

human rights, including but not limited to the Minors' Code 1992, the Judicial Organization Act 1993 and the Environmental Act 1992. The report also notes the establishment, under the Minors' Act, of the National Organization for Children, Women and Family.

Economic, Social and Cultural Rights

Acceded: 12 August 1982.

Bolivia's initial and second periodic reports were due 30 June 1990 and 1995 respectively.

Civil and Political Rights

Acceded: 12 August 1982.

Bolivia's third periodic report was due 13 July 1995.

Optional Protocol: Acceded: 12 August 1982.

Bolivia's second periodic report (CCPR/C/63/Add.4) was considered by the Human Rights Committee at its March/April 1997 session. The report prepared by the government sets out information related to articles 1 through 27 of the Covenant and includes commentary on, *inter alia*: self-determination; equality of women and men; the right to life and the prohibition on torture, slavery, servitude and forced or compulsory labour; the rights to liberty and security of person; equality before the law; freedom of thought, opinion, peaceful assembly and association; the prohibition on propaganda for war or hatred; the rights of the family and children; and the rights of ethnic minorities. Within these and other broad subject areas the report includes information on, for example: the situation of the Guaraní; nationality; marriage, family and maternity; the Family Code and the Minors Code; perceptions of selectivity related to the application of and access to the law; corruption; the operation of the prison system; persisting prejudices; and special measures related to indigenous peoples.

The Committee's concluding observations (CCPR/C/79/Add.4) note that while Bolivia's report provides information on general legislative reforms, they remain largely unadopted by Parliament.

The Committee granted that Bolivia has been in a transition from a long period of dictatorship towards democracy and that, as a consequence, the infrastructure needed to implement the ICCPR has not been fully developed. It was also recognized that social and economic disparities—poverty, illiteracy, lack of opportunity for indigenous peoples, women and the poor—affect implementation.

Reforms welcomed by the Committee include: the promulgation of the 1994 Constitution which incorporates provisions for the protection of civil and political rights; reform of the Penal Code which abolishes the death penalty; abolition of imprisonment and physical constraint for the enforcement of economic obligations; a new bail act; the law against domestic violence; changes in legislation governing the electoral system; the legal aid programme, habeas corpus and *amparo*. The Committee welcomed the re-institution of the Ministry of Justice and the establishment of a Human Rights Department in the Ministry, as well as the establishment of the Gender Department; criminalization of torture, forced disappearance and extrajudicial executions; the limitation of military jurisdiction to matters within military institutions; stipulation that cases of human rights violations by members of the army and security forces are under the

jurisdiction of civil courts; a decrease in the number of people held in pretrial detention; abolition of discrimination against Amazon Indians in terms of their not being held criminally responsible by mere reason of their Indian origin; provisions to allow indigenous peoples to receive education in their mother tongue; and, measures to permit Indian communities to maintain their traditional means of livelihood.

The Committee outlined a number of areas of concern, including that: legislation concerning the state of siege—which ended 16 October 1995—did not comply with provisions of the ICCPR in that there was no constitutional provision prohibiting the derogation of relevant rights, and the expression *comoción interior* ("internal disturbance") was too wide to fall within the scope of article 4; current legislation for combatting impunity has proven to be ineffective in the identification, trial and punishment of those responsible for human rights violations and in the payment of compensation to victims; members of the armed forces and government officials who were involved in the most serious human rights violations have not always been dismissed and continue to take advantage of their positions; and there are delays and failures in due process and non-compliance by police with UN minimum standards.

The Committee also noted with concern: intimidation tactics, especially against human rights activists and members of trade unions; the failure to repeal laws in conflict with the ICCPR, particularly the Coca and Controlled Substances Law (Law No. 1008); the fact that bail may not be granted for anyone charged with an offence that carries a penalty of two or more years of imprisonment; the lack of independence and efficiency of the judiciary; long delays in the administration of justice; conditions in places of detention; the fact that women are still treated unequally, partly as a result of the continuation of traditional attitudes and outdated laws; the fact that labour laws do not adequately protect the rights of women, particularly those engaged in domestic work; the very high level of maternal mortality, attributable in part to illegal abortion; the lack of information about the effect of laws that criminalize abortion on the high rate of maternal mortality; the exploitation of children in employment and the growing number of street children; the curtailment of trade union rights including association, assembly and expression; the high level of violence against trade union members; intimidation by police against people taking part in peaceful demonstrations; and, the high number of labour strikes that are declared illegal; the impact of the violence perpetrated by the security forces which affects the enjoyment by indigenous peoples of the rights set out in article 27 of the ICCPR (rights of minorities).

The Committee recommended that the government:

- ▶ enact the new draft legal framework for the protection of human rights, in particular the new Code of Criminal Procedure aimed at modernizing the legal and judicial structures and allowing the investigation and punishment of human rights violations;
- ▶ put into place the necessary mechanisms to avoid a recurrence of the 1995 state of siege which involved excessive use of force by the police against members of teachers' unions;