



**International Convention on
the Elimination of all Forms
of Racial Discrimination**

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OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

Sixteenth periodic report of States parties due in 2001

Addendum

BOLIVIA*

[18 February 2002]

* This document contains the thirteenth, fourteenth, fifteenth and sixteenth periodic reports, submitted together, due respectively on 22 October 1995, 1997, 1999 and 2001. For the eighth, ninth, tenth, eleventh and twelfth periodic reports of Bolivia, submitted in one document, and the summary records of the meetings at which the Committee considered the reports, see documents CERD/C/281/Add. 1 and CERD/C/SR.1157 and 1160.

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I. GENERAL

A. Land and people

1. Bolivia is situated in the middle of South America, bordering on Brazil to the north and east, Argentina to the south, Peru to the west, Paraguay to the south-east and Chile to the south-west. It has an area of 1,098,581 square kilometers (National Institute of Statistics (INE) 1999).
2. The territory comprises three main geographical areas: the Andean region, covering 28% of the total; the sub-Andean region, situated between the high plateau or *Altiplano* and the eastern plains, accounting for 13%; and the plains region, covering the remaining 59% (INE 99).
3. The country has a total population of 8,137,112 inhabitants, of whom 50.2% are female and 49.8% male. The rural population accounts for 58% and the urban population for 42% (INE 99). The indigenous population, made up of 36 different peoples, represents approximately 61.99% of the total population of the country and practically the entire population of rural areas (1992 National Census).
4. Spanish is the official language, while Quechua and Aymara are the dominant languages throughout the Andean region and Tupi-Guarani the most widely spoken among the languages of the eastern plains.
5. Article 3 of Bolivia's Political Constitution recognizes and upholds the Catholic faith but protects the practice of other faiths in public.

B. General political structure

6. The Republic of Bolivia attained freedom, independence and sovereignty on 6 August 1825, establishing a unitary state under a representative democratic system. The first Political Constitution of the State was promulgated on 19 November 1826.
7. Another Constitution of significance in Bolivia's constitutional history is the one of 1938, which included special sections, for instance on the family (marriage, family and motherhood), culture (education, independent public universities) and social matters (employment, social security). It also incorporated the constitutional remedy of habeas corpus as a guarantee of the right to freedom of movement, which any person believing himself to have been wrongfully or unlawfully prosecuted, detained, tried or imprisoned may invoke before the courts.
8. Another landmark in Bolivia's constitutional history was the 1967 Constitution, which introduced the remedy of *amparo* against any unlawful act or wrongful omissions on the part of officials or individuals, in any way restricting, suppressing or seeking to restrict or suppress the rights and guarantees of the person recognized by the Constitution and the law. This remedy is broader in scope than habeas corpus, because it protects all rights prescribed by the Constitution and current legislation.
9. Lastly, there is the Constitution of 6 February 1995, the one in force at the present time, which is based on the structure of a unitary republic, a system of representative democracy and

the sovereignty of the people, vested in the three traditional branches of power - the legislature, the executive and the judiciary.

10. The legislature is divided into two chambers, the Chamber of Deputies (with 130 members) and the Senate (27 members). The constitutional legal framework of the Bolivian State allows for the office of Ombudsman, which is regulated under Act No. 1818 as a high commission of the National Congress.

11. The executive consists of the President of the Republic and the Ministers of State. The rules regulating this important State organ are set forth in the Executive Power Organization Act (No. 1788), and the regulatory Supreme Decrees Nos. 24855 and 25055.

12. In conformity with the latest constitutional reform, the judiciary now comprises the Supreme Court of Justice, High District Courts, District Courts (*jueces de partido*) and examining magistrates, the Judicature Council and the Constitutional Court.

13. There is also a local government system. Each municipality (*alcaldía*) comprises a mayor and a municipal council. With the entry into force of the new People's Participation Act, there is now also a Supervisory Council (*Consejo de Vigilancia*).

C. Economic, social and cultural characteristics

14. Gross Domestic Product (GDP) amounts to USD 8,568 million, equivalent to a per capita income of USD 1,078. According to 1998 data, the annual rate of inflation is 4.39%. The annual trade balance comes to USD 295.87 million (INE 99). In 1998, the external debt amounted to USD 4,834.50 million. In the main cities, the unemployment rate is 10.01% (INE 97). The illiteracy rate is 13.76% (INE 98).

D. Judicial, administrative and other authorities with jurisdiction over human rights

15. The Ombudsman is constitutionally mandated to ensure the defense, promotion and dissemination of human rights.

16. The Attorney General's Office is responsible for promoting justice and defending the rule of law and the interests of the State and of society.

17. The Public Defense System (*Defensa Pública*) and assigned defense counsel act on behalf of accused persons who do not have sufficient means to hire a lawyer to defend them in court.

18. The courts of justice have direct jurisdiction over violations of human rights, in accordance with the State's obligation to investigate, sanction and make reparation for any violation of human rights, in conformity with the treaties signed and ratified by Bolivia.

19. The Human Rights Committee of the Chamber of Deputies has played a role in receiving complaints of human rights violations. The Permanent Human Rights Assembly of Bolivia also performs important tasks.

20. The Ministry of Justice and Human Rights currently runs human rights offices that are located in sensitive areas of the national territory, such as the Cochabamba region, more specifically in the locality of Chimoré. These offices are made up of a coordinator, a doctor, a legal assistant and a driver/outreach worker.
21. The Ministry has recently given priority to Bolivia's indigenous peoples by establishing three human rights offices, with support from the Swiss Government through the Development Cooperation Agency, located in Challapata (Avaroa province, department of Oruro), Monteagudo (Hernando Siles province, department of Chuquisaca) and Riberalta (Vaca Diez province, department of Beni), whose main objective is to promote, disseminate and defend human rights.
22. The staff of these offices place particular emphasis on activities to promote and disseminate human rights conventions and treaties. They also receive complaints of violations that are under investigation, and may initiate proceedings before the competent authorities of the Attorney General's Office, the judicial authorities or, where appropriate, the Human Rights Committee of the Chamber of Deputies.
23. The intention is that these three human rights offices should grant priority to the most vulnerable sectors of the population, namely women, children and the elderly. The offices will also endeavour wherever possible to encourage the settlement of conflicts through conciliation.
24. Their staff includes a lawyer who provides legal technical assistance, and a physician, who records physical injuries in cases of violations of personal integrity, while being active in the protection of people's right to health, thereby restoring the concept and scope of the family doctor.
25. Since June 1999, the Ministry of Justice and Human Rights has been implementing and developing a comprehensive multidisciplinary Promotion and Defense of Human Rights project, with assistance from the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP).

**E. Remedies available to persons alleging violations of their human rights
and systems of compensation for victims**

26. The remedies include constitutional *amparo* and habeas corpus proceedings, complaints brought before the Ombudsman and complaints lodged with the judicial authority; in these cases, civil actions are automatically initiated alongside criminal proceedings in order to obtain compensation for damage.

**II. INFORMATION CONCERNING ARTICLES 1 TO 7
OF THE CONVENTION**

Article 1

27. By the single article of Supreme Decree No. 009345 of 13 August 1970, Bolivia approved and ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which it signed on 7 June 1996. On 14 May 1999, in Act No. 1978, Bolivia

raised that Supreme Decree No. 009345, dated 13 August 1970, ratifying the Convention to the status of law.

28. According to Article 1 of the 1995 Bolivian Constitution, "Bolivia is a free, independent, sovereign, multi-ethnic and multicultural country."

29. Article 5 of the Constitution established that: "No form of servitude is recognized and no one may be compelled to render personal services without his full consent and fair compensation. Personal services may be demanded only when so established by law".

30. The above constitutional principle is consistent with articles 32 and 35, which state that: "No one shall be obliged to do what is not ordered by the Constitution or by the law, or to be denied what they do not prohibit, and the declarations, rights and guarantees proclaimed by the Constitution of the Bolivian State shall not be interpreted as a denial of other unstated rights and guarantees arising from the sovereignty of the people and the republican form of government".

31. According to article 6: "All human beings are endowed with legal personality and capacity in conformity with the law. They shall enjoy the rights, freedoms and guarantees recognized by this Constitution, without distinction as to race, sex, language, religion, political or other opinion, origin, economic or social condition, or any other. The dignity and freedom of the person are inviolable and it is the State's primary duty to respect and protect them".

32. Bolivia has ratified the American Convention on Human Rights, known as the Pact of San José, Costa Rica, by Act of 11 February 1993, specifically recognizing the right of every person to juridical personality. The Act also prohibits "any propaganda in favour of war and any advocacy of national or religious hatred constituting incitements to violence, or any similar unlawful act against any person or group of persons, on any grounds whatever, including those of race, colour, religion, language or national origin".

33. By Supreme Decree No. 18950 of 17 May 1982, Bolivia acceded to the International Covenant on Civil and Political Rights, which was raised to the status of law by Act No. 2119 of 11 September 2000. This Act includes the clause whereby "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

34. In September 2001, the National Population and Housing Census was due to be carried out by the National Institute of Statistics. The census form which was distributed asks the following questions:

- Which language did you learn to speak when you were a child?
- Do you consider yourself to belong to any of the following indigenous peoples: Quechua, Aymara, Guarani, Mojeño or other?

The replies will help identify the problems of and provide solutions for the indigenous peoples.

35. The legal framework for combating racial discrimination includes the following legislation: the Political Constitution of the State, Code of Penal Procedure, People's Participation Act, Penal Code, Electoral Act, Act No. 1715 on the National Agrarian Reform

Service, Educational Reform Act, Ombudsman's Act, Act opposing domestic and family violence, Hydrocarbons Act, Forestry Act, Mining Code, General Public Transport Works Licensing Act, Municipalities Act, Drinking Water and Sewage Service Amendment Act, Arbitration and Conciliation Act and the Act on rights and privileges for the elderly and free old-age medical insurance.

36. The international treaties and conventions to which Bolivia has subscribed are as follows: International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, Convention on the Political Rights of Women, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention relating to the Status of Refugees, and the Protocol relating to the Status of Refugees.

37. The regional instruments are: the American Convention on Human Rights (Pact of San José, Costa Rica), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para), and the Inter-American Convention on the granting of civil rights to women.

38. Bolivia has ratified the Convention concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organization (ILO) Convention No. 169).

39. In its article 1, the Bolivian Constitution establishes that Bolivia is a free, independent, sovereign, multi-ethnic and multicultural country, constituted as a unitary republic, under a democratic and representative form of government, founded on the union and solidarity of all Bolivians.

40. With its constitutional reform of 1995, Bolivia for the first time undertook a substantial reform establishing Bolivia as a multi-ethnic and multicultural country. The country thereby recognized a social and cultural reality, accepting and incorporating for the first time the notion that many ethnic groups coexist on the national territory, that, alongside the Creole and other groups, they possess their own values and outlook on life, and that this leads to cultural differences in certain aspects amounting to multiculturalism. The fact that cultures differ does not mean that they are opposed or antagonistic, but their recognition in the Constitution is bound to induce a different attitude on the part of the State authorities in many areas such as education.

41. This constitutional principle is consistent with the economic structure of the Bolivian State, which is designed to respond essentially to principles of social justice ensuring a dignified existence for all Bolivian citizens.

42. Article 6 of the Bolivian Constitution states that all human beings have the right to legal personality and capacity, in conformity with the law, and enjoy the rights, freedoms and guarantees recognized by the Constitution, without distinction as to race, sex, language, religion, political or other opinion, origin, economic or social condition, or any other. The State is under an obligation to respect and protect the dignity and freedom of all Bolivian citizens.

43. The equality provided under article 6 is consistent with article 35, which establishes that the declarations, rights and guarantees proclaimed by the Bolivian Constitution must not be interpreted as a denial of other unstated rights and guarantees arising from the sovereignty of the people and the republican form of government. Article 34 further stipulates that: "Those who violate constitutional rights and guarantees shall be subject to ordinary jurisdiction".

44. The population of Bolivia is in the majority indigenous. The indigenous sector of the population has the poorest means and the fewest opportunities. This situation is a legacy of colonization and of earlier policies that sought development based on the elimination and restructuring of indigenous communities.

45. Bolivia was one of the first countries to ratify ILO Convention No. 169, by Act No. 1257 of 11 July 1991. Within the framework of that Convention, the recognition of the rights of indigenous peoples has become established as State policy. In order to achieve this objective, the following reforms have been implemented:

(a) Constitutional reforms, with the recognition of the multi-ethnic and multicultural nature of the State, as well as of specific rights benefiting the indigenous peoples of Bolivia;

(b) Legal reforms, introducing rights benefiting indigenous peoples (see para. 35 above);

(c) Institutional reforms modifying the organization and structure of the executive branch, in order to establish policies and programmes compatible with the multi-ethnic and multicultural nature of the Bolivian State. A special Ministry has been opened to deal with peasant and indigenous affairs. The Constitutional Court has been incorporated in the judicial system and for the first time Bolivia has an Agrarian Court which is independent of the executive. Public divisions have been set up within the Government with special responsibility for indigenous peoples, since the indigenous dimension must run across all policies, programmes and projects.

46. As part of these reforms, the following specific measures and policies have been introduced for the benefit of indigenous peoples:

(a) The juridical personality of indigenous communities and peoples has been recognized;

(b) The new Code of Penal Procedure incorporates the recognition and application of customary law;

(c) Procedures have been set up to guarantee the title to and ownership of land for indigenous groups and individuals;

(d) The exclusive benefit of renewable natural resources situated on their lands has been guaranteed for indigenous communities and peoples;

(e) The indigenous languages of Bolivia have been made official;

(f) The Government attaches importance to the participation of indigenous peoples in the decisions and affairs that concern them as a means of protecting their rights. The following participation mechanisms have been established accordingly:

- (i) The National Agrarian Commission has been set up under the National Agrarian Reform Service Act No. 1715, with responsibility for monitoring and supervising the implementation of agrarian policies relating to the distribution, reordering and redistribution of land, regardless of condition or use. Voting members of the commission include the Confederation of Indigenous Peoples of Bolivia (CIDOB), the United Trade Union Confederation of Farm Workers of Bolivia (CSUTCB), the Trade Union Confederation of Bolivian Colonizers (CSCB) and the Bartolina Sisa National Women's Federation;
- (ii) The Advisory Council of Indigenous Peoples of Bolivia was created under Supreme Decree No. 25203 of 21 October 1998, allowing full participation by the above-mentioned indigenous organizations. One of the main responsibilities of this council is to agree policies encouraging the development of the multi-ethnic and multicultural nature of Bolivia, especially with respect to social, economic and cultural rights, and to propose national and regional comprehensive development plans and strategies, which take account of and strengthen the identity of indigenous peoples;
- (iii) By supreme resolutions, the Government has established inter-institutional committees dealing with indigenous lands, with the participation of indigenous organizations, for the purpose of following up and prioritizing ownership rights over indigenous lands, and supervising the employment of international cooperation funds provided for the purpose;
- (iv) Educational councils for indigenous peoples have been created in accordance with the concept of trans-territoriality. These councils are national in character and are organized for Aymara, Quechua, Guarani, multi-ethnic Amazonian and other communities. They are attended by indigenous organizations and take part in the formulation of educational policies. They also supervise the proper implementation of those policies, especially in their intercultural and bilingual aspects;

(g) The Government has obtained a loan from the World Bank worth more than USD 6 million to support business ventures started by indigenous peoples. In consultation with indigenous communities, the Government has also received assistance from Denmark worth approximately USD 8 million, to be used exclusively to establish the land titles and ownership of indigenous peoples in Bolivia, especially indigenous communities of the Amazonian and eastern region of Bolivia;

(h) Currently more than 16 million hectares are being held under a land guarantee procedure for attribution to indigenous people of the Amazonian and eastern region of Bolivia;

(i) The collective lands of the indigenous peoples are inalienable, non-prescriptible, indivisible, non-impoundable and irreversible. On collectively owned lands, individual and family use and exploitation are governed by indigenous law.

Article 2

47. By Act No. 2027 of 27 October 1999, Bolivia approved the Statute of Public Officials, an administrative measure giving rights and entitlements to Bolivian public officials. The aim is to regulate the relations between the State and public servants, to guarantee the development of administrative careers and to ensure dignity, transparency, effectiveness and devotion to public service within the civil service, as well as to further its efficiency, performance and productivity.

48. The scope of this norm extends to all public servants. It applies subject to the terms of the Political Constitution of the State and the national legal order, without distinction as to race, sex, language, religion, political or other opinion, origin, economic or social condition, or any other. To this effect, the following public servants' rights are recognized:

- (a) The right to fulfill the functions and tasks inherent in their office;
- (b) The right to fair remuneration, corresponding to the responsibility of their office and the efficiency of their performance;
- (c) The right to respect and consideration for their personal dignity in office;
- (d) The right to holidays, leave and other benefits in accordance with the Statute and related regulations;
- (e) The right to receive retirement pensions, as well as invalidity benefits and survival pensions for persons entitled;
- (f) The right to health care;
- (g) The right to be provided with the material resources required to fulfill their functions.

49. In addition, the Regulation attached to the Statute of Public Officials (Supreme Decree No. 25749 of 20 April 2000) establishes the following rights in addition to those granted directly under the Statute:

- (a) The right to perform duties within an adequate, safe, harmonious and just working environment, in which the personal dignity of officials is respected; they are moreover to be provided with the material resources required to fulfill their functions, in order to achieve the objectives of public service;
- (b) The right to enjoy holidays, leave and other benefits for reasons of sickness, marriage, or other in conformity with the law and the Regulations;

(c) The right to health care within the framework of the Social Security system, such protection being extended both to public officials and to their dependents with regard to sickness, maternity and occupational hazards;

(d) The right to long-term social security, including invalidity and retirement pensions, and the preservation of benefits for persons entitled under the survival scheme;

(e) A two-hour daily allowance for teachers and students of universities and institutes of higher learning;

50. As part of the measures taken for the prevention of racial discrimination, offices have been opened to receive complaints of human rights violations, attached to the Ministry of Justice and Human Rights, within the following projects: Indigenous Peoples, in the communities of Challapta, Monteagudo and Riberalta; the Justice and Human Rights Centre, in the locality of Chimoré; and the Programme for the Promotion and Defense of Human Rights, with the cooperation of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP). This programme provides a very important mechanism for strengthening government policy to prevent racial discrimination.

51. With regard to gender, the Government adopted measures relating to equality between men and women by Act No. 1943 of 17 September 1993. Along with other social policies, these were part of the reforms of the executive, giving rise to the establishment of the Department for Gender Affairs, attached to the National Secretariat for Ethnic, Gender and Generational Affairs within the Ministry of Development. The main task of the Department is to incorporate a gender approach in Government policy in order to promote equal opportunities between men and women, to put forward policies favouring equality and reflecting cultural gender and generational differences, and to introduce changes in the legislation to achieve a more equitable form of justice. These legislative changes are contained in the National Plan in favour of Equal Opportunities for Bolivian Women and the National Plan opposing Violence against Women, which are now part of the new policy pursued the Department for Gender, Generational and Family Affairs.

52. Under the terms of Act No. 1788 of 16 September 1977, the supplementary rules of Supreme Decrees Nos. 24855 and 25055 set out the structure and powers of the national and departmental offices of the Department for Gender Affairs. The task of this department is to act as a guiding, standard-setting and planning authority for policies aimed at achieving equal treatment for women and men, and to open institutional channels that allow cultural changes through a gender approach, based on up-to-date knowledge and information. These policies are reflected in the National Plan for Gender Equality (2001-2005), the poverty reduction programmes and the National Plan for the Prevention and Eradication of Gender Violence.

Article 3

53. According to Article 6 of the Bolivian Constitution, all human beings are endowed with a legal personality and capacity, in conformity with the law. They enjoy the rights, freedoms and guarantees recognized by the Constitution, without distinction as to race, sex, language, religion, political or other opinion, origin, economic or social condition, or any other.

54. The dignity and freedom of the individual are inviolable and it is the State's primary duty to respect and protect them.

Article 4

55. On 14 February 2001, President Banzer's Government proposed the Constitutional Reform Agenda for Citizen Participation, by which the Government undertook constitutional reforms in conformity with the terms of the Constitution. The reforms cover various aspects, such as citizenship, enhanced representation in government affairs, a strengthening of the relationship between the State and society as well as of rights and obligations, institutional and political reforms, reforms in economic, social, agrarian, cultural and municipal legislation, decentralization and others.

56. The following extracts are particularly noteworthy:

- "1. Bolivia is a social and democratic State under the rule of law, whose legal system is placed under the guiding principles of freedom and justice (art. 1.II).
2. Fundamental rights and obligations and personal guarantees are interpreted and applied in accordance with international human rights treaties signed and ratified by Bolivia (art. 6.II).
3. Every person enjoys the following fundamental rights:
 - (a) Physical and mental security and integrity and free development of the personality;
 - (j) Equality before the law;
 - (k) Juridical security, due process and the effective protection of authorities and courts against any arbitrary acts or omissions by the public authorities or their officials or agents;
 - (m) To become acquainted with, object to and obtain the removal of personal information harmful to one's rights and guarantees.

[...]

7. Any authorities, officials, public agents or individuals violating personal rights and guarantees shall be liable to appropriate criminal proceedings and to the payment of compensation for damage caused (art. 15).

[...]

13. Freedom of the press is guaranteed. Censorship and anonymity are prohibited. Conscientious objection and professional secrecy are regulated by law. The right of reply and rectification is guaranteed. The mass media must incur liability if any information or opinion they disseminate violates personal rights and guarantees (art. 16).
14. Several nationalities are allowed. Aliens married to Bolivians acquire their spouse's nationality without forfeiting their nationality of origin (art. 38).

[...]

32. The Constitutional Court is responsible for hearing and settling appeals against the unconstitutional character of laws, regulations and general standard-setting decisions.

[...]

43. The State is responsible for regulating, monitoring and supervising the provision of public health and social security services, by public or private persons, through the regulatory bodies established by law (art. 162).
44. Land is placed under the State's original dominion. The conditions under which this dominion is exercised and matters relating to endowment or award are determined by law.
45. The purpose of education is the full development of responsible human personality within a democratic and multiple society.

[...]

47. Female heads of household enjoy special protection under the law (art. 193.II)."

57. Penal legislation punishes abuse of authority committed by public officials or authorities who act according to decisions that are contrary to the Constitution and the law, who fail to fulfill their duties, deny assistance or abandon their office. Offenders shall incur sentences of imprisonment for violating the rights and guarantees of Bolivian citizens.

58. According to article 179 of the criminal law, any official or individual failing to give full effect to court orders issued under habeas corpus or constitutional *amparo* proceedings shall be liable to penalties of two to six years' imprisonment and a fine of between Bs 100 and 300.

Article 5

59. According to article 6 of the Bolivian Constitution:

"All human beings are endowed with legal personality and capacity, in conformity with the law. They enjoy the rights, freedoms and guarantees recognized by the Constitution, without distinction as to race, sex, language, religion, political or other opinion, origin, economic or social condition, or any other.

The dignity and freedom of the person are inviolable and it is the State's primary duty to respect and protect them."

60. This constitutional principle is in conformity with article 3 of the Family Code, where it refers to legal treatment: "members of the family enjoy equal treatment before the law that is compatible with human dignity, subject to any hierarchy arising from the organization of the family." Moreover, article 52 of the Code of Civil Procedure establishes that "any person with legal capability may intervene in proceedings and request the legal protection of the State, either directly or through an attorney".

61. The Code of Criminal Procedure (Act No. 1970 of 25 March 1999), in the general part of book 1, establishes the fundamental principles and provisions related to constitutional guarantees available to all Bolivian citizens when subjected to criminal proceedings, in accordance with the following universal principles:

(a) No conviction without prior trial and legal process. No one shall be sentenced to any punishment except through an enforceable judgment, handed down after being heard in the course of an oral, public trial, held in accordance with the Constitution, the international conventions and treaties in force and the Code of Criminal Procedure;

(b) Legitimacy. No one shall be tried by special commissions or tribunals, or be brought before jurisdictional bodies other than those established in accordance with the Constitution and the law, before the offence was committed;

(c) Impartiality and independence. Judges shall be impartial and independent, subject only to the terms of the Constitution, the international conventions and treaties in force and the law. In no event shall State bodies or natural or legal persons interfere in the handling of any trial. Should there be any such interference, the judge concerned shall apprise the Supreme Court of Justice of the actions affecting his independence. Where the source of the interference is the judiciary itself, the report shall be submitted to the Judicature Council or the National Congress;

(d) Once-only criminal prosecution. No one shall be tried or convicted more than once for the same act, even in the event of a new description of the offence or alleged new circumstances. An enforceable judgment handed down abroad regarding acts which may be brought before domestic courts shall be considered *res judicata*;

(e) Quality and rights of the defendant. A defendant is considered to be any person believed to have committed an offence who is brought before a body responsible for criminal prosecution. The defendant may exercise all the rights and guarantees accorded to him under the Constitution, the international conventions and treaties in force and the Code of Criminal Procedure, from the first act in the proceedings until their completion. The first act in the proceedings shall be understood to be any charge brought in a judicial or administrative body against a person presumed to have committed or participated in the commission of an offence. Any person believed to have committed an offence has the right to be treated with due respect for his dignity as a human being;

(f) Presumption of innocence. Every defendant shall be presumed innocent and be treated as such at all times until declared guilty in an enforceable judgment. The defendant may

not be obliged to testify against himself and his silence shall not be used against him. The burden of proof lies with the accusers and any presumption of guilt is prohibited. In the case of a person found to be in default, only information necessary for the person's arrest shall be published;

(g) Application of precautionary and restrictive measures. Precautionary measures as laid down in the Code of Criminal Procedure shall be applied only exceptionally. When there is doubt about whether to apply a precautionary measure or other provisions restricting the rights or capacities of the defendant, whichever outcome is most favourable to the defendant shall be chosen;

(h) Substantive defense. The defendant, without prejudice to expert defense, shall have the right to defend himself, to intervene in all acts of the proceedings that entail evidence, and to make such requests and comments as he may deem fit;

(i) Expert defense. Every defendant has the right to be assisted and defended by a lawyer from the first act in the proceedings until the sentence has been served. This right may not be waived. Defense counsel shall be appointed without any delay or formality at the time of arrest or detention, or before the defendant has begun to make a statement. If the defendant, when consulted, does not choose a lawyer or if the lawyer chosen does not immediately accept the brief, a defense counsel shall be appointed by the court;

(j) Interpretation. A defendant who does not understand Spanish shall have the right to choose a translator or interpreter to assist him in all acts necessary for his defense. If the defendant does not exercise this right or does not have the means to do so, a translator or interpreter shall be appointed by the court;

(k) Victim's rights. The victim may intervene in the criminal proceedings in accordance with the provisions of the Code of Criminal Procedure. He shall have the right to be heard before any decision that may lead to the abatement or suspension of the criminal action and, in the event, to challenge such a decision;

(l) Equality. The parties shall have equal opportunities to exercise their powers and rights during the proceedings;

(m) Validity of evidence. Evidence shall have value only if it has been obtained lawfully and introduced in the proceedings in accordance with the provisions of the Constitution and the Code of Criminal Procedure. Evidence obtained by torture, ill treatment, force, threats, deceit or violation of the fundamental rights of the person, or obtained using information originating from unlawful procedures or means shall have no probative value.

62. In accordance with these established principles and in strict compliance with the Constitution, all international laws, agreements and declarations concerning human rights are observed and respected, including the International Convention on the Elimination of All Forms of Racial Discrimination, and all necessary measures are taken to eliminate racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices, with a view to promoting understanding between the races and to building an international community free of all forms of segregation and discrimination.

63. In April 2001, an investigation was conducted into the proceedings of the second neo-Nazi meeting about to be held in our country. This movement takes advantage of the opportunities for free expression offered by democracies to advocate racial discrimination. The Department of Internal Affairs, Police and Security, in coordination with the National Migration Service, managed to restrain the holding of this event in the country, thus preventing the gathering of persons and/or groups who throughout history have constituted a nightmare for humankind.

64. The Ministry for Internal Affairs, in accordance with the powers attributed to it by the Executive Power Administrative Organization Act (art. 34) and the Penal Code (art. 47), is in charge of administering all places of imprisonment in the country. This task is conducted subject to consideration and respect for the personality of inmates, as well as for their rights and interests, with the intention of encouraging self-respect among them. Inmates receive the medical attention they need, as well as moral and religious help, and are provided with welfare assistance, training, education and sports facilities, thereby emphasizing aspects that encourage an attitude opposed to racial barriers and discriminatory manifestations, which are incompatible with the ideals of human society.

65. Under the terms of Act No. 1788 of 16 September 1977, the Ministry of Internal Affairs is specifically responsible for coordinating security actions, maintaining public order and social peace and ensuring the full enjoyment of constitutional rights and guarantees. On 11 February 2000, it was considered advisable to incorporate a coordinating body in the system, which could undertake general measures of public security, subject to full respect for human rights and the principles of dignity and equality inherent in all human beings, without distinction as to race, sex, language or religion.

66. In its article 7, the Constitution establishes that every person has fundamental rights, including the right to personal safety and to the State's protection against any act of violence or attack on personal integrity perpetrated by public officials or any other person, group or institution. In this respect, the Penal Code establishes various offences related to the abuse of authority, including decisions taken contrary to the Constitution and the country's laws, failure to perform duties, denial of assistance, relinquishment of office and unlawful appointments made by public officials or State authorities that are contrary to the interests of Bolivian citizens.

67. As a safeguard against abuses of authority committed by public officials, the institution of the Ombudsman was introduced by Act of 22 December 1997. The Ombudsman's task is to ensure that personal rights and guarantees are effective and respected over the entire range of administrative activity of the public sector. He is also responsible for the promotion, realization and defense of human rights and the dissemination of information thereon. He has the following powers:

(a) In accordance with article 129 of the Constitution, to institute proceedings for unconstitutionality, direct annulment, *amparo* and habeas corpus, without prior mandate;

(b) Of his own right or in response to a complaint, to investigate and report any acts or omissions implying a violation of human rights, guarantees, or individual and collective rights established in the Constitution, the legislation, or the international treaties and conventions approved by the State;

(c) To request information concerning matters he is investigating from authorities and public servants, to which the latter cannot oppose any reservation;

(d) To transmit recommendations, reminders of legal duties and suggestions for the adoption of remedies and measures to all public administration bodies, to the Council of the Judicature or to the Attorney-General's Office, whenever the facts are related to the administration of justice or constitute an offence;

(e) To propose amendments to laws, decrees and non-judicial decisions relating to human rights;

(f) To monitor the situation of detainees, with a view to ensuring that detention times are not exceeded. To this effect, and for the official record, the Ombudsman must be informed in writing of any arrest, custody or detention occurring on the national territory;

(g) To recommend that the Government sign international human rights treaties and conventions and that these be approved by the legislature;

(h) To enjoy free access to places of detention, imprisonment, internment or restricted residence without opposition;

(i) To protect the multi-ethnic and multicultural nature of the Bolivian State and to promote the defense of the human rights of the country's indigenous peoples;

(j) To promote and recommend in the course of his duties observance of international conventions and treaties relating to women's rights;

(k) To perform his duties without any interruption whatsoever, even in the event of a state of emergency being declared;

(l) To request of any department of the public administration a declaratory ruling by a committee of technical officials, whose specific and temporary services he requires;

(m) To devise, elaborate, implement and supervise programmes for the defense, promotion and dissemination of human rights, and to establish mechanisms for coordination with governmental and non-governmental organizations to that effect;

(n) To monitor the fundamental rights and duties of persons in the armed forces and the police;

(o) To elaborate technical or financial cooperation agreements with national and international organizations;

(p) To draft whatever regulations are required for the performance of his duties.

68. With regard to electoral rules, the Constitution states that: "suffrage constitutes the foundation of the representative democratic system and shall be conducted on the basis of

universal, direct and equal, individual and secret, free and compulsory voting, by public ballot and according to the method of proportional representation".

69. This constitutional principle is in conformity with article 1 of the Constitution, whereby: Bolivia is a free, independent, sovereign, multi-ethnic and multicultural country, constituted as a unitary republic, which has adopted the democratic representative form of government, founded on the union and solidarity of all Bolivian citizens.

70. Bolivian citizenship consists in the right to vote or to stand for election for the exercise of public office. It also consists in the right to perform public duties, with no other requirement than that of suitability, save in cases established by law.

71. Citizens include all persons above the age of 18, regardless of their degree of education, their occupation or their income.

72. According to article 220 of the Constitution: "all Bolivians who have reached the age of 18 are entitled to vote, regardless of their level of education or their occupation, with no further requirement than obligatory registration on the electoral roll. Foreign citizens may vote in municipal elections under the conditions prescribed by law".

73. A bill to reduce the minimum required age for citizenship to 18 years was finally approved after being tabled for 15 years and the Constitution was modified accordingly.

74. The age of citizenship is not to be confused with the age of majority, which entitles persons to perform a series of legal acts, such as being parties to contracts, contracting marriage (from the age of 21), performing military service (at the age of 19) and assuming criminal liability (at the age of 16), that is, become answerable for any of a variety of offences.

75. The age of citizenship enables a person to vote, but for purposes of standing for election, the Constitution stipulates that a Bolivian citizen must be at least 25 years of age to become a deputy, 35 years old to become President or senator and 21 to be a municipal councillor,

Political and civil rights

76. Political rights are not the same as civil rights. The former determine the relation between individuals and the State insofar as they act within the State system in conformity with the principles of article 40 of the Political Constitution. For this reason foreigners in Bolivia may not exercise political rights in most cases, though not in all. By the fact of being resident in Bolivia, however, they enjoy the same civil rights as nationals. This explains clearly why the reform of the age of citizenship did not change the age of civil majority.

Age of citizenship

77. Citizenship is acquired at the age of 18 (article 42 of the Constitution).

78. According to article 41 of the Constitution, citizenship involves only the following rights:

- (a) Participating as a voter or as a candidate for election;
- (b) Performing public duties.

79. The age of citizenship should in no way be confused with the age of majority, which, according to article 4 of the Civil Code, is acquired at the age of 21. The age of majority entails civil rights, such as entering into contracts and performing legal acts in civil life, such as marrying or engaging in trade. Since a person must have reached majority to perform those acts according to both the Family Code and the Code of Commerce, this condition is determined by the Civil Code.

80. Since citizenship and majority imply different legal concepts and obligations, the latest reform of the Constitution does not contradict the Civil Code.

81. The Constitution provides that, in order to be eligible, citizens must meet the requirements established by the Constitution and by law.

82. The purpose of political rights is expressed in article 23 of the American Convention on Human Rights as follows:

"1. Every citizen shall enjoy the following rights and opportunities:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
- (c) To have access, under general conditions of equality, to the public service of his country.

2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings."

83. Article 7, paragraph g, of the Constitution establishes the right to enter, remain in, pass through and leave the national territory, subject to the guarantee in article 9 that "no one may be arrested, detained or imprisoned except in the cases and according to the forms established by law".

84. This right is also provided in international declarations and conventions. Thus the American Convention on Human Rights provides that "Every person has the right to the nationality of the State in whose territory he was born if he does not have the right to any other nationality"; also "No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it" (art. 22); "An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with the law" (ibid.); and "The collective expulsion of aliens is prohibited." (ibid.)

85. The right to nationality is established in article 37 of the Constitution, according to which, moreover, Spanish and Latin American citizens are entitled to Bolivian citizenship by naturalization and may acquire Bolivian nationality without renouncing their nationality of origin, provided that reciprocal agreements have been concluded with their Governments regarding the holding of multiple nationality.

86. Matrimony, the family and motherhood are placed under the protection of the State. The institution of matrimony is founded on the equality of rights and duties between spouses. All the children of a married couple, regardless of origin, have the same rights and obligations as their parents.

87. According to article 8 of the Constitution, all Bolivians have a fundamental duty to assist, nourish and educate their offspring while these are under age, as well as to protect and assist their parents if the latter find themselves in a situation of sickness, destitution or helplessness.

88. The right to private individual or collective property, provided that it fulfils a social function, is also recognized by the Constitution, which protects private property provided that the use made of it is not prejudicial to the public interest.

89. The Civil Code, which was promulgated on 6 August 1975 and entered into effect on 2 April 1976, establishes the rules of inheritance, covering both general provisions and others specifically related to the right to inherit.

90. The right to freedom of thought, conscience and religion is provided in article 7 as a fundamental right in conformity with article 15. Public officials who, outside a state of emergency, submit citizens to measures of persecution or banishment or have such measures implemented, as well as officials who close publications or other means of expressing thought, or are guilty of contempt or other kinds of abuse, are liable to pay compensation for damages, provided that it is shown in civil proceedings, which may be initiated simultaneously with the corresponding criminal proceedings, that such measures or acts were undertaken in violation of the rights and guarantees established by the Constitution.

91. This constitutional principle is reflected in article 292 of the Penal Code, which, referring to imprisonment, stipulates that whosoever deprives another by any means of his personal freedom shall be liable to imprisonment of between six months and two years and a fine of between 30 and 100 days' earnings.

92. This penalty shall be aggravated by a third if the offence has been committed:

- (a) By a public official, entailing abuse of authority;
- (b) Against a parent, offspring or spouse;
- (c) If the imprisonment exceeds 48 hours.

93. Article 296 of the Penal Code establishes the violation of freedom of the press as an offence, punishable with imprisonment of between six months and three years and a fine of between 30 and 200 days' earnings for any person who unlawfully impedes or disturbs the free

distribution of thoughtful expression, or the free circulation of a book, newspaper or any other medium.

94. The right to freedom of peaceful assembly and association is also considered one of the fundamental rights according to article 159 of the Constitution, which guarantees employers' freedom of association, while recognizing and safeguarding labour unions as favouring the defense, representation, assistance, education and culture of workers, as well as legal protection for their leaders in the conduct of activities related to the specific performance of their duties, particularly from prosecution and imprisonment.

95. Furthermore, the right to strike is considered as the exercise of a legal entitlement for workers to withdraw their labour in defense of their rights, subject to having followed the necessary formalities.

96. The right to freedom of association is covered by article 222 of the Constitution, according to which Bolivian citizens have the right to form political parties in conformity with the Constitution and the terms of the Electoral Act.

Economic, social and cultural rights

97. The Government has approved the National Dialogue Act 2000, which is aimed at reducing poverty structurally by alleviating the burden of external debt, thus releasing resources for the development of rural and urban areas and for social investment in health, education and sustainable development through the municipalities.

98. This poverty reduction strategy has been pursued as a government policy, which, thanks to government action and citizen participation, will promote rural development activities, strengthening small and medium-sized enterprises, in addition to extending micro-credit facilities, supporting technical assistance, improving, maintaining and adding to the network of roads, and improving the living conditions, basic sanitation and housing of the Bolivian population in general.

99. This poverty reduction policy is conducted on the basis of an alliance between the Bolivian Government and international cooperation, with the aim of improving the quality of life of all Bolivian citizens.

100. It is also worth mentioning the Economic Recovery Act, whose objective is to reactivate the country's production system, with short-term effect, with a view to increasing national savings, creating new jobs and increasing output in all sectors, in order to achieve higher levels of socio-economic development and to make the best preparations for facing external economic difficulties and adverse environmental conditions.

101. Poverty constitutes a key problem for Bolivia, and one closely associated with job opportunities and income creation.

102. The trend in both urban and rural areas is towards increased unemployment. This is a consequence of the falling growth rate due to the economic recession occurring in neighbouring countries. To this must be added the impact of natural phenomena on agricultural

production, as a result of which the economic life of a large part of the population engaged in agricultural and stockbreeding activities has been disrupted.

103. The incidence of poverty has been falling in Bolivia's main cities, from 53% of the population in 1989 to 48% in 1994 and 46% in 1998. This trend is largely attributable to the 17% increase in per capita family income over this period, with more family members entering the labour market in response to prevailing conditions of unequal wealth distribution.

104. In rural areas, the rate of public participation is higher than in the main cities, because of the early incorporation into the labour market of young people of both sexes, particularly women, approximately 80% of whom are employed in rural areas, as compared to 50% in the larger cities.

105. Although Bolivia has low rates of open unemployment, the quality of employment is not satisfactory, with rates of underemployment fluctuating around 10%. In 1997, an estimated 127,000 persons were underemployed.

106. Employment surveys do not disaggregate the various population groups in the manner requested in the guidelines; consequently, only global information and a breakdown by gender have been submitted.

107. The policies and measures adopted in order to provide employment for all persons prepared to work or seeking jobs have been a priority concern of the Bolivian Government, through its Ministry of Labour and Micro-Enterprises. In accordance with its responsibilities and attributions and with existing legislation, this Ministry has been developing a project to close the labour circuit by arriving at an agreement with specialized public and private bodies to train the labour force, with the aim of ensuring that, through the employment exchange to be set up at national level in conformity with the ILO Convention, jobs may subsequently be found for all persons trained in these centres.

108. Furthermore, with the powers it has been granted, the Department of Micro-Enterprises is working to promote and strengthen micro-enterprises at national level, and is consequently creating more sources of work, both for micro-producers and for the staff they will require.

109. To ensure that work is more productive and efficient, the Ministry has introduced regulations establishing continuous working hours in all public and private enterprises (subject to prior agreement between the parties), giving workers the opportunity to undergo training, earn higher wages, etc.

110 The training programmes cover two areas.

(a) Public sector: UDATEL, a decentralized body of the Ministry of Labour and Micro-Enterprises, promotes the training of workers, employees, small-scale entrepreneurs and the general public.

(b) Private sector: INFOCAL, IDEPRO and others are engaged in training workers, employees, small-scale entrepreneurs and the general public.

111. Thus the Ministry is aiming to reach an agreement with private-sector training institutions, in order to close the labour circuit through its national employment exchange, which will be in charge of finding jobs for personnel once they have been trained.

112. A set of employment policies proposed by the International Labour Office (ILO) is currently in the process of discussion and agreement with the Ministry of Labour and Micro-Enterprises. The objectives pursued include establishing links between macro-economic policies and employment policies; applying fiscal incentives to stimulate economic recovery; implementing sectoral employment and productivity policies; securing external financing; gradually modifying the existing relative price structure and increasing the profitability of private investments in the sector producing non-primary tradable goods; diminishing the importance of savings and foreign investment; stimulating aggregate demand and aggregate supply and improving the adjustment between supply and demand.

113. The reactivation of aggregate demand is to be achieved by implementing a fiscal policy which will expand private investment and readjust expenditure, while increasing real interest rates in order to channel increased demand towards domestic production.

114. On the supply side, the objectives include diminishing unit labour costs and achieving a sustained increase in productivity; stimulating domestic and foreign private investment in the sectors of tourism, agriculture and construction, which are all labour intensive; and seeking to increase the rate of utilization of installed capacity, by promoting handicrafts and small-scale industry through sub-contracting; developing markets by increasing public investment, and depolarizing the banking system in order to recover the exchange rate as a tool of macro-economic policy. Further policy goals would include improving the quality of employment and long-term employment.

115. Within this general framework, a very comprehensive approach has been adopted to employment policy, without distinction with regard to the impact of policies on individual sectors, such as young people.

116. The legislative provisions that ensure free choice of employment and working conditions that do not violate the fundamental political and economic rights of the individual include the Political Constitution, the General Labour Act, the Regulating Decree, Supreme Decree No. 21060 and Supreme Decree (supplementary) No. 22407.

117. These provisions ensure that all citizens enjoy the right to work and the right to associate freely and form trade unions, thereby guaranteeing the political and economic rights of the individual.

118. The technical and vocational training programmes which are currently being implemented in the country play a very important role in its economy and in employment policies.

119. These training programmes are being conducted in two specific areas, as explained above (see para. 110).

120. It is also worth noting that the implementation of employment policies in practice faces serious difficulties owing to the shortage of economic resources.

121. In the 1950s, ILO began its work of promoting equality of opportunity and treatment and the principle of non-discrimination. Within that framework, a number of conventions and recommendations were adopted by the International Labour Conference and the United Nations General Assembly, which we consider to be particularly important from the point of view of improving the situation of women workers. These include the Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Human Resources Development Convention, 1975 (No. 142); the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly in 1979, and the Workers with Family Responsibilities Convention, 1981 (No. 156).

122. Of these basic instruments, Bolivia has ratified the Convention on the Elimination of All Forms of Discrimination against Women by Act of the Republic No. 1100 of 1989, giving mandatory force to universally accepted principles and measures designed to ensure that women enjoy equal rights in all areas of development, and in particular in the political, social, economic and cultural spheres, on the basis of the recognition that the realization of equal rights may be affected by discrimination.

123. The commitment to take effective measures to reverse the exclusion of women gave rise to the need for a legal mechanism to promote more effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, which was approved at the 43rd session of the Commission on the Legal and Social Condition of Women, in March 1999.

124. Within the framework of the Supreme Decree on equal opportunities for men and women, dated October 1997, the Department of Gender, Generational and Family Affairs then concluded a strategic alliance with institutions representing the State, international cooperation and civil society. As a result of this alliance, a Provisional Committee on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was set up, with the aim of raising public awareness of the importance of the Convention. A further task of the committee is to place the Convention on an equal footing with other international treaties aimed at coordinating actions to secure approval of the Optional Protocol, which will be submitted to the next session of the General Assembly for adoption and thereafter opened for accession by States.

125. Bolivia has also ratified the Equal Remuneration Convention (No. 100), on 15 November 1973, and the Discrimination (Employment and Occupation) Convention (No. 111), on 31 January 1977. The last two conventions mentioned above, however, i.e. the Human Resources Development Convention (No. 142) and the Convention concerning Workers with Family Responsibilities (No. 156), have not yet been ratified.

126. The latter Convention is important for workers in general and for women workers in particular, because, taken together, Convention No. 156, Recommendation No. 168 concerning vocational rehabilitation and employment (disabled persons) and Conventions Nos. 100 and 111 constitute a set of basic international treaties aimed at achieving effective equality of treatment and opportunities between men and women in the labour market. In addition, the

legal guidelines of Convention No. 156 provide that both men and women must be able to exercise their right to employment without being subject to discrimination resulting from family responsibilities and, "to the extent possible, without conflict between their employment and family responsibilities".

127. It is essential to take account of these Conventions when considering whether it is possible to achieve effective equality of treatment and opportunity between men and women in the labour market.

128. In this respect, it is important to understand the contribution made by women's work to the economy, in two ways: firstly, by adding to GDP through the production of marketable goods and services; and secondly, by contributing to the production of goods and services intended for home consumption, which are not marketed but which nevertheless make an important contribution to economic growth and development. One of women's main problems in this area is the excessive burden of work they are faced with in the home.

129. The undemocratic approach to the responsibilities and work arising from maternity and domestic chores is one of the main causes of the occupational inequality between men and women in the labour market, particularly in urban areas. According to statistics drawn from the 1992 National Population and Housing Census, 60% of women of working age devote their time and energy to reproductive functions in the home, which are not valued socially and do not afford them financial independence.

130. Furthermore, as currently drafted, the General Labour Act considers women as beings of limited capacity with the chief responsibility for looking after the family. They are granted protection and special treatment under the Act accordingly. The provisions intended to protect women, however, far from constituting an advantage actually have the opposite effect of leading to greater discrimination in the labour market. The Department of Gender Affairs has prepared a bill amending the General Labour Act to take account of important aspects, such as equality for women in the workplace and maternity protection.

131. In this respect, and within the framework of the Convention on the Elimination of All Forms of Discrimination against Women, we are definitely of the opinion that all that is required in order to achieve equality of treatment in employment is a set of generally applicable rules, allowing women special protection only insofar as it enables them to fulfill their role, as mothers, of reproducing the human species and the workforce.

132. In the section on protecting equality at work, a key aspect which is maintained is an equal working day for women, in order to avoid discrimination in terms of wages, promotion and the assignment of duties. The new bill also continues to prohibit the requirement of specific physical attributes or discrimination by gender, civil status, family responsibilities, pregnancy or maternity in the hiring of labour, and maintains the principle of equal remuneration for work of equal value regardless of gender, which was specifically called for in ILO Convention No. 100.

133. On the question of protection of maternity, half a day's leave per month has been allowed, prior to antenatal leave, to enable pregnant workers to receive antenatal health care.

The same leave facility is available throughout the first year after the birth of the child, to allow for pediatric care and monitoring, and may be taken by either spouse.

134. Through the Department of Gender, Generational and Family Affairs of the Ministry of Sustainable Development and Planning, the State is aiming to introduce a set of measures aimed at changing working conditions, in order to reduce the current differences in terms of access to work between men and by women. This is to be achieved firstly through a more democratic and social approach to family responsibilities and shared economic participation within the couple, and secondly by ensuring equality of access, promotion and above all remuneration in employment. This task will be assisted by ratification of ILO Convention No. 156.

135. The statistics show that men's wages are generally higher than women's; however, on average, men also work more hours per month than women, and have higher levels of educational attainment. The latter two phenomena may account for the wage discrepancy, in which case it may not be entirely appropriate to speak of discrimination.

136. Account needs to be taken of the main characteristics associated with the economic participation of women that justify the conclusions drawn and the position taken by the Ministry of Sustainable Development and Planning through the Department of Gender, Generational and Family Affairs, alluded to above.

137 Women are participating in the labour market more intensively and in ever greater numbers than ever before. The world of work is segregated by sex, as is shown by the fact that women continue to be concentrated in certain occupations and economically peripheral activities, and to receive lower pay. Likewise, they occupy junior posts with less responsibility and authority in economic enterprises. Differences between the wages paid to men and to women are significant at aggregate level.

138. These characteristics are corroborated by an analysis of the data provided by the National Statistics Institute (INE) concerning the structure of national employment in Bolivia's main cities. According to this information, of the total economically active population, which represents 41% of the population of working age, 57.2% are male and the remaining 42.8% female. The working population in the main cities numbers 1,339,873, of whom 57.2% are male and 42.8% female.

139 The data also show the segmentation of employment in Bolivia, if we note the relationship between women's level of education and the type of work they do.

140. Among working men, 19.1% are illiterate, compared with 80.9% of working women. Men account for 66.4% of unskilled labour, and women for 33.6%. On the other hand, no significant difference is discernible in the category of heads of enterprises or employers with no educational qualifications, with women accounting for 49.6% and men for 50.4%.

141. In the category of heads of enterprises or employers with a university education, among men the level of academic attainment is highly correlated with the likelihood of their becoming heads of enterprises or employers, which is not true of women in the same category. The statistics show that men account for 87.2% in this occupational category and women for

12.8%. The same pattern may be observed among the self-employed: of the total population in this category, 72.1% are men and the remaining 27.9% women.

142. At the other extreme, in the category of labourers, in general there are more skilled men than women in the labour force, except at the level of persons with teacher training qualifications. Of the total number of labourers who have completed primary schooling, 89.2% are men and 10.8% women; of those who have completed secondary schooling, 92.5% are men and 7.5% women; of those with a university education, 74.8% are men and 25.2% women. On the other hand, no woman with teacher training qualifications is to be found in this category.

143. According to the information provided, among those with no educational qualifications, women predominate in three areas: they account for 83% of domestic workers, 80% of the self-employed and 68% of employees. A similar pattern is discernible with regard to other levels of education: among those with a primary education, women account for 62% of domestic workers, 58.7% of the self-employed and 28.4% of employees. Among those with teacher training qualifications, women in this category account for 100% of domestic workers, 71.4% of employees and 47.9% of the self-employed. Similarly, of all women with university qualifications, 54.6% are domestic workers, 34.4% employees and 27.9% self-employed. Lastly, in the category of domestic workers, 92.2% of the total are women, with either primary or secondary qualifications.

144. Other important statistics regarding the labour force relate to economic activity by gender.

145. Of the total population in the agricultural sector, 73.2% are men compared with 26.8% of women who stated they were engaged in farming. Activities such as forestry and fishing, or mining, are performed chiefly by men (who account for 93% and 91.6% of the workforce in those sectors respectively); while in the construction industry men make up 96.1% of the total.

146. More and more women are to be found in manufacturing: of the total population working in this sector, 65.8% are men and 34.2% women. The same is true of entrepreneurial activities, where men account for 62.9% and women for 37.1% of the total.

147. According to the statistics, the situation is reversed in the tertiary sector of the economy. In activities traditionally performed by women, such as "private home" services, women account for 88% of employees, while in services such as hotels and restaurants, 79.7% are women and 20.3% men. In trade, the figures are 59% for women and 41% for men. In teaching, too, women account for 60.5% and men for only 39.5%.

148. With regard to the participation of the labour force with no educational qualifications in the primary and secondary sectors, the figures for women are higher. The participation of women without educational qualifications in agriculture is 55.6%, for men 44.4%. The same is true of manufacturing industry, where such women account for 67%, or in mining, where they account for 48%.

149. Similarly, in services, the figures for women with no educational qualifications are even higher, in some cases - such as public administration, teaching and social services - as high as

100%. In hotels and restaurants such women account for 94.4% of the total, and for trade the figure is 88.3%.

150. The higher women's level of education, the higher their penetration of other, traditionally male activities. Thus, women who have attended university account for 21.9% of the total in activities such as the utilities industry (electricity, gas and water), or in the construction industry, where they account for 27.3%.

151. Other statistics provided by the National Employment Survey, conducted in the main cities, relate to income distribution by gender. In November 1997, the average monthly income of the labour force was Bs 1,207. Men's income was Bs 1,448, compared with women's income of Bs 860. The differences are even more apparent if a comparison is made of incomes within the same economic activity. In agriculture, men's average income is Bs 2,660, while women are paid Bs 828. In forestry and fishing, the average income for men is Bs 2,937, compared to Bs 500 for women. In manufacturing industry, while men earn an average of Bs 1,111, women earn Bs 597.

152. In tertiary sector activities, where women account for the majority, the income difference in favour of men is glaring. In trade, men earn an average of Bs 1,386, compared to an average of Bs 784 for women. In the hotels and restaurants sector, men's average income is Bs 1,535, while women earn an average of Bs 677. Similarly, the average income of male teachers is higher than that of women teachers, at Bs 1,444 compared with Bs 935.

153. There are some activities in which women earn higher average incomes than men, such as the construction sector, where women's average income is Bs 2,049, compared to Bs 1,090 for men; or public administration, where the difference is small but slightly in favour of women, at Bs 1,787, as compared to Bs 1,592 for men. Women working in these sectors clearly have a higher level of education than men, as statistics cited above have already shown.

154. The same pattern emerges if one compares average incomes by occupational category: male labourers earn Bs 771, while female labourers earn 58% of the average income of their male counterparts. The same is true of employees, where women earn on average 68% of men's income. In the case of the self-employed, the discrepancy is similar, with women earning 61% of men's income. In the category of heads of enterprises and employers, women's average income is 77% of men's. The same is true of domestic employees, where women earn only 66% of what men earn for the same work. Only in the case of self-employed professionals do the figures show women earning more (by 6.5%) than men.

155. In order to analyze income distribution in Bolivia in more detail, the above data would need to be set against a basic variable, namely the number of hours worked. This task is currently pending and may be undertaken using the INE data base when available. The existing data are insufficient for this type of analysis.

156. On the basis of what data are available, the following comparisons may be drawn in terms of weekly hours worked in various economic sectors. In mining, for instance, men work an average 55 hours a week, compared to 48 hours for women. In manufacturing, men work an average 50-hour week and women an average of 40 hours; in teaching, men work an average of 32 hours and women 27. In activities such as trade, social services and community work, men

and women work the same average number of hours per week: 50, 44 and 40 in these three sectors respectively.

157. Lastly, the information available shows that, for the active population as a whole, men generally work more hours per week than women (57.2 compared to 42.8). Of the population working more than 40 hours per week, 65% are men and 35% women. In the category of labourers, women account for 8% of those working more than 40 hours a week, and men for 92%. The gap narrows for the self-employed, where women account for 43.6% and men for 56.4% of those working more than 40 hours. Finally, the opposite is true of the category of domestic workers, where women working more than 40 hours a week account for 75.9% of the total and men for 24.1%. On the other hand, among those working between 1 and 12.5 hours, 13 and 19.5 hours and 20 and 39.5 hours weekly, women predominate (60.4%, 55.7% and 63.6% respectively). Among the self-employed, however, women account for 71.1% in the first category, 71.1% in the second, and 73.4% in the third. Lastly, it is worth mentioning that on the basis of the statistics available it is not possible to establish with greater certainty that women generally perform double or even triple working hours, due to the fact that they continue to perform reproductive functions (in the home).

158. Within the General Economic Development Plan, the strategy for the enhancement and transformation of production represents an attempt to meet the challenge of achieving development in a country which is characterized by social solidarity, without distinction as to race, colour, sex, religion and national origin, and which will succeed in creating factors and conditions conducive to overcoming the structural limitations inherent in technical and vocational training.

159. The Bolivian Constitution and the General Labour Act enshrine the principles of equality between men and women in employment and of equal pay for equal work.

160. The legislation governing safety and health conditions in the workplace is as follows: the sections concerning health and safety in the workplace and occupational hazards of the General Labour Act of 8 December 1942; the sections concerning health and safety in the workplace and occupational hazards of the Decree regulating the General Labour Act, dated 23 August 1943; the Basic Regulations on industrial health and safety, of 16 January 1951 (Supreme Decree (S.D.) No. 2348); the Code of Social Security of 30 September 1946; the provisions regulating the Code of Social Security dated 30 September 1959; the General Health, Occupational Safety and Welfare Act of 2 August 1970 (Decree Law No. 16998); and the Health Code of 18 December 1978 (S.D. No. 15629).

161. This legislation is implemented nationally by the relevant central and departmental government departments, namely, the Ministry of Labour and Micro-Enterprises, the departmental prefectures, the Ministry of Social Security and Public Health, and operational divisions of the social security services.

162. Recently the pension funds have also begun to gather and compile statistics on industrial accidents, occupational sickness and medical examinations of employees.

163. In theory, no group of employees or employers falls outside the scope of the occupational health provisions. In practice, however, self-employed and casual workers are not

currently covered, although in the case of accidents they are able to turn to the Ministry of Labour for assistance in securing medical care in connection with their employment and to obtain compensation for damage to their health.

164. Leave entitlement is governed by the General Labour Act:

Article 41: Every day shall be a working day with the exception of holidays, which shall include Sundays, public holidays and those days declared exceptional holidays under special laws or decrees;

Article 42: No type of work may be performed during holidays, even in the form of professional or voluntary training. In the case of more remote localities, occasional holidays may be replaced with alternative days of rest.

165. Supreme Decree No. 21060, of 29 August 1985, provides as follows:

Article 67: Holidays on which public and private activities are suspended shall be as follows: Sundays, 1 January, Shrove Tuesday and Ash Wednesday, Good Friday, 1 May, Corpus Christi, 6 August, 10 November, 25 December and the date declared a public holiday in each department.

Article 68: All public holidays falling on a Sunday shall be celebrated on the working day immediately following, pursuant to Decree No. 14260 of 31 December 1976.

Article 69: Work shall not be suspended on the commemorative days of employees' guilds or professional bodies, religious and regional groups, institutions or enterprises, whether public or private. A declaration of national mourning does not imply the suspension of work.

166. The Regulatory Decree of 30 August 1927 provides that:

Article 1: In departmental capitals, all physical work undertaken on other people's behalf, i.e. work for which there is no compensation for the worker or employee other than his wage or salary, is prohibited on Sundays.

167. With regard to regular paid holidays, article 44 of Decree No. 3150 of 1952, amended by article 1 of S.D. No. 17288 of 18 March 1980, provides that the annual leave to which workers are entitled shall be determined according to the following scale: from 1 to 5 full years' service, 15 working days; from 5 to 10 full years' service, 20 working days; from 10 full years' service onwards, 30 working days.

168. The formation or foundation of a trade union is without exception subject to the statutory provisions of article 99 of the General Labour Act.

169. No special legal requirements exist regarding the establishment of trade unions, except for the categories of workers. Trade unions may be formed by not less than 20 workers, subject to the provisions of the General Labour Act.

170. There are no restrictions on the formation of trade unions, which are protected by the Political Constitution of the State and the General Labour Act, or on freedom of association, either for employers or for workers.

171. The State guarantees all Bolivian citizens the freedom and the right to form associations and trade unions for lawful purposes, in accordance with article 150 of the Constitution, articles 99 and 120 of the General Labour Act, its Regulatory Decree and the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). There are no restrictions or limitations regarding the right of trade unions to function freely. This right is recognized in article 159, II of the Constitution.

172. The General Labour Act lays down the following restrictions on the right to strike:

Article 105: No untimely interruption of work shall be permitted in any enterprise by the workers, before all the means of conciliation and arbitration provided for in the present section have been exhausted, failing which the action shall be regarded as illegal.

Article 106: Any trade union in dispute with employers must transmit its file of complaints to the appropriate labour inspector, signed by the officials of the trade union or, failing those, by more than half the workers party to the dispute.

173. The Bolivian Social Security Code sets out eight of the nine contingencies recommended by the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), as follows: sickness, maternity, occupational hazards, invalidity, old age, death, family allowances and social housing.

174. The provisions of the Social Security Code regulate benefits under the compulsory social security scheme and family allowances. Compulsory social security includes cover for sickness, maternity, occupational hazards, invalidity, old age and death, family allowances, married couples' allowances for births and breast feeding, and family and burial grants.

175. Sickness insurance for insured persons and beneficiaries covers necessary general and specialized medical and dental care, surgery, hospital care and the cost of medication justified by the patient's condition, as well as payment of the temporary incapacity allowance to contributors for the duration of the sickness.

176. Maternity benefits are paid to insured mothers or to the spouses or partners of insured persons and include the necessary medical, surgical and hospital care and provision of medication required by the patient's condition, as well as payment of the temporary antenatal, confinement and postnatal incapacity allowances.

177. Cash benefits to which insured persons who have been victims of an occupational hazard are entitled are: medical and dental assistance; surgery and hospital care; provision of medication and other therapeutic aids; provision, repair and renewal of prosthetic and orthopedic appliances; and treatment to secure recovery and occupational rehabilitation.

178. Occupational hazards fall into two categories: accidents at work and occupational sickness. Both are subject to the same calculations: after 26 weeks' medical treatment, which may be extended for another 26 weeks, and when it has proved impossible to secure the victim's recovery, the doctor declares him or her to be permanently either totally or partially incapacitated.

179. The only condition for entitlement to an occupational hazard allowance is for the work accident or occupational sickness to be registered by the medical service in charge.

180. The occupational hazard allowance depends on the degree of incapacity, which may be permanent total incapacity, equivalent to 100% incapacity for work, or permanent partial incapacity, categorized as such when the medical services determine a degree of incapacity for work of between 25 and 90%.

181. For incapacity allowances of 60% and upwards, the worker must submit a certification to the effect that he is no longer working. For incapacity assessed at up to 10%, no benefit will be paid. Between 10 and 25%, a lump-sum compensation will be paid in lieu of the allowance, equal to four annual payments of the allowance to which the insured person would have been entitled.

182. If declared to be permanently totally incapacitated as a result of an occupational disease, the insured person is granted a monthly income equivalent to 55% of his average wage. If declared to be permanently partially incapacitated, the insured person will receive an income calculated on the basis of the amount of income payable in the case of permanent total incapacity.

183. A work accident is understood to mean one that takes place when the worker is engaged in his daily work or carrying out an activity in order to perform that work, resulting in the diminution or loss of his work capacity.

184. An occupational disease is understood to be one that develops slowly over time, caused by the action of harmful agents that may be present in the workplace.

185. The rate of contributions to finance occupational hazard insurance is currently fixed at 1.5% of the employee's total remuneration, and is borne entirely by the employer.

186. Invalidity cover protects persons who as a result of ordinary illness or a non-occupational accident are unable to earn an income higher than 50% of the usual income earned by a healthy worker in the same geographical region. It provides a monthly income to compensate for the disability established and certified by the medical board.

187. Old-age insurance protects men over the age of 55 and women over the age of 50 who have paid contributions for at least 15 years, providing a lifetime monthly allowance equivalent to 30% of their average wage over the last six months plus a 2% increment for every 12 months' contributions over and above the 180 months' qualifying minimum.

188. Death insurance protects the beneficiaries of the actively or passively insured deceased person, including the spouse or partner, children under the age of 16, parents and siblings,

providing a widow's or orphan's allowance equivalent to 40%, 20% or 10% of the invalidity or old-age allowance received by the beneficiary or to which the deceased actively insured person would have been entitled under the same schemes.

189. According to the new Pensions Act, personal cover may be short or long-term. Medical assistance, personal accidents and group activity are examples of short-term cover, usually extending over a one-year period. Long-term cover is life assurance providing for a death benefit or a benefit on survival, normally in the form of a lifetime annuity.

190. Compulsory insurance schemes are those laid down by law, such as compulsory social security, which includes normal risks, occupational hazards and lifetime annuity cover, as well as compulsory traffic accident insurance.

191. The compulsory traffic accident insurance scheme covers all motor vehicles using national highways, providing single uniform cover for injury caused by traffic accidents, whether to pedestrians, passengers or drivers.

192. This scheme has no exclusions, that is to say, the insurance is payable in any situation, subject only to verification that death or injuries were in fact the result of a traffic accident; it covers medical expenses and compensation for death and permanent incapacity.

193. The scheme provides for a total maximum insured sum, covering death, total permanent incapacity and medical costs, of 2,300 SDRs (special drawing rights) or the equivalent in dollars or national currency, calculated at the exchange rate prevailing on the day the claim is settled. The amount is equivalent to approximately USD 3,000.

194. With regard to compulsory long-term social security, the Superintendency of Pensions, Assets and Securities has conducted a large-scale campaign to raise public awareness of rights, obligations and benefits under the pension scheme established under Act No. 1732 of 29 November 1996.

195. Those affiliated to this scheme need guarantees that the Superintendency will unfailingly ensure compliance with and proper application of the Act so as to ensure transparency in this area.

196. The legislation provides that long-term compulsory social security shall include retirement, invalidity and death benefits.

197. Pension fund administrators collect and administer affiliated persons' contributions and invest them so that they generate interest. Total contributions plus interest will constitute the contributor's accumulated capital for pension payment purposes.

198. A monthly contribution of 10% goes to the retirement pension. A monthly premium of 2% of the wage covers invalidity and death arising out of ordinary accidents and illnesses. This is a joint mutually owned accidents fund independent of the administrators. A monthly commission of 0.5% of the wage is payable to the administrators in respect of registration, collection of contributions and payment of pension benefits.

199. Employees contribute and receive benefits up to a maximum of 60 times the minimum wage (about Bs 18,000 at 31 December 1998). Self-employed workers have a minimum benefit of one national minimum wage (Bs 300 at the time of publication) and a maximum benefit of 60 times the minimum wage.

200. Employees' contributions and premiums always belong exclusively to the workers and are kept separate from the administrators' capital. Similarly, these resources cannot be attached by legal order.

201. When an individual account has accumulated capital enabling the holder to finance a pension of at least 70% of the average of his last 60 wages regardless of his age, or when he reaches the age of 65, regardless of the amount of capital accumulated in his individual account, the insured person will be entitled to draw the pension.

202. The administrators may not hold back any part of this capital for themselves. Compensation is granted by the State through the General Treasury and is paid out by the administrators.

203. The contributor is entitled to a general risk invalidity pension when he becomes a permanent total invalid as a result of a non-occupational accident or sickness, and draws an invalidity pension up to the age of 65. On reaching 65 he starts to draw a retirement pension based on the total amount in his individual account, consisting of the contributions made before his invalidity and those made by the accident fund until the person reaches the age of 65.

204. The survivor's pension is paid when the contributor dies as a result of a non-occupational accident or sickness. The surviving spouse receives a lifetime pension and the children temporary pensions until they reach the age of majority. If the contributor was unmarried and had no children, lifetime pensions are awarded to the parents (father and mother) and temporary pensions to entitled siblings.

205. In addition, the accident fund makes a lump-sum payment of Bs 1,100 to cover the contributor's funeral expenses.

206. The invalidity pension is paid when the contributing employee is left a total or partial invalid as a result of an accident or sickness resulting from his work, up to the age of 65. At that age he starts to draw a retirement pension based on the total sum accumulated in his individual account. That amount represents the contributions made before his invalidity and those made by the occupational hazard fund while he was drawing an invalidity pension.

207. Self-employed contributors are not eligible for the occupational invalidity pension and consequently pay no contributions to cover that contingency.

208. An occupational hazard survivor's pension is paid to the survivor of an employee who dies as a result of an accident or sickness arising out of his work. The surviving spouse receives a lifetime pension and the children temporary pensions. If the contributor was unmarried and had no children, lifetime pensions are awarded to the parents (father and mother) and temporary pensions to entitled siblings. In addition, the occupational hazard fund makes a lump-sum payment of Bs 1,100 to cover the contributor's funeral expenses.

209. If the contributor dies without declaring other beneficiaries, the capital accumulated in his individual account passes to his estate, which is then distributed in accordance with the provisions of the Civil Code.

210. In no circumstances may the administrators retain the capital accumulated in the contributor's individual account or the contributions made to the mutual accident and occupational hazard funds.

211. At the end of 1979 and the start of 1980, the first symptoms of the economic crisis Bolivia was to undergo in the ensuing years were felt, in the form of massive devaluations of the national currency, price inflation and all the consequences of the remedial economic measures subsequently taken.

212. In 1982 the promulgation of a Supreme Decree on devaluation led to a worsening of the economic crisis and serious adverse effects on the social security system as a result of hyperinflation, with a considerable increase in the cost of provision of cash benefits without any concomitant rise in contributions, whose value was constantly being eroded as a result of the devaluations.

213. In August 1985, Supreme Decree No. 121060 was promulgated, supplementing other provisions referring to two matters that affected and continue to affect the social security system: the relocation and assessment of consolidated frozen wages, with the abolition of bonuses and other income for employees (except the long-service bonus), which had previously provided a source of revenue for the system.

214. This situation prevailed until 1987, when major changes were introduced.

215. The deep crisis of the 1980s drew attention to the urgent need to implement economic and social stabilization policies to reflect Bolivia's transition to a market economy from 1985 onwards. The new stabilization measures were reflected in the social security system, and became operational following the adoption of Act No. 10924 of 14 April 1987, establishing funding for short and long-term schemes.

216. The current amendments to the Social Security Code raise the daily and monthly wage bases for the calculation of temporary incapacity allowances, and also the daily and monthly wage bases used in calculating long-term insurance benefits. The amended Code introduces the minimum subsistence allowance, which must not be lower than the national minimum wage, and provides for the automatic annual adjustment of current allowances on the basis of the annual index.

217. The financing of the health sector is conducted as follows. The National Treasury and the National Health Department attached to the Ministry of Human Development disbursed USD 99 million in 1995, USD 97 million of which were funded directly from 4.1% of the public budget; the balance (USD 42 million) was accounted for by transfers, allowances and retirement pensions. The National General Treasury contributed another USD 83,000 to the operational health budget of the Ministry of Defense for the purchase of medicines. In June 1995, resources earmarked for staff salaries were transferred to the departmental prefectures

for payment at decentralized level. Despite a number of rigidities resulting from the structural adjustment process (joint participation, external debt payment, project allocations), the national budget has increased its contribution to the financing of staff (18% growth under this heading between 1993 and 1996).

218. The Ministry of Health and Social Security, in conjunction with other management bodies of the public sector and government departments, is responsible for regulating public and private social security schemes drawn up by profit-making, non-profit-making and privately financed and administered enterprises and individuals in the formal and informal sectors, and for ensuring that they provide safe and effective services and that their staff are duly qualified.

219. The private sub-sector comprises:

(a) The profit-making private sector. This covers the provision of medical care and supplies. Although the private sub-sector is regarded as efficient, only an estimated 10% of the population use it regularly. The sub-sector is growing rapidly in the cities and adapting well to socio-economic conditions in the districts in which it is gaining a foothold. However, an ongoing problem is the failure of the public health system in its planning and organization to take account of private medical schemes, and the inadequate supervision of such schemes. Part of their business is taken up by health insurance schemes, while a significant proportion tends to be subsidized by the public sector, insofar as they make use of the public infrastructure in providing services.

(b) Non-profit-making private sector services: non-governmental organizations (NGOs) are the most important actors in this category. There are a great many of them, and their level of activity varies considerably according to the area, on the degree of poverty of the municipality and on the local church organizations. Many NGOs are involved in health promotion; others provide services directly through agreements with the municipalities, while others still (such as *Medicus Mundi*, *Médecins sans Frontières* or *Plan International*) focus on supporting the efforts made by services and municipalities to develop their managerial and organizational capacities. A federation of health NGOs provides coordination at national and international levels.

(c) The National Health Insurance Institute, a decentralized public body endowed with legal personality, independent management and its own assets, operating under the authority of the Ministry of Health and Social Security, aims to ensure that short-term schemes comply with the principles of efficiency, economy, sufficiency and opportunity. To this end it will be empowered to establish, monitor and inspect the policies and rules pursued by the Ministry of Health and Social Security.

220. In accordance with the preamble of the draft Ministerial Resolution dated 27 April 1999, Supreme Decree No. 25265 of 31 December 1998 established the Basic Health Insurance (SBS) scheme to provide essential health benefits at national level.

221. Aspects such as participation, population insured, financing, administration, benefits and costs, must be regulated in conformity with articles 10, 13 and 15 of the above Supreme Decree in order to ensure efficient implementation of the scheme.

222. Chapter 1 of the decree covers participation in the scheme, population insured, affiliation and access. Chapter 2 regulates the current tariffs and benefits covered, which are specified in article 6 (Benefits) concerning national care for women under the SBS. These benefits include promotional, preventive and remedial services aimed at ensuring safe maternity and healthy infants and avoiding the most frequent complications associated with pregnancy, in the following areas:

- (a) Infant health care;
- (b) Promotion of infant nutrition and development;
- (c) Treatment of infectious diseases, including acute diarrheic diseases, acute respiratory infections, sepsis and meningitis;
- (d) Disease prevention through vaccination.

223. According to article 1 of the decree (Participation in the SBS), municipal authorities must extend SBS benefits to the whole population under their jurisdiction through the signature of a participation agreement with the Ministry of Health and Social Security, authorizing the latter to negotiate with the Ministry of Finance the automatic deduction of 6.4% of the 85% of the municipal joint tax participation funds earmarked for investment, as a contribution to the local health compensation fund financed by the SBS.

224. According to article 2 of the decree (Population insured under the SBS), the whole population of the country is insured and protected by the SBS within the benefit limits established in the ministerial resolution.

225. According to article 3 of the decree (Affiliation to the SBS):

- (a) An SBS book and affiliation register is established for user identification and access to SBS benefits;
- (b) Municipal authorities that have signed the SBS participation agreement with the Ministry of Health and Social Security are responsible for ensuring that the population under their jurisdiction is affiliated from the time of promulgation of the ministerial resolution;
- (c) The Ministry of Health and Social Security, through its National Basic Insurance Management Unit and departmental health services, shall be responsible for keeping the municipal authorities permanently supplied with affiliation registers and SBS books for insured persons;
- (d) The municipal authorities may delegate affiliation and the supply of registers and books to public health and social security institutions, district health management teams, or, subject to prior agreement, to civil society organizations forming part of the SBS service facilities network.

226. According to article 4 of the decree (Access to SBS services):

(a) Access to the SBS shall be obtained through ground-level establishments. In the absence of local ground-level services, access may be obtained through any establishment subscribing to the SBS.

(b) Patients may obtain access to second and third-level care following referral by primary-level establishments.

(c) In case of emergency, provision of SBS benefits shall be immediate at all levels and shall not be subject to exclusions.

227. In Bolivia, a conceptual distinction needs to be drawn between short-term and long-term social security. The former consists of a range of health benefits provided by the National Health Fund and other occupational health funds, including medical benefits for sickness and maternity. The beneficiaries of this system are contributors belonging to the formal sector of the economy, that is, either workers protected under the General Labour Act or else public employees. According to INE statistics for 1995, short-term social security covered 23% of the total population.

228. Long-term social security is a range of provident benefits, which include invalidity, old age, occupational hazards and death benefits. The pension system is currently being reformed and converted from a collective capitalization to an individual capitalization system. In 1995, 18% of the population were covered by long-term social security. The data for coverage are aggregated and no information disaggregated by categories such as gender or ethnic group is available.

229. The measures considered to be necessary for the SBS include a system for management at national level in accordance with the parameters established in the management model for the Bolivian health system, the guidelines laid down in the Strategic Health Plan and those arising from the reform of the health system. Account must also be taken of experience gained in organizing and running the previous health system. In its operation, the SBS must have a clear conception of its operating mode, areas of management and levels of care, as well as of the relationship between them.

230. The Bolivian health system is organized on four levels: community family health teams, family health stations, and family health centres.

231. Within the political framework supervising the SBS, a central Planning, Monitoring and Evaluation Unit has been established as part of the SBS national management unit, operating under the authority of the Department of Health of the Ministry of Health and Social Security, as well as departmental operational and administrative coordination units, run by the SBS departmental management units and attached centrally to departmental health services and peripherally to district health units.

232. The service providers referred to in article 8 of the decree are the municipal authorities in their role of inspecting, financing and participating in the management of the local health compensation fund, and in their legal capacity.

233. Given the low coverage of the short-term social security system, the Government is taking policy measures to increase provision of basic health services to the population, the aim being to achieve universal coverage. Thus it is implementing the SBS as a collective insurance system, able to organize, regulate and finance a cost-effective package of primary health care benefits.

234. The results of the insurance services provided by the SBS will be monitored by means of quality indicators over the next five years by the World Bank, its chief financial backer.

235. Under the new individual capitalization system, the Pension Fund Administrators (AFPs), the institutions responsible for administering long-term social security contributions face the major challenge of extending long-term social security benefits to large sectors of the population working in the informal sector, thereby increasing the system's overall coverage.

236. Article 6 (V) of the decree establishing the SBS calls for care of the population as a whole, including preventive and remedial measures to improve sexual and reproductive health and curb diseases.

237. Persons who are not temporarily or permanently affiliated to a compulsory individual or collective scheme may join one of the existing health funds to gain access to short-term sickness, maternity and occupational hazard benefits.

238. The different funds have special rules concerning voluntary health insurance. The health funds collect a monthly contribution equivalent to 10% of three times the minimum wage.

239. The rules set forth in the Social Security Code support affiliated workers.

240. On the basis of information gathered during the period 1994-1997, a Life Plan and mother and child insurance scheme were introduced to improve family planning, sexual and reproductive health and the detection of cervical cancer.

241. A national mother and child benefit scheme was also established in 1996, providing a series of benefit packages for expectant mothers, newborn infants and children under the age of five across the country. The strategic health plan, which constitutes the chief policy instrument for the sector, provides basic guidelines, besides setting out a model of care and incorporating the mainstreaming of gender issues throughout its policies.

242. Within this framework, the National Programme for Sexual and Reproductive Health assumes responsibility for overcoming inequalities in gender relations.

243. The Basic Health Insurance (SBS) offers public sector health services, health funds and the services of non-governmental and other organizations that subscribe to it.

244. The Department of Gender, Generational and Family Affairs, on the other hand, has been actively engaged in training teachers for careers in medicine, nutrition and nursing and for post-graduate studies in public health at the Universidad Mayor de San Andrés de la Paz. The aim eventually is to establish alliances between the National Network of Information and

Communication Workers (Red-ADA), the international NGO IPPF (International Planned Parenthood Federation) and the Department of Gender, Generational and Family Affairs. Training has been provided to communicators, in addition to other activities, within the framework of the sexual and reproductive health sub-programme financed by the United Nations Population Fund (UNFPA).

245. The Department of Gender, Generational and Family Affairs provides training in the areas of gender and health to the sectors concerned, dealing with managerial and epidemiological issues from a gender perspective, with modules on sexual and reproductive health and quality of care.

246. The National Plan for the Prevention and Eradication of Violence against Women was used as a basis for the Programme for the Prevention of Violence against Women and Girls, which gives priority to combating violence within the Strategic Health Plan.

247. Working groups have been set up in civil society to deal with issues such as undesired pregnancies, abortion and masculinity in three main cities. These groups have been conducting campaigns under the slogan "For the right to speak", with a view to encouraging public debate on issues such as abortion and bringing back to mind the commitments undertaken in Beijing.

248. The Basic Insurance for Indigenous People will enter into effect on 27 January 2002, offering free medical services in rural areas on the basis of the SBS programme.

Concrete measures adopted to diminish mother and infant mortality rates

249. The General Economic and Social Development Plan 1997-2002, resting on the four pillars of opportunity, equity, institutionalism and dignity, provides clear guidelines in health matters in general and sexual and reproductive health in particular. The equity principle has given rise to training and comprehensive health policies in the following areas: a) basic food and nutrition; b) promotion of health and preventive medicine; c) primary universal health care; d) sexual and reproductive health with an emphasis on adolescence; e) endemic monitoring; and f) initial education. A basic aim of equity policies in the area of sexual and reproductive health is to improve conditions of access and to adapt reproductive health services to the socio-cultural context of users, while contributing to the full development of young people.

250. The National Plan of the National Programme of Full Care for Women and Sexual and Reproductive Health (PRONAIMSSER), launched in 1998, coordinates the initiatives of different sectors with regard to sexual and reproductive health. Following the main lines of the Strategic Health Plan, it proposes to enhance the enjoyment of sexual and reproductive rights by women, men and young people.

251. This plan serves as a basic reference for the coordinated inter-sectoral work of the Ministry of Health and Social Security with the Ministry of Sustainable Development and Planning (Department of Gender, Generational and Family Affairs) and the Ministry of Education, Culture and Sport (Department of Alternative Education and Department of Formal Education) on various aspects of sexual and reproductive health linked to major international

cooperation projects and preparations for the National Forum for Sexual and Reproductive Health.

252. One of the impact targets pursued by the Sexual and Reproductive Health Plan and Programme is to reduce maternal mortality to 250 for every 100,000 live births, i.e. by about 35% compared with the estimates of the National Population and Health Survey (ENDSA 94).

253. The measures adopted are as follows:

(a) Direction and management: responsibility for achieving standards and objectives, in addition to making the project viable in the medium and longer term;

(b) Logistics of supplies, materials and medicines: the delivery of supplies on time is a basic component of the quality of services;

(c) Training and on-going education: giving consideration to the current and potential needs of health personnel, in such aspects as motivation, gender and generational issues, inter-cultural dialogue, ability to solve problems and the adoption of a culture of quality aimed at user satisfaction;

(d) Information, education and communication: in accordance with the needs and demands of different population groups, communication is maintained with large and small population groups as well as between individuals;

(e) Supply of services: aimed at meeting demand in all promotional, preventive, remedial and rehabilitation aspects;

(f) Organization and mobilization of the community and municipalities: aimed at establishing the management of services and programmes based on the principles of shared or joint management aimed at sustainability;

(g) Research: aimed at tackling problems arising among the population and in the supply of services, as well as at yielding information concerning the performance of managerial staff, along the lines of action-related research.

254. Created by Supreme Decree No. 25265 dated December 1988, the Basic Health Insurance (SBS) scheme constitutes an extended package of basic health services for children, women and the population in general, provided by the public service network of the Ministry of Health and Social Security, the National Health Fund and other institutions. With the general aim of reducing mother and infant mortality, the purpose of this basic health insurance is to ensure universal access for all Bolivian citizens and provide high quality and culturally adapted basic health services.

255. The Plan of Action of the Localized Strategic Interventions Component (CIELA) was created in order to coordinate support actions for the development of health personnel and community leaders in 17 priority districts. It includes the following measures:

(a) Continuing education in managerial clinical skills, for the training of doctors, nurses and nursing assistants in basic obstetric tasks in 17 priority districts, which have the

highest rates of maternal mortality. Training is also provided in the administration of logistics for the handling of materials and supplies;

(b) Supervision and management of the obstetric and neonatal network in order to ensure the implementation of established standards and provide technical assistance. The organization of patients' referral and counter-referral;

(c) Training of community leaders in the detection and referral of obstetric and neonatal risks;

(d) Training of adults and couples in obstetric care and family planning;

(e) Support for committees processing community data;

(f) Meetings of community sectors for the purpose of organizing the transport network and reporting obstetric and neonatal emergencies;

(g) Meetings between the health services and community leaders with a view to improving the quality of health care.

256. The following concrete measures have been adopted for the reduction of infant mortality:

(a) Basic Health Insurance (SBS), with priority for the Strategy of Comprehensive Care for Common Childhood Sickneses (AIEPI) component;

(b) The 2002 Target, an initiative proposed by the Pan-American Health Organization and other international organizations, confirms the commitment undertaken at the Americas Summit, whose objective is to reduce the mortality rate for infants under one year of age by 50%, through the implementation of the AIEPI Strategy in community services;

(c) Strategic plan to provide comprehensive care for children, which includes:

(i) Strengthening of Basic Health Insurance (SBS): monitoring of the implementation of the AIEPI Strategy in health services; improvement in the quality of care for children under five years old; strengthening of the logistics and supplies subsystem; periodic evaluations of tasks and results.

(ii) Organization of ground-level care: improvement of skills standards for the implementation of the Comprehensive Care (AIEPI) Strategy; follow-up visits and local monitoring; review of the organization of services and districts for comprehensive care; handling of medicines and supplies; introduction of Comprehensive Care Strategy in human resource health training centres.

(iii) Focusing of action: epidemiological prioritization by departments, provinces and municipalities.

- (iv) Comprehensive care for children in the community: implementation of the Comprehensive Care Strategy in communities for local health agents; community mobilization for the survival of the under-fives; information, education and communication for a change in behaviour and the promotion of better practices for the care of under-fives in the home and in the community; monitoring of under-five mortality in health and community services.
- (v) Commitments in support of action in favour of children at national and local level: search for strategic partners; strengthening of inter-agency and inter-institution committees at local and national level; channeling of resources.

257. In 1989, the maternal mortality rate was as high as 416 per 100,000 live births (ENDSA 1989).

258. According to direct estimates made by ENDSA in 1994, the maternal mortality rate for the period 1989-1994 was 390 deaths for every 100,000 live births.

259. In urban areas, this rate was 262 per 100,000 live births and in rural areas 563 deaths per 100,000 live births.

260. In the high plateau region (Altiplano), the maternal mortality rate was 591 per 100,000 live births (346 per 100,000 in urban areas and 929 per 100,000 in rural areas). In the Valle region, the rate was 286 per 100,000 live births and in the Llano region, 166 per 100,000 per live births.

261. In percentage terms, 61.7% of deaths occurred during pregnancy, 22.8% during delivery and 15.5% in the postnatal period.

262. Most of these deaths occurred at home.

263. There are no up-to-date data on maternal mortality since none were given in the 1998 ENDSA survey and updated data will be available only with the new census. Only then will the impact of the new measures become perceptible.

264. Infant mortality trends in five year periods and projections for 2002:

1983-1988	89 per 1,000 live births
1988-1993	75 per 1,000 live births
1993-1998	67 per 1,000 live births

265. No further data are available until the 2001 National Population and Housing Census.

266. In Bolivia, birth control policies and programmes are practically ignored, since the concept of birth control entails connotations that go beyond the free choice and decisions of individuals, in this case women, and reflect instead manipulations of population policies, aimed supposedly at reducing the degree of poverty in third-world countries at the same time as throttling population growth. Attempts have been made to impose such population policies

through support programmes, such as those of the Alliance for Progress, which have been denounced in a number of international population conferences. The programmes they recommended were not followed up in third-world countries from the 1960s onwards.

267. Current programmes and policies are conducted in response to the recommendations issued by international conferences, especially the most recent ones, such as the International Conference on Population and Development, which was held in Cairo in 1994. Those recommendations were ratified in Beijing in 1995 and have been incorporated into national projects.

268. The conceptual advances made in the area of reproductive and sexual health have established clear links between the two aspects, which cover sexually transmitted diseases and the health of mothers and infants. The quality of care in health services is affected by many complexities arising from the conceptual approach adopted.

269. The main focus of organizations such as the United Nations Population Fund (UNFPA) and private health centres, such as the CIES, PROSALUD, CARE, Fundación San Gabriel, SERVIR and others, tends towards the implementation of "sexual and reproductive education" strategies for the training of children and young people, providing scientific information and matter for reflection in order to encourage youngsters to adopt a full, enriching and healthy approach to sexuality throughout their lives. Family planning is used as a tool for the control of fertility. The policy which is currently being implemented and disseminated, in both public and private areas, defends the rights of individuals to decide freely where their own bodies are concerned.

270. In the departmental committees on sexual and reproductive health, working groups on health, education and gender have been set up to deal with information, education and training matters. The committees are attended by the Departmental Education Service, the Departmental Health Service and Departmental Gender Units.

271. Bolivia has no birth control policies or programmes. It concentrates instead on family planning, which is defined as the right for couples to choose the number of children they have and the time of conception.

272. Sex education is included in the training component of the Sexual and Reproductive Health Programme. The Children's and Young Persons' Code sets out a series of protection, prevention and comprehensive care measures, which should be made available to all children and young persons in order to ensure their physical, mental, moral, spiritual, emotional and social development, in conditions of freedom, respect, dignity and equity, in conformity with articles 177, 193 and 195 of the Bolivian Constitution.

273. According to article 5 of the Constitution: "Children and young persons, as legal subjects, enjoy all the fundamental rights and constitutional guarantees available to all citizens, without prejudice to their full protection [...]. It is the State's obligation, by law and by all means available, to provide all opportunities and facilities, both for girls and for boys, in order to guarantee their full development under conditions of equality and equity.

274. The Ministry of Sustainable Development and Planning is responsible for conducting policies for children, through its Department for Gender, Generational and Family Affairs. In

line with these policies, a National Council for Children and Young Persons has been set up with responsibility for prior consultation and evaluation of legal policies and services for children and young persons nationwide.

275. At departmental level, prefectural councils, with authority over the commissions dealing with children and young persons, are responsible for supervising departmental policies and services for children and young persons, in conformity with article 176 of the Code.

276. At municipal level, complaints are dealt with free of charge by experts of the Ombudsmen's Offices for the Defense of Children and Young Persons, in conformity with the Children's Code.

277. The Ombudsmen's Offices for the Defense of Children and Young Persons deal with cases of the so-called "*criaditos*" (indentured child domestic workers), lodging complaints and providing support where necessary. According to article 196, the duties of such offices include:

(a) Lodging complaints with the relevant authorities for violations committed against the rights of children and young persons, while acting in their defense before administrative or judicial bodies, without the need for a specific mandate;

(b) Monitoring the situation of children and young persons placed in public or private institutions or local centres under their jurisdiction, where children and young persons work, live or spend time, and, where appropriate, initiating whatever administrative actions are necessary to defend their rights;

(c) Intervening whenever conflicts arise between the rights of children and young persons and the authority of parents, guardians, custodians or third parties, with a view to safeguarding the higher interests of the children.

278. Such measures are confirmed in the provisions of the Children's and Young Persons' Code, although they do not constitute a full solution to the problem experienced nowadays by many children and young persons. Non-governmental organizations, such as Defense for Children International (DCI), which run offices in several departments, deal with cases related to the observance of human rights in the framework of international treaties, in addition to other organizations, which also look after children's rights. The work is slow, but progress is being made towards the eradication of bad practices through prevention measures and the application of penalties.

279. As mentioned in the Children's and Young Persons' Code, the Ombudsmen's Offices defending children's rights operate according to the characteristics and administrative structure of the local government where they are situated. They may open district or cantonal branches if required by the local population density, their territorial distribution and the agreements undertaken according to the principle of joint responsibility. The Ombudsmen's Offices also coordinate their work, which receives municipal support in terms of budgetary resources, infrastructure, human resources and professional assistance, with the backing of continuing training facilities.

280. In addition, the organization of emergency risk prevention and management should help to establish a national security system for human settlements, by encouraging communities to

take an active part in the improvement of their environment, as a means of enhancing the role of the individual in social progress.

281. In addition, technical assistance and housing subsidies are provided to help communities in areas affected by endemic diseases, such as Chagas' disease, malaria or cholera, constituting a basic tool for intervening in areas with high rates of poverty.

282. The National Council for Food Security engages only in very limited activities, such as dealing with risks and early warnings, which do not help the destitute. The poorest quintile, especially in rural areas and indigenous communities, receive no specific food aid. Another council is now active in this area, known as CIAN, which is attached to the Office of the First Lady.

283. The way to raise the living standards of the poorest people is to improve the supplies of traditional foods and local medicine, rather than making excessive donations of other foods and introducing inappropriate western habits. Sustainable means of survival must be supported in every region through the preservation of the local biodiversity of foods and medicinal plants.

284. Supplying semi-processed foods of local origin and medicinal plants can create new jobs and help to look after the environment.

285. The present national housing and basic services policy was initiated in December 1987, five months after General Hugo Banzer Suárez took office, as part of the equity component of the Government's Economic and Social Development Plan. The objective of the plan is to improve the living conditions of the population, especially of its poorer sectors, creating equal opportunities for accessing higher income levels, sufficient at least to cover basic needs.

286. The strategic objective of this policy is to ensure access to decent housing conditions. Priority is given to achieving large-scale access to suitable housing, within a healthy environment and respecting ancestral values and cultures, which are important factors in the fight against poverty and the drive for full development of the individual in society.

287. More specifically, the following aims are pursued: a) promoting more extensive coverage, while maintaining and improving the quality of basic services; b) promoting access to decent housing; and c) improving the quality of neighbourhoods and communities.

288. According to the policy of extending coverage while maintaining and improving the quality of basic services, the objectives are to improve the supply of drinking water and sanitation in urban areas in general, with an emphasis on marginal areas, and in rural areas, in order to reverse the high child morbidity and mortality rates resulting from a shortage of drinking water and the lack of evacuation of waste water and solid waste.

289. The maintenance and improvement of basic services is being given priority as a means of improving the quality of life and security of the population.

290. In accordance with the policy of improving neighbourhoods and communities, further support will be given to programmes of basic urban sanitation, giving priority to neighbourhoods situated in peripheral areas with a large migrant population and medium-sized towns.

291. The campaign undertaken to promote extended access to decent housing places the emphasis on improving the quality of housing for the most destitute, both in marginal urban areas and in rural areas. The aim is to achieve basic conditions for the sound reproduction of the workforce, to raise productivity and to provide a healthy and culturally suitable environment for the family.

292. More credit is to be provided to improve the housing of low income sectors, through the operation of transparent and easily accessible procedures. Mortgage facilities are to be offered by existing financial institutions and land registries.

293. The chief focus of the housing policy consists in a triangle made up of savings, credit and subsidies, in order to enable the poorest sectors of the population to obtain access to housing finance.

294. Savings and credit for social housing will be encouraged, with technical assistance, placing the focus mainly on improving the standard of housing (drinking water, sewage and sanitation), enlarging available lodgings and building new housing in order to reduce high rates of overcrowding.

295. The cooperative policy implemented by the National Subsidies Programme will facilitate access to housing for the lower income sector of the population, using resources provided by the National Treasury, in addition to external resources, employers' contributions and the surplus derived from the sale of the portfolio of assets of the Social Housing Fund, channeled through the financial system and allocated according to the income level of the neediest sectors of the population.

296. The policy of promoting the legalization of property in marginal urban areas, with the support of municipal governments and local communities, has provided a significant credit basis, not only allowing access to decent housing through a system of mortgage guarantees, but also helping to solve the problem of marginality and insecurity of land tenure in urban areas.

297. The Unified National Building Specifications need to be approved, in order to ensure that construction schemes are compatible with the social and cultural characteristics of each region, for example, by ensuring respect for the historical cultural values of indigenous populations.

298. With the implementation of urban land registration systems and an appropriate legal framework to facilitate, orient and regulate the administration of municipal urban development, the Government will be able to ensure that the best use is made of available land.

299. Improving the quality of communities and neighbourhoods has become an important component in the drive to promote active citizenship, as this policy provides tools for social management on a local basis, at the same time as furthering the process of democratization.

300. Alongside participative planning projects, these social participation schemes provide a sound basis for the achievement of decent housing standards subject to full respect for the identity of beneficiaries.

301. Neighbourhood improvement, with the assistance of local committees operating in marginal urban areas, together with the improvement of communities, assisted by local

organizations set up in rural areas and State backing, have become essential components in the drive to improve the quality of life of the population.

302. On the other hand, the emergency prevention and risk management scheme should provide the basis for a national security system for human settlements, by encouraging the communities to take an active part in improving their own environment and helping individuals to contribute to the improvement of their own living conditions.

303. At the same time, the improvement of communities in areas affected by endemic diseases, such as Chagas' Disease, malaria, cholera and others, has become a basic tool in the struggle to reduce the high rates of poverty, by providing technical assistance and subsidies for the improvement of housing.

304. The Government of Bolivia, within the framework of its commitments, has begun to give additional support to the National Literacy Plan for Life and Production, placing special emphasis on the regions of Potosí, Chuquisaca and Cochabamba, and aiming to open up the Departments of Santa Cruz, Oruro and La Paz, thanks to the combined efforts of municipalities, prefectures, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the Organization of American States (OAS) and the Ministry of Education, Culture and Sport.

305. So far, 200,000 people have effectively been taught to read and write, at national level, thanks to the training of 400 coordinators and 8,000 literacy instructors in the handling of literacy methods and materials.

306. The United Nations Educational, Scientific and Cultural Organization (UNESCO), through its International Jury, awarded the Malcom Adiseshiah International Literacy Prize for the year 2000 to Bolivia for its Bilingual Literacy Project on Reproductive Health (in Quetchua and Spanish) taking place in Chuquisaca and Potosí.

307. With financial support from the Organization of American States (OAS), 450 literacy instructors were trained in the Department of Santa Cruz with a view to launching a literacy project among indigenous communities of the region. A similar campaign, funded from domestic resources, was to take place in the Departments of Oruro and La Paz in 2001.

308. A strategy has been established for providing young people and adults with basic education, based on learning modules, in order to facilitate continued study for persons who have finished schooling in different areas of the country.

309. On 7 July 1994, the Bolivian Education Code (promulgated in 1955) was amended by the Education Reform Act No. 1565, as part of the policy of constantly keeping the national educational system up to date with the country's interests, as a planned, continuing and long-term process.

310. Among its main features, the new Act establishes that education is universal because all Bolivians are entitled to equal opportunities, while confirming the socio-cultural variety of the country, with no restrictions or discrimination on grounds of ethnic group, culture, region, social, physical, mental or sensory conditions, or gender, creed or age.

311. In addition, the educational reform which is currently being implemented seeks to ensure the democratization of educational services by achieving full coverage of primary schooling, giving particular preference to women and to underprivileged sectors.

312. In order to cater for the needs of the marginalized population and in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination, the national education system has pursued a policy of alternative education, the concepts and programmes of which are described below.

Alternative education

313. Established by Act No. 1565 of 7 July 1994, alternative education is an area of the national education system which aims to offer equal opportunities in humanistic and scientific education, as well as technical and vocational training, to persons who, for various reasons, were unable to begin or to continue their studies. The purpose is to ensure their personal and social development through the participative acquisition of knowledge, designed to convert and optimize productive experiences, values, aptitudes and cultural attitudes.

Municipal Integrated Centre (CIM)

314. This is a participative and constructive educational project to supply training in and for the community in order to bring about change at the municipal level, fostering genuine participation by the community.

315. The CIM is a multipurpose facility providing comprehensive, continuing education in the socio-cultural and occupational fields, as well as the humanities and science, with a view to developing the personal and social potential of community participants, with the coordination and cooperation of different institutions and sectors, on the basis of government, private and local initiatives.

316. The scheme provides a range of educational alternatives for children, young people, adults and retired workers, who have either left or who never entered the formal educational system. The subjects offered, related to technical and occupational training, include adult education and literacy, education for children, special education and community education.

317. The further development of the CIM's alternative education scheme is ensured by the continuing training of instructors and the provision of technical resources by municipalities.

Literacy plan

318. Literacy training is the start of a continuing education process which, on the basis of an intercultural and linguistic approach, provides access to the learning of reading and writing skills and basic arithmetic, in order to assist participants gain the abilities and skills required by the labour market.

319. The literacy plan's target is the population of young people and adults requiring education, who are situated on the threshold of poverty, giving special attention to women and indigenous peoples, to rural areas and to peripheral urban neighbourhoods in the country.

Adult education programme

320. This programme is intended to provide full, continuing training to adults in order to assist their development work in society. It uses methods, procedures and techniques that encourage the active participation of participants seeking self-fulfillment. It aims to make rational use of human and financial resources, infrastructures and materials, as well as of science and technology.

Alternative education programme for young people

321. This is an educational programme for children and young people, young workers and street children in a situation of social risk, that is, afflicted by poverty, abandonment, ill-treatment, exploitation, inequality and exclusion from education, or whose learning opportunities are inadequate for their social, family or working needs.

Special education programme

322. Within the framework of the policy of catering for diversity, this programme is intended for persons with special educational requirements, either temporary or permanent, related to disability, learning problems or emotional problems impeding the full development of their potential capacities. The aim is to achieve the active participation of these persons in all areas of society on the basis of equal opportunities.

Continuing education programme

323. This programme promotes, encourages and coordinates activities aimed at the development of alternative and continuing educational processes. The objectives focus on the vocational and occupational training of workers, in large numbers or in groups, either remotely or on site, in response to identified requirements on the part of the community, and taking account of the cultural identity, respect for differences and gender equality of all those involved.

Technical education programme

324. This is a vocational training programme to develop technical occupational skills required for learning practical working skills, with the aim of contributing to the optimum development of the individual and institutions in society.

Technical vocational training

325. This aims to provide working qualifications (in terms of knowledge, skills and performance) in relation to:

(a) Job content, so that technically qualified individuals obtain a broad understanding of the cognitive and methodological aspects required for their specialty;

(b) Job skills, aimed at ensuring that qualified individuals know by what means and what method they can achieve the best results, by becoming familiar with new skills;

(c) The social context of the job, with the recognition of newly acquired skills through the designation of professional categories in society, so that the newly trained individuals become aware of the characteristics of their position within a social context, know how to maintain it and understand how to relate it with other professions.

Technical training in agriculture

326. This is a programme of vocational qualification (through the acquisition of knowledge, skills and activity) aimed at improving the quality of life of agricultural and indigenous workers. The objectives are:

(a) To develop forms of participative learning in the light of the local community's practical and social needs;

(b) To achieve sufficient mastery of appropriate technologies suited to local conditions;

(c) To develop the implementation of agricultural production practices and resources with a view to maximizing returns for the benefit of the individuals concerned and the community at large.

327. In 1999, a total of 35,942 students were registered at private universities and 163,318 at public universities, which in percentage terms is equivalent to 18.04% for the former and 81.96% for the latter.

328. A science and technology bill was submitted to the Senate in September 1999. After approval by the Senate, it was transmitted to the Chamber of Deputies in February 2000 and is still currently under discussion.

329. The bill was examined by the Committee for Science and Technology Education of the Chamber of Deputies, which delivered its report to the General Secretariat in March 2001. The bill is currently on the agenda for approval by the lower house.

Article 6

330. The remedies available to persons alleging that any of their human rights have been violated and the compensation systems for victims include: the constitutional recourse of *amparo* and habeas corpus; lodging a complaint with the Ombudsman; lodging a complaint before a court. In this case, any criminal proceedings will be accompanied by civil proceedings for the purpose of obtaining compensation.

331. The civil legislation establishes a procedure for initiating proceedings before a court and at the same time makes provision for giving effect to compensation for civil damage.

332. The Summary Civil Procedure and Family Assistance Act, which establishes legal procedures for obtaining civil compensation, was approved under Act No. 1760 of 28 February 1997.

333. Act No. 1970, on the Code of Criminal Procedure, in the chapter where it refers to compensation proceedings, establishes that: "Once the enforceability of the sentence or the judgment imposing a legal safeguard on grounds of non-liability or semi-liability has been confirmed, the plaintiff or the prosecutor may apply to the sentencing judge to order compensation for the damage caused or payment of indemnity. A victim who has not taken part in the trial may follow this procedure within three months of being informed of the sentence".

334. This provides an illustration of the fact that there are domestic mechanisms that ensure compensation for damage in the event that human rights have been violated, for instance, in cases of racial discrimination.

Article 7

The elimination of all forms of racial discrimination in educational reform in Bolivia

335. In response to the need to eradicate existing forms of racial discrimination, Act No. 1565 on Bolivian educational reform, in article 2 of the single chapter entitled "Foundation and purpose of Bolivian education", sets out the following aims:

"To foster attachment to humanitarian values and universally recognized ethical standards, as well as to the standards proper to our own culture, by promoting responsibility in the taking of personal decisions, the development of critical thought and respect for human rights [...], awareness of a sense of duty and aptitude for living in a democracy, and by strengthening both individual awareness and the community spirit.

To strengthen the sense of national identity by exalting the historic and cultural values of the Bolivian nation in their vast and diverse multicultural and multiregional wealth."

336. The educational policy that responds to this challenge is reflected in the curriculum through the mainstream theme of education for democracy, which aims to minimize, prevent or resolve six major types of emerging social problems, as follows:

- (a) Ways of life based on anti-democratic values that are assumed to be natural;
- (b) Violations of economic, social, political and cultural human rights;
- (c) The use of violence to settle conflicts;
- (d) Depreciation of personal and social organization causing unsatisfactory participation in family, school and social life;
- (e) Lack of leaders believing in democratic values and willing to share responsibilities in different organizations;
- (f) Ignorance of standards and laws that safeguard the common good and relations between people.

337. These six types of problems must be broached, bearing in mind existing social circumstances, at preschool, primary and secondary levels, with greater or lesser degrees of complexity in the development of school curricula, and in connection with three other mainstream subjects: education for gender equity, education for the environment and education for health and sexuality.

338. Themes such as "the elimination of all forms of racial discrimination" and related topics are interwoven with mainstream themes such as education for democracy and curriculum subjects related to the life sciences, mathematics, language and communication, expression and creativeness, technology and practical knowledge.

339. The theme is dealt with from the preschool level up to non-university higher education. This implies reviewing the basic curriculum of teacher training colleges, in order to change the attitudes of future teachers.

340. This work becomes more complex when suitable responses are considered to problematic social circumstances and attitudes at each level of education.

341. At the pre-school level, in response to the problem of coexistence in the family and at school admitting anti-democratic values: solidarity and egalitarian treatment among children despite racial, gender, sex or language differences or different socio-economic and cultural backgrounds; an honest handling of activities in the classroom and the school, self-esteem, the multicultural and multilingual identity of a people and culture; fraternity and communication in dealings among children, and between children and adults, and the belief in dialogue and freedom as values likely to strengthen democratic attitudes in children's education.

342. In response to the problem of abuse of power on the part of adults and violation of the rights which children require to lead a dignified life: awareness of rights, of being treated and of treating others without discrimination of any kind, and of being physically, psychologically, mentally and socially protected; the right to adequate food, to be cared for in sickness, not to be rejected or forgotten, to have a healthy environment and not to be exploited at an early age.

343. In response to the problem of violence in social relations, and the physical, psychological, moral and social ill-treatment of children: the learning of peaceful coexistence by children with their companions despite differences between them; the sense of internal peace in order to achieve collective peace; strategies designed to foster harmonious social relations despite differences of race, culture, or gender, such as affection, friendship, understanding, solidarity and fraternal coexistence.

344. In response to the problem of unsatisfactory or sketchy knowledge and practice of family and school standards: attitudes of conscious obedience which should be adopted by children in relation to family and social values, which prescribe amongst others equal treatment among children who differ by their race, their gender, their culture or their nationality, as one of the means of training children to be respectful of values in a diversified society.

345. In the first cycle of primary school, in response to the problem of antisocial values which are naturally assumed in family, school and communal life, such as intolerance, unequal treatment, dishonesty on the part of children in their dealings with other children who are not like them, and lack of respect among classmates: discussions regarding the causes of racism

and the ways in which it manifests itself; respect among members of the child's family and for other families, among communities, among neighbours, etc; the importance of accepting the other person as being different, neither better nor worse than oneself; solidarity among classmates and with other school children, as well as with other schools and other social circles. In response to the violation of children's rights: the understanding of rights as a condition for living with dignity, one of these rights, which is of relevance for work on this issue, being the right to equality without distinction on grounds of race, gender, creed or nationality; discussions about the reasons why rights are violated, and the ways in which children's rights are treated by adults and by parents, teachers, and ordinary citizens.

346. Children can also be motivated to generate strategies for the defense of their own rights. They may be offered the possibility of denouncing violations of their rights, in which case they must be taught to complain without fear, for instance of ill-treatment they receive on account of racist attitudes; they will also be made aware of facilities designed for the benefit of children, which can protect them even in the street.

347. In response to the problem of personal relations in situations of constant conflict and aggression among peers: this implies discussing issues such as racism with children. Consideration will be given to different ways of settling conflicts among classmates, with the family, with neighbours or with the community. Examples include dialogue, listening and being listened to, finding agreement with the other party, reporting racist aggression, creating awareness of intolerance based on differences directed against them or against other schoolmates or individuals in the community; conducting awareness campaigns against different forms of violence, such as racial violence; providing children with guidance regarding ways of bringing their problems to the Ombudsman, to family protection brigades and to other organizations run by the community, or alternatively setting up organizations with the children to support fraternal coexistence among individuals.

348. In response to the problem of the lack of training and motivation for development on the part of group, class and school leaders: in discussing this type of problem, the teacher can provide guidance to students in order to train leaders with democratic attitudes, able to fight amongst others for justice and social equity, and respect for differences.

349. In response to the problem of the unawareness or lack of observance of family, school and community values: in this case the teacher can encourage children jointly to make up rules and standards that reject racism in the classroom and in school, while fostering respect for these obligations which the children themselves have established.

350. In the second cycle of primary school, the problems dealt with will include the difficulties of coexistence among members of a family, a school or a community based on undemocratic values: in this case, the teacher may bring students to compare democratic and undemocratic values, while helping them to overcome low self-esteem or lack of self-confidence due to belonging to a particular culture.

351. The problems and issues considered in the course of this cycle will include racial violence and peace; corruption and honesty; tolerance and intolerance; discrimination and egalitarian treatment; responsible attitudes with respect to oneself and to others; and intolerance and tolerance in ways of thinking, feeling and the behaviour of others.

352. Other subjects which can be brought up include accounts of individuals holding either social or anti-social values as a way of influencing the children's training, and inculcating values such as respect, fair treatment, open dialogue, freedom of expression, agreement on criteria and the right to dissent in group work.

353. In response to the problem of the violation of the exercise of children's rights and the non-performance of duties: to tackle this problem, the teacher could, among other aspects, work on the stages preceding the formulation of rights as a historical process, which involved persons of different conditions and different socio-economic levels, cultures, races, genders, etc; through the children the teacher can motivate and encourage adults to reflect on the problem, so that they will help ensure the full exercise of the children's rights, amongst others, to equality without discrimination on the grounds of race, skin colour, culture or religious creed; he can also create other types of strategies for defending rights, and encourage discussion of the consequences which arise from the non-performance of duties.

354. In response to the problem of violence in the school, family, the community and in the country at large: for this topic, the teacher can work on forms and consequences of social violence, citing the case of criminal associations such as gangs, where the problem of racism is exacerbated; other issues include the violent lifestyle of children living in the streets, and the ways in which they are discriminated against; the intolerance shown by people towards them; the ill-treatment to which they are exposed; the violent forms of struggle for social progress in the mining sector, in farming, in factories, in corporations, as well as racial conflicts between communities and between sectors.

355. In response to the problem of the lack of organized participation in activities in a family, school and social environment: here the teacher can work with students on recognizing the forms of organization of different cultures and races, such as those of the Ayllus in the Andean region, the *capitanías* in the Chaco, etc, so as to inculcate in the children a sense of the differences and the cultural wealth of their country.

356. At the same time, the teacher may set up organized groups with cultural experience, such as watch committees, in order to monitor aggressions, violations and other forms of violence or anti-social behaviour occurring around them.

357. Ethical tribunals made up of students, teachers and members of children's families will be strengthened, in order to combat acts of racism or any action contrary to fundamental rights taking place within the educational establishment.

358. In response to the problem of inappropriate participation without a critical sense in the democratic leadership of the class and school: faced with this problem, a teacher must encourage students to respect the democratic values they have learned in order to become democratic leaders. Once this lesson is learnt, the future leaders will look after the common good and ensure fraternal coexistence among the youngsters, while encouraging them to identify gang leaders, who negatively aggravate the problem or racism and debilitate peaceful coexistence.

359. In response to the problem of the failure to understand and the misuse of local, regional and national values, which advocate harmonious and ordered coexistence between people: in this case the teacher should encourage students to respect local and national values, to know

and to use the Children's and Young Persons' Code as a normative instrument, which safeguards their rights and which also deals with cases of racism. According to the age of the students, he may add topics related to the Constitution, as embodying the recognition of our country's cultural and linguistic diversity.

360. For the third cycle and secondary schooling, these and other problems are being dealt with within the context of prevailing social circumstances.

361. The subject of the elimination of all forms of racial discrimination, which has been recognized as being of social importance and a necessary part of school curricula, has been incorporated in the training offered to educational advisers in establishments throughout the country and in the training courses provided for the instructors of teacher training colleges.

362. With regard to information and the media, the Bolivian Government runs Television Channel 7 and the Illimani broadcasting station, as well as the Bolivian News Agency. These two broadcasts offer a variety of programmes, which promote and publicize the rights of Bolivian citizens, including in particular the right to health and the right to education through the reform of educational practice. In recent months, a large-scale campaign has been launched in the Aymara, Quechua and Guarani languages concerning the scope and implementation of the Code of Criminal Procedure.

363. Special broadcasts are made in Aymara in the area of the Yungas and the Altiplano, basically containing agricultural news, etc. The State-run radio station Illimani has links with private radio stations such as San Gabriel in the Altiplano and Pico Verde de Caranavi (Yungas).

364. The Office of the Ombudsman, through radio and television broadcasts, is conducting a campaign of publicity spots concerning racial, gender and other forms of discrimination, in order to create awareness in the Bolivian population that discrimination is a negative factor for the democratic system.

365. The Government channel, which enjoys national coverage, broadcasts citizen participation programmes both in the morning and in the afternoon, dealing with the problems of municipalities at national level. It also reflects the progress achieved in individual municipalities.

366. The Government's Illimani radio broadcasts news programmes in the Aymara language.

367. The Government has been running a series of announcements on both its own television and radio channels and over private networks, giving details of the 2001 Census to be carried out in September. These announcements are broadcast in native languages, such as Quechua, Aymara and Guarani.
