

BOLIVIA

CAT Optional Protocol Article 4 Reports on the Visit of the Subcommittee on Prevention

OPCAT, CAT/C/44/2 (2010)

...

III. Visiting places of deprivation of liberty

A. Planning the work of the Subcommittee on Prevention of Torture in the field

20. During its third year of operation, the Subcommittee selected the States to be visited by a reasoned process, with reference to the principles indicated in article 2 of the Optional Protocol. The factors taken into consideration in the choice of countries to be visited were date of ratification, establishment of a national preventive mechanism, geographical distribution, size and complexity of State, regional preventive monitoring, and urgent issues reported.

21. The Subcommittee limited its programme of visits to three this year because of budgetary constraints, although it takes the view that, after the initial period of development, its visits programme in the medium term should involve 10 visits per 12-month period. This annual rate of visits is based on the conclusion that, to visit the 50 States parties effectively in order to prevent ill-treatment, the Subcommittee would have to visit each State party at least once every four to five years on average. In the Subcommittee's view, less frequent visits could jeopardize effective support to and reinforcement of national preventive mechanisms in the fulfilment of their role and the protection afforded to persons deprived of liberty.

22. To that end, the Subcommittee has prepared for the Office of the United Nations High Commissioner for Human Rights (OHCHR) detailed and reasoned budgetary calculations for its future work...

23. As regards the methodology and logistics of its visits, the Subcommittee requests information from the State party to be visited concerning the legislation and institutional and system features related to deprivation of liberty, as well as statistical and other information concerning their operation in practice. This is summarized in a country brief, which is a vital tool for mapping the situation of prevention of torture in the country to be visited.

24. In late November 2009, the Subcommittee announced its programme of work in the field for 2010, including visits to Lebanon, Liberia and the Plurinational State of Bolivia. Other visits may also be made, including one follow-up visit and another to assist in establishing national preventive mechanisms (countries and dates to be determined in due course).

...

OPCAT, CAT/C/46/2 (2010)

...

C. Visits conducted during the reporting period

13. The Subcommittee carried out four visits in 2010, all of which fell within the reporting periods. From 24 May to 3 June 2010, the Subcommittee visited Lebanon, the third country in Asia visited by the Subcommittee (following the visit to Maldives in December 2007 and Cambodia in December 2009), and the first country to be visited by the Subcommittee in the Arab region (Lebanon being the first and currently the only Arab country which has ratified the Optional Protocol).

14. From 30 August to 8 September 2010, the Subcommittee visited the Plurinational State of Bolivia, the fourth country visited by the Subcommittee in Latin America (following the visit to Mexico in August – September 2008, to Paraguay in March 2009 and Honduras in September 2009).

...

17. Further summary information on all these visits is given in annex IV and further details, including lists of places visited, are available in the press releases issued in relation to each visit, which may be accessed via the Subcommittee's website (www2.ohchr.org/english/bodies/cat/opcat/index.htm).

...

D. Follow-up activities, including publication of the Subcommittee's reports by States parties

18. Five Subcommittee visit reports have been made public following a request from the State party (Honduras, Maldives, Mexico, Paraguay and Sweden), as provided for under article 16, paragraph 2, of the Optional Protocol, including two in the reporting period: Mexico and Paraguay (in May 2010). Two follow-up replies (Sweden and Paraguay) have also been made public at the request of the State party, including Paraguay during the reporting period (in June 2010). Also during the reporting period, three visit reports and one follow-up submission have been published, adding considerably to the momentum behind the practice of authorizing the publication of reports, which the Subcommittee considers to be a positive development.

19. In conformity with past practice, the Subcommittee established a follow-up procedure to its visit reports. State parties are requested to provide within a six-month deadline a response giving a full account of actions taken to implement the recommendations contained in the visit report. At the time of the submission of the present report, 3 out of 11 States parties visited by the Subcommittee had provided follow-up replies: Mauritius in December 2008; Sweden in January 2009; and Paraguay in March 2010. Replies from Mauritius remain confidential, while the follow-up submissions from

Sweden and Paraguay have been made public at the request of those States parties. The Subcommittee has provided its own follow-up observations and recommendations to the submissions of Mauritius and Sweden, while a follow-up visit was undertaken to Paraguay, with a follow-up visit report transmitted to the State party. Reminders were also sent to States parties that have not yet provided follow-up replies to the Subcommittee visit reports. It should be noted that the six-month deadline for submission of follow-up replies had not expired for Lebanon, Bolivia and Liberia during the reporting period. The substantive aspects of the follow-up process are governed by the rule of confidentiality, excepting that the State party may authorize the publication of its follow-up reply.

...

Annex IV

Information on country visit reports, publication status and follow-up as of 31 December 2010

<i>Country visited</i>	<i>Dates of the visit</i>	<i>Report sent</i>	<i>Report status</i>	<i>Response received</i>	<i>Response status</i>
Mauritius	8–18 October 2007	Yes	Confidential	Yes	Confidential
Maldives	10–17 December 2007	Yes	Public	No	-
Sweden	10–14 March 2008	Yes	Public	Yes	Public
Benin	17–26 May 2008	Yes	Confidential	No	-
Mexico	27 August–12 September 2008	Yes	Public	No	-
Paraguay	10–16 March 2009	Yes	Public	Yes	Public
Honduras	13–22 September 2009	Yes	Public	No	-
Cambodia	2–11 December 2009	Yes	Confidential	No	-
Lebanon	24 May–2 June 2010	Yes	Confidential	-	-
Bolivia (Plurinational State of)	30 August–8 September 2010	Not yet	-	-	-
Paraguay	Follow-up visit: 13–15 September 2010	Yes	Confidential	-	-
Liberia	6–13 December 2010	Not yet	-	-	-