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Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council

Note verbale dated 1 June 2020 from the Permanent Mission of the Plurinational State of Bolivia to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Plurinational State of Bolivia to the United Nations presents its compliments to the Office of the President of the General Assembly and has the honour to refer to the candidature of Bolivia to the Human Rights Council for the term 2021–2023, at the elections to be held between October and November 2020, in New York.

In accordance with General Assembly resolution [60/251](#), the Permanent Mission of the Plurinational State of Bolivia to the United Nations has the further honour to transmit herewith the voluntary pledges and commitments reaffirming that the promotion and protection of human rights are a priority of the foreign policy of the Plurinational State of Bolivia (see annex).

The Permanent Mission of the Plurinational State of Bolivia would be grateful if the present note and its annex could be circulated as a document of the General Assembly, under agenda item 119 (c).

* [A/75/50](#).



Annex to the note verbale dated 1 June 2020 from the Permanent Mission of the Plurinational State of Bolivia to the United Nations addressed to the President of the General Assembly

[Original: Spanish]

Candidature of the Plurinational State of Bolivia for membership of the Human Rights Council for the period 2021–2023

Voluntary pledges and commitments pursuant to General Assembly resolution [60/251](#)

In line with its mission to promote, protect and uphold human rights, the Plurinational State of Bolivia presents its candidature for membership of the Human Rights Council for the period 2021–2023.

As a State member of the United Nations, Bolivia is committed to the founding pillars of the multilateral system established by the Charter of the United Nations and the Universal Declaration of Human Rights. It has contributed proactively to protecting and upholding human rights at the international, regional and national level.

Bolivia has signed, ratified and incorporated into its laws the universal and regional international human rights treaties and the related protocols. In addition, it has submitted all its reports to the various treaty bodies, and follow-up mechanisms have been established. It has been open to visits by the various Special Rapporteurs in recent years.

Forums are being set up with the institutions of the four State entities and with civil society for the implementation and follow-up of the recommendations made during the third cycle of the universal periodic review.

At the national level, the Constitution of the Plurinational State of Bolivia of 2009 provides that any international human rights treaties signed, ratified or acceded to by the State that confer more favourable rights than those contained in the Constitution shall take precedence over the latter; and the rights recognized in the Constitution shall be construed in accordance with international human rights treaties where they provide for more favourable rules. In other words, such international instruments form part of the legal order since they have been incorporated into the legal and constitutional framework of Bolivia.

A national human rights institution, the Ombudsman's Office, has been established within the framework of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Its independence is recognized by article 218.III of the Constitution and it has been recognized by the United Nations in the form of accreditation by the Global Alliance of National Human Rights Institutions, which has given it a category "A" classification.

In addition, a plurinational system to follow up on, monitor and gather statistics on human rights recommendations in Bolivia has been established. It has made it possible to systematize, search for and follow up on the recommendations issued by United Nations international human rights protection mechanisms, and publish the commitments made and the action taken to comply with them.

The Bolivian Government reaffirms its commitment to multilateralism as a tool for facilitating international cooperation, peace and effective diplomatic security, through which it seeks to promote the rights of freedom of expression, political rights, impartial justice and meritocracy, and a life free from racism and all forms of discrimination.

Bolivia was a member of the Human Rights Council in 2008–2010 and 2015–2017, during which it demonstrated its commitment to the effective promotion and protection of human rights.

Bolivia has incorporated the 17 Sustainable Development Goals into public policy following their adoption in 2015. Within the framework of the Economic and Social Development Plan 2016–2020, sectoral comprehensive development plans for living well, local comprehensive development plans, strategic institutional plans and multisectoral comprehensive development plans are being implemented, which are directly linked to the human rights indicators.

Civil and political rights

The independence of the judiciary is guaranteed through judicial performance consistent with the standards of the profession and through the budgetary autonomy of the judiciary. Under this mandate, the Council of the Judiciary adopted regulations governing the judicial profession¹ and a guide to the subsystems relating to entry to the profession and to the pertinent merit-based competitions and competency-based examinations.²

In 2012, the Council of the Judiciary established 101 courts and tribunals and 24 ordinary courts, based on the most urgent priorities in rural and periurban areas. In 2014, it ordered the establishment of 12 trial courts in the nine departmental courts of justice, in order to expedite the processing of criminal cases and thus ease the pressure on the criminal justice system and reduce delays in the administration of justice. Furthermore, 22 constitutional chambers were established within the departmental courts of justice. Each chamber has two specialized members who report to the Plurinational Constitutional Court. They were selected on the basis of merit and assumed their functions on 15 February 2019.³

To enhance access to justice, the National Summit on Plural Justice to Live Well was held in June 2016 with the active participation of various social, academic and civil society organizations. By means of Act No. 898 of 26 January 2017, a committee responsible for following up on the conclusions of the Summit was established (composed of the highest authorities of the judicial branch, the legislative branch, the executive branch, the Public Prosecution Service, the Counsel General's Office and a representative of the Bolivian university system). The committee is responsible for implementing the justice sector reform strategy, which seeks to kick-start the transformation of the Bolivian justice system by identifying concrete short- and medium-term action to improve the system for the administration of justice as a true public service.

The Sectoral Plan for Plural Justice 2013–2025 is being implemented. It reflects the results of the Summit and has eight strategic priorities.⁴

The Plurinational State of Bolivia guarantees the right to freedom,⁵ which can be restricted only to ensure the discovery of the truth in the proceedings of judicial bodies and by virtue of an order issued by a competent authority.⁶

¹ Decision No. 72/2018 of 15 August 2018.

² Decision No. 73/2018 of 15 August 2018.

³ Act No. 1104 of 27 September 2018.

⁴ Justice and fundamental rights; indigenous and aboriginal campesino justice; equality and equity of opportunities and social inclusion; protection of users and consumers' rights; institutional transparency and combating corruption; coordination on justice reform; services for access to justice; and institution-building. It also includes the recommendations from the human rights treaty bodies, special procedures and the Sustainable Development Goals relating to the administration of justice.

⁵ Constitution, art. 22.

⁶ Constitution, art. 23.

A law on streamlining and reducing the workload in the criminal justice system was enacted, which introduces procedures to expedite the processing of criminal cases and reduce delays in the administration of justice. The judiciary has implemented a national plan for reducing the workload in the criminal justice system.⁷

The law on summary criminal procedure and strengthening measures to combat violence against children and women⁸ includes mechanisms to expedite the processing of criminal cases and to forestall procedural delays and the abuse of pretrial detention by recognizing the exceptional nature of this measure. Among other innovations, the law establishes proceedings management offices, which are administrative units tasked with providing courts with assistance and technical support to help optimize the management of judicial proceedings. The law also promotes the use of information and communications technology to encourage increased use of oral proceedings, to ensure that procedural actions are conducted promptly and that criminal proceedings are transparent, and to standardize information on the functioning of the criminal justice system.

The National Committee against Racism and All Forms of Discrimination,⁹ which is fully operational, implemented and assessed the impact of the National Policy to Combat Racism and All Forms of Discrimination 2012–2015, in coordination with other bodies. This assessment formed the basis of the Multisectoral Plan to Combat Racism and All Forms of Discrimination 2016–2020,¹⁰ which was drawn up with the assistance of relevant stakeholders.

Democracy in Bolivia is continuously being built and strengthened. Democratic values are reflected in legal-political communities that are based on respect for the rule of law and the proper functioning of all institutions in the constitutional framework.

Within this framework, with a view to bringing peace and reconciliation to the country and calling new free and transparent general elections, a law on the exceptional and transitory regime for the holding of general elections¹¹ was enacted in November 2019, which preserves broad rights to elect and be elected. It provides for the electoral roll to be updated in three ways: by incorporating individuals who will have reached the age of 18 by the date of the elections; by updating the data on individuals who have moved to a new place of residence; and by removing the data on the deceased, in conjunction with society. Furthermore, all national political organizations that were registered at the time the law was enacted may participate.

By virtue of its specific powers, the Supreme Electoral Court is responsible for conducting an electoral process that guarantees parity and an alternating system as a means of ensuring that men and women have equal access to political rights.

Economic, social and cultural rights

The Bolivian economic model prioritizes the needs of the people through public investment and equitable distribution of wealth.

Bolivia experienced sustained economic growth over the period 2006–2018, when gross domestic product (GDP) grew by an average of 4.6 per cent.

In 2006, 37.7 per cent of the population – that is 3.6 million people – was living in extreme poverty. In 2018, the extreme poverty rate had fallen to 15.2 per cent – the

⁷ Act No. 586 of 30 October 2014.

⁸ Act No. 1173 of 3 May 2019.

⁹ Its activities are reflected on the website www.noracismo.gob.bo.

¹⁰ Adopted by means of Decision No. 001/2016 of 7 December 2016, issued by the National Committee against Racism and All Forms of Discrimination.

¹¹ Act No. 1226 of 24 November 2013.

equivalent of approximately 1.7 million people.¹² It is estimated that more than 1.6 million people lifted themselves out of extreme poverty.

Over the period 2010–2018, public expenditure in the field of education increased from 10 billion bolivianos to more than 23 billion bolivianos. For 2019, the budget represented 11 per cent of the general budget and 7 per cent of projected GDP.

During the period 2014–2018, an average of two million students a year benefited from the Juancito Pinto voucher scheme,¹³ whose purpose is to raise school attendance rates nationwide.

Likewise, with the aim of providing quality education, 15,000 posts were created in the sector from 2014 to 2018. Over the period 2006–2018, the increase in posts was 1.03 per cent. In 2018, there were 143,607 teachers and 16,078 schools, of which 4,541 were located in urban areas and 11,537 in rural areas.

Investment in health care has increased in recent years from 5.1 per cent to 7.8 per cent of GDP and has been used to cover the cost of infrastructure, equipment and care for vulnerable groups. In 2019, Bolivia implemented the Unified Health System, which provides more people who are not covered by short-term social security insurance with free and universal health care. The care model includes traditional medicine.

In response to the coronavirus disease (COVID-19) pandemic, concrete steps have been taken at the national level to prevent the spread of the disease and meet the health-care needs of the Bolivian population.

The following measures have been taken in respect of the strategic priorities of diagnosis, isolation, hospitalization and monitoring: (a) Identification of hotspots; (b) Identification of the most severely affected areas and analysis of microsystems (strategy by municipality, town or community); (c) Analysis of the spread of the epidemic with a view to rapid containment in areas with low or no incidence (phase-based action); and (d) Coordination with national strategic priorities.

Women's rights

The Multisectoral Plan to Dismantle the Patriarchy and Promote Women's Right to Live Well, 2016–2020¹⁴ covers the economy, production and labour; education; health; gender-based violence; citizenship and political participation; and institution-building. The Sectoral Comprehensive Development Plan for Living Well 2016–2020 is being implemented.¹⁵

With regard to combating violence against women, a comprehensive law on guaranteeing women a life free from violence is in force.¹⁶ In 2019, the Special Office for Combating Violence against Women was established, as was the Plurinational

¹² Bolivia met the Millennium Development Goal target for the reduction of extreme poverty ahead of time (the target was to reduce extreme poverty to 24.1 per cent by 2015, but extreme poverty in Bolivia had been reduced to 21.0 per cent by 2011). With the aim of further reducing this percentage, the Government drew up the Patriotic Agenda 2025, in which a more demanding target of the total eradication of extreme poverty (0 per cent extreme poverty) was set.

¹³ Implemented since 2006 to encourage children to stay in school.

¹⁴ Adopted by the Sectoral and Intersectoral Council for a Life Free from Violence by means of resolution CSIPVLV-No. 001/2017 on 27 July 2017.

¹⁵ Ministerial resolution No. 0908 of 9 September 2016, Ministry of Health.

¹⁶ Act No. 348 of 9 March 2013.

Service for Women and for Dismantling the Patriarchy,¹⁷ which is responsible for monitoring and assessing compliance with public policies aimed at dismantling the patriarchy, ensuring the effective exercise of women's rights and promoting the eradication of all types of violence and forms of discrimination against women. On 15 July 2019, the Office adopted a set of 10 key rules that make the fight against femicide and violence against women, girls and adolescents a national priority.

In January 2020, the year 2020 was declared the Year for Combating Femicide and Infanticide. The aim is to lay the foundations for identifying concrete and effective measures to eradicate violence against women and children. The procedure was also initiated to facilitate raising the alarm by forming an inter-agency committee and preparing a plan of action in conjunction with the entities that have joint responsibility.

With respect to implementation of the Convention on the Elimination of All Forms of Discrimination against Women, 23 courts dealing with corruption and violence against women, three criminal examining courts dealing with violence against women, one trial court dealing with corruption and violence against women, and two criminal trial courts dealing with corruption and violence against women have been established.

An organizational unit has also been set up within the police force itself that offers a specialized service to women victims of violence. With support from the regional directorates, violence prevention and assistance in the reporting of crimes is provided in rural areas.

Similarly, training and awareness-raising courses on women's rights, discrimination and violence are held on an ongoing basis.

In order to address trafficking in the State, the National Conference on Combating Human Trafficking and Smuggling was institutionalized in 2018 as a local meeting to be held annually at the national, departmental and municipal levels, under the auspices of the Ministry of the Interior.

With a view to prioritizing substantive gender equality, policies and legislative measures have been developed to accelerate progress towards gender equality. These policies and measures consist primarily of affirmative action, within the framework of equal opportunities for women, who suffer from structural inequalities.

Rights of children and adolescents

In promulgating the Children and Adolescents Code, the State has undertaken to guarantee the full and effective exercise of the rights of children and adolescents. A comprehensive plurinational system for children and adolescents is being implemented based on the principles of the best interests of the child, absolute priority, equality and non-discrimination, gender equity, participation, cultural diversity, comprehensive development, shared responsibility, the role of the family, and the progressive exercise of rights and specialization. The Comprehensive Multisectoral Development Plan-Plurinational Plan for Children and Adolescents is being implemented.

The Comprehensive Programme for Combating Sexual Violence against Children and Adolescents is being implemented. The Protocol for Preventing, Addressing and Punishing Violations of the Sexual Integrity of Children and Adolescents and the Road Map for Combating Sexual Violence against Children and Adolescents are likewise being applied.

¹⁷ On the basis of the proposals set out in the Agenda for Dismantling the Patriarchy, a social mandate being carried out by various social, civil society and women's organizations around the country, in widely participatory departmental processes and at the National Meeting of 11 October 2018, the Special Office for Combating Violence against Women and Children was formed and the Ana María Romero Plurinational Service for Women and for Dismantling the Patriarchy was established by means of Supreme Decree No. 3774 of 16 January 2019.

In 2018, Supreme Decree No. 3463 was adopted, which guarantees the provision of free and specialized technical assistance to child and adolescent victims of violent crime, with a view to serving their best interests.

Voluntary pledges

Bolivia is committed to taking action domestically in the following thematic areas: discrimination, freedom of expression, political rights, impartial justice and meritocracy. More details regarding these thematic areas are presented below.

Discrimination

Continue to ensure the full exercise of human rights, without discrimination of any kind, in accordance with the principle of equality and non-discrimination.

Promote efforts to combat racism, racial discrimination and intolerance.

Freedom of expression

Strengthen measures to guarantee freedom of expression and opinion and freedom of the press.

Continue to guarantee the independence of the media and respect for freedom of expression.

Political rights

Promote the strengthening of political rights. Strengthen appropriate measures to ensure that the will of the people is expressed in free, fair and transparent electoral processes.

Strengthen electoral procedures, increase transparency and guarantee the independence of the electoral authorities.

Promote full and equal participation in political and public affairs, free from discrimination and exclusion.

Impartial justice and meritocracy

Strengthen the resources and independence of the judicial branch.

Strengthen institutional capacities to ensure access to justice and the effective and impartial administration of justice.

Strengthen judicial independence so that the judiciary functions effectively. Strengthen mechanisms for the transparent selection of judges based on merit and performance in competency-based examinations.

International human rights law

Promote respect for, protection and enjoyment of civil, political, economic, social and cultural rights, in accordance with the principles of universality, interdependence and indivisibility.

Continue to strengthen multilateralism as the most effective diplomatic tool for promoting and defending human rights.

Continue participating in the universal periodic review, as one of the most important mechanisms created by the Human Rights Council.

Continue dialogue and coordination with the Office of the United Nations High Commissioner for Human Rights.