale of alcohol, especially to minors, we believe that this problem must be addressed in a comprehensive way.

16. Second, we highlight the influence of media. In Latin America television and internet are the major industrial channels of communication<sup>12</sup> and they show violent and abusive content that influences the development and behavior of children and adolescents.<sup>13</sup> We note that there is no legal instrument (international or national) that protect the rights of children in this area.<sup>14</sup>

**17. We recommend that the Government of Bolivia:**

- a) **Improve the infrastructure and human and financial resources of the Child and Adolescent Ombudsmen's Offices and prosecutors' offices, so that they have interdisciplinary centers in each municipality and province, and that they can guarantee services in urban zones, suburban periphery, and rural areas.**
- b) **Guarantee that each relevant public and private institution has an internal procedure, designed in consultation with children and adolescents as well as their parents, so that everyone knows how to report incidents of violence.**
- c) **Develop a comprehensive plan to attend to the rights of children and adolescents living on the street, which includes an increase in the budgets of the human rights units of the police, and the institutional strength of the SEDEGES.**
- d) **Intensify the efforts to address alcoholism and drug addiction as urgent public health problems.**
- e) **Carry out campaigns with public institutions, civil society, and the media to increase the awareness of the population about preventing and denouncing violence and abuse.**

## II. Education and Child Labor

### A. The right to education

18. In 2010, in addition to the multiple recommendations related to the most vulnerable groups, Bolivia accepted 4 recommendations specifically on national policies to secure the right to education for all.<sup>15</sup>

<sup>11</sup> *Id.*

<sup>12</sup> *Por un abordaje transdisciplinario de las violencias con enfoque de género en la sociedad de la información boliviana, Estudio sobre violencia digital en tres municipios de Cochabamba.* J. Eduardo Rojas & Miriam Cristina Rojas. Fundación Redes: La Paz, 2013. P. 92

<sup>13</sup> *Id.* P. 4. "The inquiries carried out demonstrate that in Bolivia there is a digital culture that, in addition to reproducing old patterns of undermining human rights (as in the viral transmission of content that is machist, misogynist and racist), is generating a new generation of informational violence and crimes that are detrimental to children, adolescents, women, and the LGBT population (as is the case of pornography, trafficking and exploitation, online commercial sex, cyber-harassment and the many different and creative forms of cyber-crime)."

<sup>14</sup> *Id.* P. 77.

<sup>15</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Council Recommendations 13, 25, 68, 71.



19. Since then, the efforts and the Government investment in infrastructure for the sports areas and some schools are very remarkable. We acknowledge the increase in the 2014 budget for the education sector, 13% more than the previous budget.<sup>16</sup> However we are concerned, on the one hand, by the persistent budget problems for salaries and items of teachers in peri-urban and rural areas. This contributes to the practice of charging fees to parents, which makes public education in these sectors not free and therefore is problematic for the very poor. On the other hand, we observe administrative problems in some municipalities for the viability of educational infrastructure in rural and peri-urban areas. Another concern are the notorious shortcomings in the quality of education, for example, we see that there are children who leave primary school without knowing how to reading.
20. Progress in the reduction of dropout, which fell to 2.2%<sup>17</sup> in 2011 are valued, but this data does not reflect all the reality. Net primary school attendance rate is 97% for males and females; and net secondary school attendance rate is 78% for males and 75% for women<sup>18</sup>, which demonstrates a significant defection in young people who should be entering high school.
21. Teenagers and teachers consulted about the causes of school drop-outs, mentioned most often:
- family reasons (violence, disintegration, absence or lack of support from parents),
  - bullying and discrimination,
  - low self-esteem,
  - drugs and alcohol,
  - teenage pregnancies,
  - economic problems (having to work to support the family)<sup>19</sup>
- 22. We recommend to the Government of Bolivia:**
- a) **Increase the budgets for education and human development in all its instances.**
  - b) **Give adequate educational infrastructure equitably to peri-urban and rural areas, necessary funding and training for teachers and administrators; thereby respond to the demands of the population in education and strengthen its access without any discrimination to the right to education.**

<sup>16</sup>The 2014 General State budget foresees an increase in education of 13% of 14,944 billion in 2013 to 16,835 million in 2014. PGE assigns 14.7% more resources to defense spending.

<sup>17</sup> Table with information from the Ministry of Education, and developed by PIEB, “Percentage of abandonment in education 2000-2011.”

<sup>18</sup> State of the Children in the World 2013. P. 116. By: Fund of the United Nations for Children (UNICEF). May 2013. According to the national census of population and housing in 2012, the rate of school attendance for the population aged 6 to 19 years is 83.63% for men and 83.45% for women. National Institute of Statistics.

<sup>19</sup> See Study of the magnitude and characteristics of child labor in Bolivia published the 2009 by the National Institute of Statistics (INE), there are 848,000 adolescents working in Bolivia. World day against child labor: NO to child labor in domestic work.” UNICEF, La Paz, June 12, 2013. [http://www.unicef.org/bolivia/proteccion\\_25588.htm](http://www.unicef.org/bolivia/proteccion_25588.htm). The Report of the Forum “Bolivia Youth Today, The Voices of the Youth” (*Bolivia Juventud Hoy, Las Voces de los Jóvenes*) Cochabamba, Bolivia. November 8, 2013 confirms that the situation has not improved significantly.





- c) **Promote the establishment of, and/or strengthen the departments of student welfare in all schools, made up of trained professionals (psychologists, social workers, health personnel and teachers) that address psycho-social problems of the families in a holistic manner.**
- d) **Promote alternatives for industrial and technical education for adolescents over 14 years old, facilitating their access to dignified work with supervision.**

## B. Child Labor

23. Several countries emphasized in the recommendations of the UPR of Bolivia in 2010, the theme of child labor and forced labor,<sup>20</sup> but there lacks greater efforts to mitigate this problem.
24. All the international declarations of human rights on childhood and adolescence coincide in the best interests of the child. However the precarious economic situation and the environment, do not allow an adequate access to even the most basic rights to health and free education.
25. In the Plurinational State of Bolivia there are 848.000 boys, girls and adolescents who work.<sup>21</sup> “The informal economy is gaining ground at the expense of the rights of persons, of the common good, of institutions.”<sup>22</sup> “It confirms that the main causative factor in child and adolescent labor in Bolivia is poverty, and as poverty worsens the conditions that make child labor increase will continue to regenerate.”<sup>23</sup>
26. The new national regulation on children and adolescents<sup>24</sup> has not taken into account the requests of the sector of children and adolescents who work, even though their organizations requested it. Article 126 of the Code on Children and Adolescents; “set as the minimum 14 years of age to work”,<sup>25</sup> and ignores the rest under 14 years of age. There is no protection for this age group much less those in at-risk situations and in dangerous work. This lack of dialogue has generated violent clashes between the security forces and organizations of children and adolescents and put on hold their claims.<sup>26</sup>

<sup>20</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Council Recommendations 36; 37; 38.

<sup>21</sup> Magnitude and characteristics of child labor in Bolivia study published the 2009 by the National Institute of statistics (INE), 848,000 adolescents working in Bolivia. 12 June 2013 - world day against child labor: NO to child labour in domestic work. UNICEF, La Paz, June 12, 2013, [http://www.unicef.org/bolivia/proteccion\\_25588.htm](http://www.unicef.org/bolivia/proteccion_25588.htm).

<sup>22</sup> The Informal economy. Newspaper Opinion. By: Jaime Guzmán H. November 23, 2012.

<sup>23</sup> Children and adolescent workers in Cochabamba, Bolivia, part III. By: Chair Ibero-American of prevention of occupational hazards, Social dialogue, industrial relations and Social security of the University of Germany. December 13, 2011. P. 619. [http://www.oiss.org/estrategia/spip.php?rubrique55&debut\\_page=0&orden=Alfab%C3%A9tico&mostrarseccion=N](http://www.oiss.org/estrategia/spip.php?rubrique55&debut_page=0&orden=Alfab%C3%A9tico&mostrarseccion=N)

<sup>24</sup> Code on Children and Adolescents - Bolivia 2013. Approved in December 2013.

<sup>25</sup> *Id.*

<sup>26</sup> Child workers reject new code and are gassed. Result of the gassing: one child fainted and one was injured. The PRENSA newspaper. PAG. A-11. December 19, 2013.

27. One of the representatives of the Union of Child Workers of Cochabamba (UNATSCO) says: “They tell us that we have to study, play, and be in good health, but thanks to our work we can play, be in good health and (have an) education (because we) buy our uniforms and books. Our need calls us to go to work (and we do not do it for pleasure), there is also no work for our parents, there are so many unemployed people in Bolivia”.<sup>27</sup> A study of the Universidad Mayor de San Andrés shows that 62% of working girls, boys and adolescents would like to stop working and just study if the family reality were different and if they had the support of the authorities.<sup>28</sup>

**28. We recommend that the Government of Bolivia:**

- a) **Protect the adolescents and children under 14 years of age who are working and are obliged to work, through implementation of real and effective policies that consider their family reality, taking into account article 27 (3) of the Convention on the Rights of the Child.**
- b) **Promote and generate public policies for the generation of formal employment with fair wages and rights that can give low-income and vulnerable families access to a full life within the Buen Vivir, proposed by Government of President Evo Morales.**
- c) **Develop and implement programs to eradicate the worst forms of child labor: mining of rivers, mining in tunnels, brick factories, the sugarcane harvest, and high-risk areas.**

### **III. Right to Health - Equality and non-discrimination, quality and access, water and nutrition**

29. In the last UPR, Bolivia accepted recommendations to improve access to healthcare services, with a particular focus on the needs of boys, girls, adolescents, and women, and the rural population.<sup>29</sup> The Constitution guarantees that “The sole system for healthcare shall be a universal system that is free, equal, intercultural, and participatory, with quality care, and social control”.<sup>30</sup> However, we’ve observed important differences in quality and access, based on factors such as – socioeconomic class, age, gender and ethnicity.

30. We value the efforts by the government to respond to the healthcare needs of children under the age of five, and their mothers, with the Universal System for Mothers and Infants (SUMI), as well as the subsidy “Juana Azurduy” (for pregnant women and children under the age of two). However, we are concerned about the lack of effective coverage provided by the national healthcare system, as well as the quality of the care it offers.<sup>31</sup> The women we spoke with, highlighted frequent

<sup>27</sup> Police gas children and cause outrage among citizens, <http://www.erbol.com.bo/noticia/genero/>; December 18, 2013.

<sup>28</sup> Working children are studying at night. Los Tiempos newspaper. La Paz. ERBOL. December 8, 2013.

<sup>29</sup> We especially emphasize: “the needs of the most vulnerable groups in various fields, in particular education, health and housing”. Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Recommendations 13; 68.

<sup>30</sup> Bolivia National Constitution, chapter II, article 18, no. 3.

<sup>31</sup> *Id.* Second chapter, fundamental rights. Article 18.



mistreatment by healthcare professionals, and the lack of specialists, adequate medicine, and medical equipment to properly diagnosis and treat their illnesses.<sup>32</sup>

31. It is also necessary to supplement their healthcare coverage since cost-free medical insurance does not cover boys, girls and adolescents over the age of five. One of the students we consulted with, recommends the following - "Free health insurance for children, from conception until the age of 18, because they could get sick at any time".<sup>33</sup> With insufficient budgets and financing to provide this type of coverage, the vast majority of the population between the ages of 5 and 59, have no comprehensive, cost-free options available to them.
32. The existing health coverage is poor in cases of preventable infections, chronic malnutrition and recurrent diseases.<sup>34</sup> There are not enough health facilities, especially secondary hospitals, and there are not enough health professionals (the national average is 6.5 doctors per 10,000 population<sup>35</sup>); and tertiary hospitals are overcrowded. The absence of good management of finances and human resources in the health system, often leads to lack of attention for the child population over five years of age.<sup>36</sup> Regarding this issue, a teenager who was consulted asked for "Better health services for all human beings without considering their economic status."<sup>37</sup>
33. While the new model of health care management, Salud Familiar Comunitario Intercultural (SAFCI)<sup>38</sup> seeks to be more inclusive in management and care, yet it has features of the biomedical approach which excludes the different languages and knowledge of rural and indigenous population, and therefore cuts off full access to health<sup>39</sup>. For example, one sees women who do not speak Spanish, rather Quechua, and when they seek information about the SUMI for their child and the staff tells them to check the website, which is not feasible nor an equitable reply.
34. Ensuring the right to water and food is fundamental to meeting the obligations of the State in terms of health. A sample taken in the metropolitan area of Cochabamba showed that there is high water pollution; they found that the water from 22 of 23 wells in the south of Cochabamba (the area where the poorest of the city live) were contaminated with pesticides, coliforms, fecal coliforms and heavy metals such as lead and mercury, which have had serious health consequences such as malnutrition,

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<sup>32</sup> Synthesis of the proposals of the Forum: *Bolivian Women of Today, the Voices of Women*. September 17, 2013

<sup>33</sup> Forum "Bolivia Youth Today, The Voices of the Youth" (*Bolivia Juventud Hoy, Las Voces de los Jóvenes*) Cochabamba, Bolivia. November 8, 2013.

<sup>34</sup> The exercise of Human Rights in the Construction of the Plurinational State. Report of the Ombudsman (*Defensor del Pueblo*), Management 2012.

<sup>35</sup> Compared to an average of 17 doctors per 10,000 inhabitants in Brazil, and 67 doctors per 10,000 inhabitants in Cuba. Seminar "La Política y el Sistema Nacional de Salud en Bolivia". Organized by the Inter-institutional Human Rights Commission-Cochabamba. July 27, 2012.

<sup>36</sup> Interview with a doctor from the Association of NGOs that work with health. Franciscans International – Bolivia. March 13, 2014.

<sup>37</sup> Forum "Bolivia Youth Today, The Voices of the Youth" (*Bolivia Juventud Hoy, Las Voces de los Jóvenes*) Cochabamba, Bolivia. November 8, 2013.

<sup>38</sup> Translated as "Family, Community and Intercultural Health."

<sup>39</sup> "Dos décadas de experiencia en salud comunitaria". Inclusive Comprehensive Health, a project of Medicus Mundi Navarra. <http://www.saludintegralincludente.com/previos/safci-bolivia.html#sthash.9InBilif.dpuf>.



headaches, bad deliveries and abortions<sup>40</sup>. Another challenge, apart from water quality is availability and service. In consultation with high school students about their human rights, one wrote, “ Health: the right to water, which we all should have access to at all times, though many do not.”<sup>41</sup>

35. The concerns and recommendations of students echo the findings of the Special Rapporteur on racism, after his visit to the country:

“...It is estimated that 80% of the indigenous population lacked health services in their community and, where they existed, the equipment was very old and poor. **The demand for health care has increased greatly in indigenous territories due to the considerable environmental pollution, lack of access to water and increasing exposure to toxic substances as a result of the exploitation of natural resources.**”<sup>42</sup>

36. We recommend that the Government of Bolivia:

- a) **Extend free health insurance to all children, from five to eighteen years of age.**
- b) **Increase the national health budget to comply with the provisions of the Constitution and health policies (SAFCI).**
- c) **Convoke a dialogue and national commitment by restructuring the health care system, and make it a priority by holding a national health summit with all sectors of the population.**
- d) **Construct and equip secondary hospitals, expand their coverage to make them more accessible to the population; provide and improve the primary and tertiary health care facilities.**
- e) **Develop educational programs for schools which include quality attention and training in preventative health care, sexual and reproductive health, quality psychological support, and health rights, particularly in rural and suburban areas.**
- f) **Ensure free access to health care for women in all stages of life.**
- g) **Establish as a priority the guarantee of the right to drinking water and sanitation systems.**
- h) **Promote food production without agro-chemicals, through programs (training and credit for small farmers ) who support organic production.**

## IV. Gender equity and the right to non-discrimination

37. Gender discrimination was an important theme in the first UPR of Bolivia, with a number of recommendations urging action to remedy this inequality in the enjoyment

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<sup>40</sup> “Municipios sin alcantarillado agravan la contaminación.” In *Los Tiempos*. by Katuska Vásquez. July 14, 2013.

<sup>41</sup> Forum “Bolivia Youth Today, The Voices of the Youth” (*Bolivia Juventud Hoy, Las Voces de los Jóvenes*) Cochabamba, Bolivia. November 8, 2013.

<sup>42</sup> HRC, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere: Plurinational State of Bolivia*, UN doc. A/HRC/23/56/Add.1 (April 19, 2013), para. 39.



of human rights<sup>43</sup>. In the consultations for the preparation of this report, discrimination and gender inequality remained a priority topic.

38. The government has said that “equality of opportunity is recognized within the framework of the Constitution and has been mainstreamed into public national policy.”<sup>44</sup> However, we found that there are still gaps in access to rights, particularly in health and education because of low public investment in these areas and an administrative deficiency of these resources<sup>45</sup>. We recognize achievements in education policy through the national literacy plan “Yo sí puedo”,<sup>46</sup> however, we find that in suburban areas with an incidence of rural migration, there are many illiterate women, particularly over 25 years of age.
39. We also note inequality in working conditions<sup>47</sup>. The women consulted speak of abuse they receive in the workplace, and the unfair wage remuneration, as well as the declining job opportunities for women over 30, which shows a double discrimination, of gender and of age<sup>48</sup>, revealing a non-fulfillment of recommendations 24 and 25 of the UPR 2010<sup>49</sup>.
40. Analyzing the national budget for 2014, our attention is drawn to the marked difference in the percentages of total investment between the Health and Safety sector (4.05%), Education and Culture (6.69%) and Transport (30.86%)<sup>50</sup>. We are concerned that there is not more investment in human development, to ensure the vulnerable population can enjoy their human rights, which is largely made up of women and children; this shows that recommendations 13 and 14 of the UPR 2010 have not been complied with.<sup>51</sup>
- 41. We recommend that the Government of Bolivia:**
- a) Develop more opportunities for decent work for women, including access to credit.**
  - b) Introduce gender issues in curriculum and teacher training as a transversal central component and dismantle the “machismo” existing in the education system.**
  - c) Conduct public campaigns to sensitize the community on issues of gender equality, sexual education, human rights, and violence.**
  - d) Require a larger budget for gender issues and ensure their expenditure in projects that meet the needs of this sector.**

<sup>43</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of). Council Recommendations 4; 5; 20; 22; 24; 25.

<sup>44</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of). Council Recommendations: 5. 24. 25.

<sup>45</sup> *Análisis del Presupuesto General del Estado 2013, Reporte de coyuntura No. 18*. Fundación Jubileo. January 2013. Public Investment 2013: Health and Social Security: 3.8%; Education and Culture 6.1%.

<sup>46</sup> “Yes, I can” See recommendation 71 of UPR for Bolivia 2010.

<sup>47</sup> Bolivia’s constitution, Capítulo Segundo, Principios, Valores Y Fines Del Estado. #5.

<sup>48</sup> Forum “Bolivia Women Today, The Voices of Women” (*Bolivia Mujer Hoy, Las Voces de las Mujeres*). Cochabamba, Bolivia. September 17, 2013.

<sup>49</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Council Recommendations 24; 25.

<sup>50</sup> *Proyecto Presupuesto General del Estado 2014*, La Paz, November 2013

<sup>51</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Council Recommendations 13; 14.



## V. Violence against women and Access to justice

42. Several past UPR recommendations urged the government to intensify its efforts to prevent violence against women<sup>52</sup>, and while there has been progress with the enactment of law 348<sup>53</sup>, it has not been regulated to date. There is urgency in its application, as violence continues and in greater proportions<sup>54</sup>; there is a need to disburse the economic resources that enable the implementation of the law, for example, create Centers of Attention and shelters across the country for women at risk or who have been victims of violence<sup>55</sup>.
43. Some figures from the local reality affirm the question; in Cochabamba, of 100 women surveyed, 67.6% say they have experienced some form of abuse or violence, with an emphasis in psychological violence (46.6%)<sup>56</sup>. During 2013 there were over 79,000 complaints of violence against women throughout the country<sup>57</sup>. This shows us that violence against women has not been reduced nor are there treatment strategies for offenders. Filing a complaint is the decision not to tolerate violence anymore, but the lack of the law's implementation means that the denouncement does not guarantee overcoming the situation of violence.
44. We are pleased to see the State's efforts in the area of justice, but at present we see that they have not overcome many of the limitations: the delays in the investigation and prosecution by the police, judges and prosecutors; lack of skilled professionals; the high level of impunity in issues of abuse and violence against women (80% of the cases of sexual violence against women go unpunished)<sup>58</sup>; low budgets to provide police units for suburban and rural areas, that have permanent presence and adequate preparation in Human Rights.
45. Most women surveyed say the procedures in public institutions (Servicio Legal Integral Municipal (SLIM); Fuerza Especial de Lucha Contra la Violencia (FELCV)<sup>59</sup>) are inadequate due to: slowness, lack of follow-up, and inadequate

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<sup>52</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Council Recommendations 30; 31.

<sup>53</sup> Law N° 348 "to guarantee women a life free from violence", February 27, 2013.

<sup>54</sup> See also, CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Concluding observations on the second periodic report of the Plurinational State of Bolivia*, UN doc. CAT/C/BOL/CO/2 (June 14, 2013), para. 15.

<sup>55</sup> Human Rights Committee, *Concluding Observations: Bolivia*, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 10. ("el Comité toma nota de los informes que indican que el marco normativo todavía no está dotado de los recursos para su implementación. El Comité lamenta, asimismo, el número limitado de centros de acogida (arts. 3 y 7)" (English translation not yet available).

<sup>56</sup> Consultation with 12 groups of women in Cochabamba. On file with Franciscans International – Bolivia, 2013.

<sup>57</sup> The "Centro de Información y Desarrollo de la Mujer" indicates that as of October 2013 the following numbers of reports have been filed: in the FE:CV there were 13,000 registered case of violence again women in addition to 139 women assassinated of the which 89 were feminicides, and 50 from general insecurity. See *Los Tiempos*, Sección Nacional A3, December 11, 2013.

<sup>58</sup> According to UN-Women, UNFPA, and Unicef. *El 80% de casos de violencia sexual hacia mujeres en Bolivia queda impune*. Página Siete Newspaper. March 6, 2014 <http://www.paginasiete.bo/sociedad/2014/3/6/casos-violencia-sexual-hacia-mujeres-bolivia-queda-impune-15566.html>

<sup>59</sup> "Comprehensive Municipal Legal Services" and "Task Force to Combat Violence", which before was known as the Family Protection Brigade.



investigation of cases for referral between agencies. We notice a lack of knowledge in the exercise of the rights of women. In the same vein, it is important to remember that many cases go unreported due to lack of confidence in the judicial system and the limited protection it offers to victims.

**46. We recommend that the Government of Bolivia:**

- a) Regulate and implement law 348 Comprehensive Law Guaranteeing Women a Life Free from Violence, according to the recent recommendations of the Human Rights Committee<sup>60</sup> and the Committee against Torture<sup>61</sup>.**
- b) Take effective measures to provide a protocol with greater assistance to victims in the formulation and presentation of denouncements, and ensure access to shelters.**
- c) Conduct training and awareness on gender violence for both judicial officers and workers in the public sector who have direct contact with victims, as well as for the public in general.**

## **VI. Political Violence against indigenous (women)**

47. The Constitution guarantees a wide range of collective and individual rights of indigenous peoples and nations, the afro-bolivianos, and the native indigenous peasants, including rights of participation and of consultation on projects affecting their rights. However, we see that between 2010-2014, the State has not always respected the recommendations 22 and 76 of the UPR 2010, regarding discrimination of indigenous women and children, and consolidation of the rights of indigenous peoples with the guarantee to participate and be consulted<sup>62</sup>.

48. We are concerned by the political harassment endured by leaders of indigenous peoples, and in general women who hold public or political office, in particular women engaged in defending natural resources, in opposition to certain government decisions that threaten the rights of mother earth. The landmark case was the 8th march of indigenous peoples for the protection of TIPNIS (Isiboro Sécure National Park and Indigenous Territory), which was violently repressed by police in Chaparina, September 25, 2011<sup>63</sup>. This repression remains unpunished<sup>64</sup>. Interestingly when

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<sup>60</sup> “El Estado debe incrementar sus esfuerzos para prevenir y combatir todas las formas de violencia de género, asegurando la aplicación efectiva del marco legislativo en vigor en todos los niveles del Estado y dotándolo de los recursos necesarios para su cumplimiento. El Estado debe investigar de manera pronta y efectiva los hechos de violencia contra la mujer, enjuiciando e imponiendo sanciones apropiadas. Asimismo, el Estado debe acelerar la actualización de datos del Sistema de Información de Violencia Intrafamiliar, con el fin de poder tomar medidas adecuadas en la materia. El Estado debe además hacer efectivo el derecho de las víctimas a una reparación que incluya una adecuada y justa compensación, así como a mecanismos de protección, incrementando el número de centros de acogida, sobre todo a nivel municipal.” Human Rights Committee, Concluding Observations: Bolivia, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 10. (English translation not yet available).

<sup>61</sup> CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Concluding observations on the second periodic report of the Plurinational State of Bolivia*, UN doc. CAT/C/BOL/CO/2 (June 14, 2013), para. 15.

<sup>62</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Council Recommendations 22; 76.

<sup>63</sup> Human Rights Committee, Concluding Observations: Bolivia, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 15 (“El Comité reitera su recomendación previa y observa con preocupación los informes que denuncian el uso excesivo de la fuerza por miembros de las fuerzas del orden en el marco de protestas sociales, como ocurrió en Chaparina durante la VII Marcha Indígena en 2011”). (English translation not yet available).



referring to the indigenous march in December 2013, President Evo Morales asked to prosecute those who financed this march<sup>65</sup>.

49. In an interview with an indigenous leader who participated in the 8th and 9th marches, she expressed the following: “We are fighting for the rights to respect the people. The people had commanded us to march for mother earth that is affected in the rivers contaminated by minerals. Many places are affected by this food crisis. What will we feed ourselves with if these parks disappear? It will no longer rain. When the toads sing, it rains<sup>66</sup>. When they are gone, it stops raining. Now there are no toads.”<sup>67</sup>

**50. We recommend to the Government of Bolivia:**

- a) **Regulate the Law against harassment and political violence toward women<sup>68</sup>.**
- b) **Respect and promote freedom of expression, as guaranteed by the Constitution and the Universal Declaration of Human Rights.**
- c) **Ensure an effective exercise of the right of indigenous peoples to be consulted, particularly in the context of extractive projects or construction<sup>69</sup>.**
- d) **Ensure that the draft law on the framework of consultations conforms to international law and ensures free, prior and informed consent of indigenous peoples with respect to decisions on projects affecting their rights, in particular ensuring that all affected indigenous communities participate in the consultation process and that their views are duly taken into account<sup>70</sup>.**

## VII. Women in Detention

51. In the first cycle of the UPR, Bolivia received and accepted recommendations by four countries to improve prison conditions in the country. The recommendations urged concrete measures to prevent overcrowding in the prisons, improve education and training for the purpose of reintegration, and to pay particular attention to the situation of women and children.<sup>71</sup>

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<sup>64</sup> *Intervención en Chaparina aún sin autores*. Los Tiempos newspaper. By César Arellano. Sept. 23, 2013. [http://www.lostiempos.com/diario/actualidad/nacional/20130923/intervencion-en-chaparina-aun-sin-autores\\_229158\\_495674.html](http://www.lostiempos.com/diario/actualidad/nacional/20130923/intervencion-en-chaparina-aun-sin-autores_229158_495674.html). Also cited in *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere: Plurinational State of Bolivia*, UN doc. A/HRC/23/56/Add.1 (April 19, 2013), para. 61. “Reports were received about the use of excessive force by the police during the indigenous march in Chaparina, Beni, in September 2011, as well as of the harassment of indigenous leaders during peaceful demonstrations of indigenous peoples who opposed the project. In this context, the Government pointed out that the Prosecutor’s Office had launched an investigation process to identify those responsible for the use of force during the march.”

<sup>65</sup> *Evo pide juzgar a quienes pagaron marcha indígena*. Los Tiempos, Dec. 11, 2013.

<sup>66</sup> In the Andean cosmovisión, frogs are good luck charms and rainmakers.

<sup>67</sup> Interview by *Edmund Rice International* with Mama T’alla, National Environmental Commission of the Mamas T’allas, Dec. 11 2013.

<sup>68</sup> Human Rights Committee, Concluding Observations: Bolivia, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 8.

<sup>69</sup> See also HRC, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere: Plurinational State of Bolivia*, UN doc. A/HRC/23/56/Add.1 (April 19, 2013), para. 87.

<sup>70</sup> Human Rights Committee, Concluding Observations: Bolivia, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 15.

<sup>71</sup> Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of) 2010. Council Recommendations 28; 29.





52. Based on our work in Cochabamba with the prison population and an investigation of the same population<sup>72</sup>, we have evidence that there is still much to be done in order for the State to meet its obligations in this area. The prisons do not yet have adequate infrastructure for women<sup>73</sup>; and their rights and needs are not guaranteed in terms of health, hygiene, education for rehabilitation, work and care for the children<sup>74</sup>. Our consultations, supported with an extensive documentation of civil society, are evidence that many women deprived of liberty suffer multiple forms of discrimination which have an impact on the guarantee of their rights: for being detained, for being women and many times for being people who live in poverty.
53. There is no up-to-date information on the exact number of women in detention; it is estimated to be 13% of the prison population<sup>75</sup>. There are 86 detention centers in Bolivia. Only 11 of these are exclusively for women<sup>76</sup>. Of the nine departments, those which account for the largest number of women detained are la Paz, Santa Cruz and Cochabamba<sup>77</sup>. We will take the prison San Sebastian in Cochabamba as an illustrative example.
54. The great overcrowding in prisons<sup>78</sup> is one of the most serious obstacles to the guarantee of the rights of detained women. In the prison San Sebastian, for a population of 226 women and 146 children (most under 12 years of age), there are only 17 shared cells; in each shared cell there are between 6 to 13 people. At the time of this writing, 68 women with their children sleep on the floor for lack of cells. At the time of this writing, 68 women with their children sleep on the floor for lack of cells. For those with prolonged sentences, there is the possibility of obtaining an individual cell, but to access it, in the aforementioned prison, it is necessary to pay up to 900 Bolivianos monthly (USD \$130.25)<sup>79</sup>.

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<sup>72</sup> ITEI, *Mujeres en cárceles-La cárcel San Sebastián Mujeres y el trabajo del ITEI* (2011).

<sup>73</sup> *Id.* See also CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Concluding observations on the second periodic report of the Plurinational State of Bolivia*, UN doc. CAT/C/BOL/CO/2 (June 14, 2013), para. 18 (the Committee is “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”).

<sup>74</sup> Law 2298, *Ley de Ejecución Penal y Supervisión*; compare with “*Jornada Interinstitucional de Evaluación de los Derechos Humanos en el Departamento de Cochabamba*” presentation by Dr. Dennis Fernando Mejía, Director of the Penitentiary Regime of Cochabamba.

<sup>75</sup> Oficina Jurídica para la Mujer, CEJIL and CLADEM, *Situación de derechos humanos de las mujeres privadas de libertad en Bolivia*, Report presented to the Inter-American Commission (March 2013), [http://ojmbolivia.org/wp-content/uploads/2013/05/Informe\\_CIDH2013.pdf](http://ojmbolivia.org/wp-content/uploads/2013/05/Informe_CIDH2013.pdf).

<sup>76</sup> CEJIL, *Mujeres Privadas de Libertad. Informe Regional: Argentina, Bolivia, Chile, Paraguay, Uruguay*, [https://cejil.org/sites/default/files/mujeres\\_privadas\\_de\\_libertad\\_informe\\_regional\\_0.pdf](https://cejil.org/sites/default/files/mujeres_privadas_de_libertad_informe_regional_0.pdf), (citing Gabriela Veizaga Bellilo, *Informe de situación de los Derechos Humanos de las mujeres privadas de libertad en Bolivia*, p. 16.)

<sup>77</sup> Oficina Jurídica para la Mujer, CEJIL and CLADEM, *Situación de derechos humanos de las mujeres privadas de libertad en Bolivia*, Report presented to the Inter-American Commission (March 2013), [http://ojmbolivia.org/wp-content/uploads/2013/05/Informe\\_CIDH2013.pdf](http://ojmbolivia.org/wp-content/uploads/2013/05/Informe_CIDH2013.pdf).

<sup>78</sup> Multiple reports assert that the overpopulation of prisons is more than 230%. See for example Human Rights Committee, *Concluding Observations: Bolivia*, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 20; CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Concluding observations on the second periodic report of the Plurinational State of Bolivia*, UN doc. CAT/C/BOL/CO/2 (June 14, 2013), para. 18.

<sup>79</sup> Interview with a sick inmate in the San Sebastián prison. January 27, 2014.

55. Up to the present, the recommendation 28 of the UPR 2010 has not been complied with, “taking special care to separate convicted minors from convicted adults”<sup>80</sup>; an example being the district of Cochabamba, where there are 84 detained minors under 18 years of age dispersed in the six prisons<sup>81</sup>, and the majority are not separated from the detained adults.
56. Another widespread problem is the deficiency in basic services to guarantee the human right to water and sanitation. In the mentioned prison, there are only 8 bathrooms for the same population with very limited water supply, and there is a lack of funds for the maintenance or repair of these services. In this way, the minimum hygiene conditions that ensure good health are not guaranteed<sup>82</sup>.
57. We note that there is no access to specialized medical care such as gynecologists and pediatricians. As a sampling, in Cochabamba there are only 3 general practitioners for the 6 prisons<sup>83</sup> and their time is limited. Also the medicine reserve is very limited, and often depends on the medical samples donated by various institutions. We have seen that if a woman under detention needs a specialized medical examination, hospitalization or surgery, the same detainees have to contribute to their fellow detainee, or aid is requested because the Government only covers medical expenses when detainees have been sentenced, but not detainees awaiting their trials<sup>84</sup>. Receiving care from specialist doctors must be done outside the prison, requiring the detainees to ask the judge for a special permit; the process is slow and complicated, which violates the right to health<sup>85</sup>.
58. The inmates of the prison of San Sebastián in Cochabamba mention that internally medicine is sold and consumed indiscriminately without a prescription, especially amphetamines and psychotropic drugs. In this prison, there are no professionals to provide treatment for those with psychiatric problems, many of whom are at a high risk for suicide or aggression towards fellow detainees<sup>86</sup>.
59. Each woman has to cover her livelihood (which includes food) because the monthly allowance is 195 Bolivianos (US \$28.43), which is not always paid on time and there is little chance of work inside the prison. “A day in prison costs 30 Bolivianos,” says one detainee.<sup>87</sup> Lastly, when someone being detained enters the prison, she has to pay “the right to the floor”, an amount of money charged by the same detainees in order to pay additional expenses such as electricity, water, phone, medications that are not always covered by the State.

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<sup>80</sup> UPR Recommendation 28.

<sup>81</sup> Report “Centros de Rehabilitación Penitenciaria Ciudad y/o Provincias de Cochabamba, December 2013, Management 2013”. By Ministry of Government, General Directorship of the Penitentiary Regime in Cochabamba – Bolivia.

<sup>82</sup> Research *Mujeres en cárceles-La cárcel San Sebastián Mujeres y el trabajo del ITEI*, ITEI, 2011.

<sup>83</sup> Interview with a sick inmate in the San Sebastián prison. January 27, 2014.

<sup>84</sup> *Id.* She reports that there is an exception for pregnant women in preventative detention because Seguro Universal Materno Infantil (SUMI) covers their expenses.

<sup>85</sup> *Id.* She reports that a woman in her third month of pregnancy lost her baby because she was unable to get permission to see the doctor.

<sup>86</sup> Research, *Mujeres en cárceles-La cárcel San Sebastián Mujeres y el trabajo del ITEI*, ITEI, 2011.

<sup>87</sup> *Id.*



60. A root problem of these violations is the abuse of the figure of pre-trial detention. 78% of all persons detained in Cochabamba have no sentence<sup>88</sup>. This is also illustrative of the problem at the national level: more than 80% of the prison population in Bolivia is awaiting sentence and is being held under the figure of pre-trial detention<sup>89</sup>. This percentage seems to be equal for women at the national level: “On a national level, of the 1724 women detained, 1416 are in preventive detention and only 307 have a sentence (82%).”<sup>90</sup> In addition to the violations of their rights, we also note that to be under detention without knowing how long leads many women to live a situation of uncertainty and despair, which is psychologically and emotionally harmful.
61. The women detainees we consulted consider that the prisons and the legal system are not adequate because: hearings are suspended; the public defense lawyers do not put effort in their defense<sup>91</sup> or demand illegal payments for their services; internal security is poor; there are irregularities by the police force responsible for the prisons<sup>92</sup>.
62. **Recommendations to the Government of Bolivia:**
- a) **Implement the United Nations Rules for the treatment of women prisoners and the non-custodial measures for women offenders<sup>93</sup>.**
  - b) **Take concrete actions to review the regulation of pre-trial detention and to accelerate the imposition, in the practice of alternative measures to the same<sup>94</sup>.**
  - c) **Ensure the speed of the justice process, just treatment by policemen, judges, and prosecutors at all stages during the process, and effective access to legal representation.**
  - d) **Improve prison facilities so that they comply with international standards.**
  - e) **Guarantee the rights to security, food, medical care and health services, with special attention to the particular needs of women and children.**

<sup>88</sup> Report “Centros de Rehabilitación Penitenciaria Ciudad y/o Provincias de Cochabamba, December 2013, Management 2013”. By Ministry of Government, General Directorship of the Penitentiary Regime in Cochabamba – Bolivia

<sup>89</sup> Human Rights Committee, Concluding Observations: Bolivia, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 19 (“Al Comité le preocupa que, en la actualidad, más del 80% de la población carcelaria no haya sido juzgada.”); CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Concluding observations on the second periodic report of the Plurinational State of Bolivia*, UN doc. CAT/C/BOL/CO/2 (June 14, 2013), para. 18 (concern over “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)”).

<sup>90</sup> Oficina Jurídica para la Mujer, CEJIL & CLADEM, Situación de derechos humanos de las mujeres privadas de libertad en Bolivia, Report presented to the Inter-American Commission (March 2013), [http://ojmbolivia.org/wp-content/uploads/2013/05/Informe\\_CIDH2013.pdf](http://ojmbolivia.org/wp-content/uploads/2013/05/Informe_CIDH2013.pdf).

<sup>91</sup> Human Rights Committee, Concluding Observations: Bolivia, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 19 (“El Comité lamenta, asimismo, el escaso acceso a asistencia letrada gratuita durante la detención.”)

<sup>92</sup> Representatives of the assembly from Santa Cruz department blamed the policía for the confrontations that led to 29 deaths, including on child, in the Palmasola detention center. *Opinión* newspaper sección Especial, August 24, 2013. This reality is relevant to the measure the implementation of UPR recommendations related to independence of the judicial system, recommendations 39, 44, 47 and 49 of the 2010 UPR.

<sup>93</sup> CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Concluding observations on the second periodic report of the Plurinational State of Bolivia*, UN doc. CAT/C/BOL/CO/2 (June 14, 2013), para. 18.

<sup>94</sup> *Id.*



- f) Promote education and vocational training, to prepare the inmates for reintegration and active economic participation in society.**
- g) Create conditions in the judiciary so that it can expedite mothers living with their children in prison.<sup>95</sup>**

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<sup>95</sup> Human Rights Committee, Concluding Observations: Bolivia, UN doc. CCPR/C/BOL/CO/3 (Dec. 6, 2013), para. 20 (“el Comité muestra su preocupación ante el elevado número de niños y niñas que hasta el momento viven en prisión con sus familias”).