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HUMAN RIGHTS COMMITTEE

Fifty-ninth session

SUMMARY RECORD OF THE 1563rd MEETING

Held at Headquarters, New York,  
on Tuesday, 25 March 1997, at 3 p.m.

Chairperson: Mrs. CHANET

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Bolivia (continued) (CCPR/C/63/Add.4)

1. At the invitation of the Chairperson, Ms. Saucedo Paz, Ms. Ledezma, Mr. Vidaurre and Ms. Maldonado (Bolivia) took places at the Committee table.

2. Mr. ANDO, referring to Part I of the list of issues, said that the reasons given for the delay in submission of Bolivia's second periodic report were understandable. He acknowledged that progress had been made in the observance of human rights owing to the strong efforts exerted by the Bolivian Government. It was important for the delegation to realize, however, that the purpose of the dialogue with the Committee was not to highlight Bolivia's deficiencies but to help in seeking solutions to some of the problems encountered.

3. With reference to article 25 of the Covenant which dealt with political participation, he pointed out that article 221 of the Bolivian Constitution stipulated that citizens who could read and write were eligible for election to public office. He asked the representatives of Bolivia to justify the exclusion of illiterate people and to explain the effect of that provision in actual practice.

4. Mr. YALDEN asked for information on the number of charges of human rights violations lodged against members of special police and paramilitary units and the number of convictions, which would give an indication of whether existing laws were being enforced.

5. The same data would be welcome concerning reported cases of torture and ill-treatment. Publication and dissemination of the report of the parliamentary commission to investigate those cases was a positive step, but the best evidence of the Government's commitment to eradicate torture was how firmly it dealt with its perpetrators.

6. Finally, he would like to know more about the powers and jurisdiction of the ombudsman and the Human Rights Council.

7. Mr. SCHEININ joined in expressing admiration for the delegation's candor with respect to cases of torture and ill-treatment, but was concerned about the apparent absence of measures for prosecuting the perpetrators and compensating the victims; he would welcome more information on that subject.

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8. Many of the Government decrees governing minority rights seemed to have a direct link with Bolivia's ratification of Convention No. 169 of the International Labour Organization, which concerned the right to enjoy one's culture. He wondered if the decrees provided special measures intended to preserve a particular culture, and whether any specific measures had been taken for the advancement of indigenous women.

9. Mr. VIDAURRE (Bolivia) said that his delegation was frankly surprised at the Committee's harsh response to the report. He expressed appreciation to Mr. Ando for his recognition of the progress achieved and his positive interpretation of the dialogue with the Committee.

10. An understanding of the implications of narcotics trafficking in the economic, political and social life of Bolivia was essential to an understanding of the overall human rights situation. Production of coca leaf was a function of demand for the substance in rich countries and the pervasive poverty in rural areas of Bolivia. Peaceful demonstrations by coca farmers in production zones had been almost daily, and in the aftermath of the violent police response in December 1995, the Government had established a human rights office in Chaparé, with assistance from the United Nations Commission on Human Rights, to monitor violations of the human rights of coca farmers.

11. The Government was also under international pressure which tied aid to targets for eradication of the coca crop. In 1996, 7,000 hectares had been eliminated, with a further 7,000 slated for elimination during 1997. Farmers received compensation for each hectare withdrawn from production. A major crop substitution project was under way, but agricultural commodity prices were low, and unfortunately, many markets in developed countries were closed to those substitute crops. Furthermore, since there was no ceiling on coca prices as there was on commodities the prices for agricultural products were not competitive. Nevertheless, the Government would maintain its efforts to eradicate illicit coca production notwithstanding the obstacles.

12. There had been human rights violations by members of the police, but it was impossible for the Government to have total control of the behaviour of police officers. It was continuing to review the existing legislation governing the police force.

13. Ms. LEDEZMA (Bolivia), referring to specific questions regarding Act No. 1008 on narcotics trafficking, said that some aspects of that Act were very strict, there could be loopholes allowing human rights violations in practice. The Government's recent review of the Code of Penal Procedure had led to a structural reform intended to bring the Code into harmony with the guarantees contained in the Constitution and international human rights instruments. It would take time, however, to change a system which had existed virtually unchanged since colonial times.

14. Currently under Act. No. 1008, a preliminary investigation was carried out by a special police unit on narcotics trafficking. The special unit would report to a judge, who would verify inter alia that the civil and human rights of the accused had been respected. The reform of the Code of Penal Procedure had established common procedures for all crimes, eliminating separate treatment

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for drug-related offences. Mechanisms to carry out the new procedures were not yet fully in place, however.

15. In an effort to shore up the overwhelmed prison system and its collapse, the Pardons Act (Ley de Indulto) had been passed. Persons convicted of crimes involving prison sentences of less than 3 years could be given a suspended sentence and pay a fine as an alternative to detention. The major delays in the judicial system were a factor in maintaining the impunity of persons accused of human rights violations, but legislation was pending before Congress to change the formal, written procedure to a faster, more flexible system of hearings. A cost-benefit analysis of such a change was currently being conducted. The reform of the Code of Penal Procedure would also provide compensation to victims of human rights violations and other crimes, as well as to individuals improperly held in preventive detention.

16. The Oath of Compliance Act (Ley de Fianza Juratoria) had introduced the only two criteria, which were procedural in nature, that could justify preventive detention: the risk of flight and the risk of obstruction of an investigation. The Act also made it clear that detention was to be invoked only as a last resort. In reply to questions regarding military courts, he pointed out that crimes against humanity were not tried in military courts, but were subject to the procedures applied for all types of crimes. Military courts had jurisdiction only over military offences against military institutions. Moreover, the military had requested technical assistance in bringing its procedures into line with the reformed Code of Penal Procedure.

17. The Constitution of Bolivia recognized the human rights guaranteed in the Covenant, and the new Code of Penal Procedure provided the mechanisms for implementing those guarantees. The Code strengthened the guarantee of habeas corpus by establishing new criteria for preventive detention; it also declared illegally obtained evidence invalid before the courts. To counter the use of torture to obtain confessions, the police were no longer allowed to take statements from accused persons. Confessions alone could not be used to support a verdict of guilty; other forms of proof must also be produced. The maximum duration of preventive detention was six months.

18. While the Oath of Compliance Act empowered a judge to order the release of a suspect, in practice, most requests for release were made by the Public Defence Officer or the defendant's attorney. The new procedures made a clear distinction between the responsibilities of the investigator and those of the judge. The judge no longer had any role to play in the investigation of a crime; his role was limited to ensuring that constitutional and legal guarantees were being respected.

19. She reviewed the constitutional provisions governing the state of siege (issue 1) and the recent unrest that had caused the Government to declare a state of siege. The situation of persons being held in preventive detention for inciting unrest was being investigated by national human rights bodies. A state of siege in Bolivia did not automatically mean the suspension human rights; a constitutional bill was being drafted to bring Bolivian legislation fully into line with the Covenant. Most of the approximately 400 persons who had been jailed in 1996 were now free, even those in the Chaparé coca-growing area where

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the state of siege had been extended for 90 days. The Constitution established no privileges for officials guilty of human rights violations under a state of siege; thus, guilty officials were being tried and their prosecution was not subject to a time limit.

20. Ms. SAUCEDO PAZ (Bolivia) said that under the prison system persons could be held incommunicado for no more than 24 hours. Once detained, persons had a right to legal assistance, and free legal aid was provided to the poor by the Public Defence Office, with 26 branches or mobile units throughout the country. Those offices worked with human rights Defence Officers in the police force and with anti-drug-trafficking offices. The Constitution set no specific time limit on prison terms but the Oath of Compliance Act (Ley de Fianza Juratoria) mandated a hearing before a judge within 48 hours.

21. Prison overcrowding was a budgetary, not a legal, problem, although the situation had been eased somewhat by the recent passage of the Debtors' Act, the Pardons Act (Ley de Indulto) and the Oath of Compliance Act. No funds were available for bringing the prison system more directly under the control of the Ministry of Justice but the State was doing its best to improve the care of prisoners, the most vulnerable group in the society.

22. Ms. LEDEZMA (Bolivia) said that her Government was trying to secure European Union assistance for the implementation of structural reforms under the new Sentence Enforcement and Penitentiary System Act (Ley de Ejecución de Penas y Sistema Penitenciario) that would limit prison capacity by law, and mandate deferred sentences when there was no housing available for convicted criminals. Moreover, under the Code of Penal Procedure, a Judicial Inspector would be attached to all prisons to review charges and take any appropriate action regarding detainees. All such reforms were intended to conform with the Standard Minimum Rules for the Treatment of Prisoners.

23. Torture and the use of force by the police were another serious problem. Regulations governing police action were not always observed. The role of the police in Bolivia had to be redefined: they should see themselves as guarantors of security, not merely those who inflicted punishment. The draft Code of Penal Procedure incorporated the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and laid down specific restrictions.

24. Statistics on cases of police violence would be supplied at a later stage but, in a recent notorious case, three police officers had been convicted, and two others were currently being tried. Justice had been delayed by the requirement of an internal investigation by the judicial police, observing the attendant privileges and immunities before the criminal investigation could commence. That impediment had now been removed. Since the Attorney General's Office lacked the manpower and money to carry out investigations. The law now stipulated that any individual or organization could initiate investigations into human rights abuses. There had been few cases of compensation for police abuses, but the Code of Penal Procedure established mechanisms for compensation and was expected to set up a victim's aid fund.

25. Under a national human rights plan, a unit was being set up to coordinate the action of human rights organizations. Also, even though the Constitution

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had established the office of Ombudsman (Defensor del Pueblo), implementing legislation was needed before the post could be filled. The bill being drafted by the Ministry of Justice would remedy that lacuna and would also establish two offices of Deputy Ombudsmen to safeguard the rights of indigenous peoples and prisoners.

26. Ms. SAUCEDO PAZ (Bolivia) said that the recently established Comprehensive Legal Services and Police Family-Protection Brigades were dealing very effectively with the problem of domestic violence. Moreover, the right of indigenous women to work had been advanced considerably as part of a campaign to end discrimination against them. For example, all indigenous people were guaranteed by law the right to be educated in their own language.

Part II of the list of issues

Issue 1: Status of the Covenant (article 2 of the Covenant)

27. The CHAIRPERSON read out the question relating to issue 1: cases in which the provisions of the Covenant had been directly invoked before State organs, had been mentioned in judicial decisions or had taken precedence over conflicting domestic provisions.

28. Ms. SAUCEDO PAZ (Bolivia) said that even before the Oath of Compliance Act had set limits on detention without hearing, the Public Defence Office had invoked such instruments as the Covenant or the American Convention on Human Rights to obtain the remedies of amparo and habeas corpus that would guarantee 48-hour maximum.

Issue 2: Human rights bodies (article 2 of the Covenant)

29. The CHAIRPERSON read out the questions relating to issue 2: respective powers and activities of the Ombudsman, the Human Rights Department within the Ministry of Justice, and the Human Rights Committee of the Chamber of Deputies, and their competence to receive and investigate individual human rights complaints.

30. Ms. SAUCEDO PAZ (Bolivia) said that once an Ombudsman was installed, his duty would be to ensure the observance of individual rights and guarantees within the public administration and to defend, promote and publicize human rights generally; accordingly, he would have to coordinate his activities with those of the Ministry of Justice in the Executive Branch.

Issue 3: Human rights education (article 2 of the Covenant)

31. The CHAIRPERSON read out the questions relating to issue 3: implementation of the Supreme Decree establishing compulsory human rights instruction in all schools, military colleges and police academies; activities to promote awareness of the provisions of the Covenant among members of the judiciary, the legal profession and the police.

32. Ms. SAUCEDO PAZ (Bolivia) said that her Government was publicizing human rights particularly at the university level, and had proposed the establishment

of a Chair of Justice, Human Rights and Democracy in the law schools. In the primary and secondary schools, human rights programmes were still very rudimentary, but the Government was working to improve them. The Ministry of Justice had distributed pamphlets against drug-trafficking and against violence in rural areas and in prisons.

33. Under the Code of Penal Procedure, judges, lawyers, prosecutors and police would become more familiar with the provisions of the human rights instruments.

Issue 4: Right to life (article 6 of the Covenant)

34. The CHAIRPERSON read out the question relating to issue 4: measures taken to reduce the high infant and maternal mortality rates, especially in rural areas.

35. Ms. SAUCEDO PAZ (Bolivia), citing official statistics, said that the maternal mortality rate had declined somewhat between 1989 and 1991. Maternal mortality rates between 1984 and 1989 had been three times higher in rural than in urban areas. Overall, about three fifths of the women died in pregnancy and one fifth in labour. A Supreme Decree adopted in late 1996 provided free medical care for pregnant women and for children under five, and should soon begin to show results.

Issue 5: Equality of Treatment of Refugees (Article 12 of the Covenant)

36. The CHAIRPERSON read out the question relating to issue 5: measures taken to ensure equal treatment of refugees, particularly with respect to their registration and their freedom of movement.

37. Ms. SAUCEDO PAZ (Bolivia) said that, in 1980, Bolivia had ratified the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, and in a Supreme Decree of 1983 had established the National Refugee Commission, composed of representatives of various Ministries, the Church, human rights organizations and universities. That decree defined refugee status and the means of securing it and laid down the conditions for authorized stay in Bolivia and for welfare assistance where needed. All refugees were guaranteed full freedom of movement and other individual rights under the Constitution. All were registered officially and had to file questionnaires indicating their status and addresses.

Issue 6: Judicial system and independence and impartiality of the judiciary (article 14 of the Covenant)

38. The CHAIRPERSON read out the questions relating to issue 6: measures taken to implement article 14; further details on the practical impact of the Constitutional Reform Act and the Judicial Organization Act on the functioning of the judiciary, on de facto guarantees of the independence and impartiality of the judiciary and on the rules and regulations governing the mode of appointment, tenure, dismissal and disciplining of judges.

39. Ms. SAUCEDO PAZ (Bolivia) said that in addition to the penal laws enacted to deal with the serious flaws in the administration of justice, streamline

civil proceedings and guarantee basic welfare assistance for families and minors, the 1994 Constitutional Reform Act had established the Constitutional Court to verify constitutionality and had designated the Judicature Council (Consejo de la Judicatura) as the administrative, supervisory and disciplinary body within the judicial branch. The implementing legislation for those two organs and for the new Code of Penal Procedure was currently before Congress, which planned to adopt the three bills at a forthcoming special session. Once the Judicature Council began to operate, it would be possible to improve the professionalism of the judiciary.

Issue 7: Legal aid (article 14 (3) (d) of the Covenant)

40. The CHAIRPERSON read out the questions relating to issue 7: information on the impact in practice of the adoption of Supreme Decree No. 23253, which set up the Public Defence Office; on the availability of free legal aid to the most disadvantaged groups within the population (paragraph 235 of document HRI/CORE/1/Add.54).

41. Ms. SAUCEDO PAZ (Bolivia) said that, when the new Government took office, only three Public Defence Offices were functioning; now there were 26. Each of 50 young, motivated and hard working-public defenders handled an average of 100 criminal cases. They had the power to invoke the remedies of habeas corpus and amparo without a warrant and they were in constant contact with the detainees. Before the enactment of the supreme decree, 70 per cent of the prison population had been deprived of legal assistance. Public defenders now serviced 48 per cent of the prison population. Since 1994, they had handled 48,000 cases; approximately 50 per cent of those defendants had been released.

42. She acknowledged complaints of violations of the right to freedom of expression, including a recent newspaper report that had had the ring of a confession by the defendant and police abuses during protest demonstrations. However, the Government had the political will to remedy the situation.

43. Mr. LALLAH stressed paragraph 6 of the list of issues and noted that document HRI/CORE/1/Add.54 was much more informative than the report itself. He had been shocked by the Government's strong condemnation of the judiciary (HRI/CORE/1/Add.54, paras. 228 to 240) for failure to act in cases of detention without trial; differential treatment according to socio-economic status; the negligence of judges, lawyers and officials in carrying out their duties; bribery; corruption; a rudimentary judiciary; and inaccessibility of the poor to the judicial system. Poverty was simply not an excuse (HRI/CORE/1/Add.54, para. 237) for such a situation.

44. It was not sufficient merely to acknowledge the inadequacies of the judiciary. Under article 40 of the Covenant, measures must be taken that went beyond the adoption of legislation: for example, human rights education, not only for children, but also for adults and, in particular, for judges. In that connection, he deplored the fact that advocates of educational reform had been arrested during demonstrations and treated as a threat to public order.



45. In declaring a state of siege, the Government had disregarded article 4 (3) of the Covenant, which required it to inform the Secretary-General of such actions and, through him, the States parties to the Covenant.

46. He detected a tacit acceptance of slavery and servitude (article 8) in paragraphs 44 and 45 of the report, which referred to the "sole exception of the case of a number of Guaraní families". He wondered whether slavery and servitude were considered offences in Bolivia.

47. Mr. POCAR commended the State party on the substantial progress it had made in the guarantee of human rights in recent years and hoped that its dialogue with the Committee would assist in the implementation of further positive measures. Referring to issue 4 of part II, he welcomed the adoption of the decree on free medical assistance for mothers and asked whether the high maternal mortality rate reflected widespread recourse to illegal abortion. He would appreciate more information on the legal status of abortion in Bolivia.

48. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Office (ILO) had identified a number of violations of the right to freedom of association in Bolivia, including a ban on the establishment of more than one union per company; the right of the authorities to dissolve trade unions; the authorities' interference in the internal affairs of trade unions; and limitations on the right to strike. The ILO experts had also referred to a complaint involving 300 leaders during the state of siege and expressed regret at the delay in the adoption of legislation that would be in compliance with ILO standards. It would be useful to know what steps the Bolivian authorities had taken to guarantee the right of association, particularly as regarded the establishment and activities of trade unions.

49. Lord COLVILLE referred to issue 2 of part II and paragraph 105 of document HRI/Corr.1/Add.54. The Human Rights Committee of the Chamber of Deputies had submitted two pages of questions concerning conflicts in the north of Potosí to the Ministries of Finance and Economic Development, Labour, the Interior and National Defence. He would appreciate information on the form and content of replies to those questions.

50. Mr. BHAGWATI supported Mr. Lallah's remarks concerning the judiciary, particularly his assertion that poverty was no excuse for corruption and inefficiency. He stressed the need to provide human rights training to lawyers, judges and law enforcement officials. It had been his experience that judges were often unaware of international human rights norms or did not even know which human rights instruments their Governments had ratified.

51. The failure to notify the magistrature of the state of siege within 48 hours was a violation of article 9 (2) of the Covenant. If there had been a derogation, that should have been communicated to the Secretary-General and the Member States. It would be interesting to know whether legal aid was provided in criminal cases only or in civil litigation as well, and whether it was provided for actions instituted against the State or State agencies. Lastly, he enquired about the registration of Peruvian refugees by the security forces and the failure to renew their visas, which restricted their freedom of movement, particularly since other refugees had not been subjected to such treatment.

52. Mr. ANDO endorsed the remarks of Mr. Lallah, Mr. Pocar and Mr. Bhagwati. Poverty did not constitute an excuse for certain human rights violations.

53. Mr. YALDEN agreed with Lord Colville that more detailed information on the Human Rights Committee of the Chamber of Deputies would be useful. He stressed the importance of such independent national human rights bodies. In that connection, it was regrettable that the ombudsman provided for in the 1994 Constitution had not yet been appointed.

54. Mr. PEDRAZA (Bolivia) stressed that his Government did not consider poverty, which he attributed to backward socio-economic structures, as an excuse for human rights violations. The State was trying to undo the damage of 20 years of military regimes and to modernize its institutions. To that end, it had implemented a number of reforms in the economic and social fields, including legislation on popular participation in government and on decentralization of the administration and a law on educational reform, which called for the overhaul of elementary education and provided for instruction in indigenous languages, including Quéchua, Aymará and Guaraní. Steps had also been taken to privatize public enterprises with a view to generating income for distribution to the most deprived sectors of society and to reform the pension system. A law had been adopted establishing a National Institute for Agrarian Reform, under which over a million hectares of land would be granted to peasant communities, in particular, indigenous communities. The electoral law was being reformed to ensure that women represented 30 per cent of the candidates for the national legislature. He also wished to point out that the President of Bolivia had received an award in recognition of his reform efforts and commitment.

55. Replying to Mr. Lallah's remarks concerning notification of a state of siege, he said that the Secretary-General had been notified one day before it had been declared and that information on final arrangements for the state of siege had also been transmitted to the United Nations through the Permanent Mission of Bolivia.

56. Replying to Lord Colville's request for information, he said that, in December 1996, his Government had asked the Inter-American Commission on Human Rights to conduct an impartial investigation of the violence in the north of Potosí. He noted further that the Human Rights Committee of the Chamber of Deputies was authorized to request either written or oral information from any ministry or official of the executive branch and the Chamber of Deputies either approved of or censured official conduct as a specific case of violence. The Chamber had approved the manner in which the incidents in Potosí had been handled.

57. Ms. SAUCEDO PAZ said that abortion was permitted to save a woman's life. It must be performed by a doctor with the woman's consent or the consent of a judicial authority representing her. Abortion was characterized as a crime in the Penal Code and penalties were applicable to both those who practised it and women who sought it. The question of abortion and unwanted pregnancies had been the subject of discussions in which representatives of non-governmental organizations and the Catholic Church had participated.

58. The Constitution of Bolivia guaranteed freedom of association for labour and management. It protected the right of union leaders to carry out their activities and recognized the importance of unions in providing assistance and organizing cultural and educational activities. The right to strike was guaranteed, but strikes were made subject to the consent of a conciliation board or a court of arbitration. Moreover, the decision to strike must be taken by three fourths of the active workers involved. Unfortunately, recent strikes had disregarded those rules.

59. Ms. LEDEZMA (Bolivia) said that nothing in the report was intended to suggest that poverty could in any way justify human rights violations. The Study of the Functioning of the Penal System in Bolivia, prepared by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, had identified structural problems in the Bolivian judicial system and led to the structural reform process now under way. There were plans to establish a Judicature Council (Consejo de la Judicatura), which would monitor the judicial branch, all administrative and disciplinary functions and oversee the Judicial School for the training of judges. Steps were being taken to ensure that judges were familiar with the human rights instruments to which Bolivia was a party.

60. The imposition of all forms of slavery and servitude was considered a crime under the Bolivian Penal Code punishable by eight years' imprisonment. The Government, recognizing the need to change attitudes in the judicial system in order to promote the protection of human rights, had established contacts with universities to arrange for the training of judicial personnel and several judicial training programmes were in progress.

61. Ms. SAUCEDO PAZ (Bolivia) said that the Public Defence Office provided free legal assistance to poor persons to ensure their equality before the law. While the Government recognized the need to broaden such assistance to include civil cases, the Office's services were now confined to criminal cases in which the defendants risked imprisonment for human rights violations.

62. Mr. PEDRAZA (Bolivia) said that there were very important and legally valid reasons for a background check before granting visas to Peruvian refugees. Armed guerrilla groups were still active in Peru. Some Peruvian refugees belonged to those organizations and might seek to subvert the social order in Bolivia.

63. Ms. MEDINA QUIROGA asked whether an abortion could be performed in Bolivia to protect the honour of the family.

64. Mr. LALLAH said that in asking the question about poverty, he had wished to draw attention to paragraphs 236 to 239 of the core document (HRI/CORE/1/Add.54/Rev.1), which had given him the impression that poverty was put forward as one of the grounds for certain human rights violations and for denying access to the justice system.

65. Ms. SAUCEDO PAZ (Bolivia) said that an attempt by a woman to obtain an abortion in Bolivia was not punishable under the law. When an abortion was performed with the consent of the woman, she received a much lighter sentence compared to that imposed on the person who performed the abortion. Under the

Penal Code, an abortion carried out to protect the honour of the woman involved was punishable by six months' to two years' imprisonment.

66. Ms. LEDEZMA (Bolivia) said that the report highlighted the principal problems affecting the Bolivian judicial system, including the limited resources allocated to that sector. She assured the Committee, however, that every effort was being made to change the judicial structure and set up an effective system for protecting human rights and implementing constitutional guarantees.

67. Ms. SAUCEDO PAZ (Bolivia) said that the new legislation and the revised penal procedures that had been introduced had generated far-reaching reforms in the Ministry of Justice. The Latin American Association for Human Rights had awarded a prize to the Ministry of Justice in recognition of those reforms. The Government recognized that however long the reform process, it was committed to bringing it to completion.

68. Mr. PRADO VALLEJO expressed satisfaction with the constructive dialogue that had been held with the delegation of Bolivia. While clear progress had been made, much remained to be done to ensure compliance with the provisions of the Covenant. The objective of the Government should be to establish, as State policy, the promotion of behaviour to ensure observance of human rights. Legislation must be enacted to bring national laws and regulations into line with the provisions of the Covenant. Human rights abuses by the police must be halted and violators of human rights must be punished. Compensation should be provided by law for the victims of human rights violations. The judicial branch must be reformed in order to put an end to the impunity enjoyed by human rights violators. Human rights education programmes must be instituted in the security and military forces and in schools to advance the universal enjoyment of human rights.

69. Ms. MEDINA QUIROGA said that the Committee was aware of the progress made and the difficulties encountered in Bolivia in carrying out the provisions of the Covenant. The various sectors of Bolivian society must be made aware that the obligations under the Covenant were real and must be observed. The Government must be very careful in protecting the human rights of persons subject to certain procedures, particularly those under the Coca and Controlled Substances Regime Act. The problems affecting women, particularly clandestine abortions, were cause for major concern, despite the greater tolerance of abortions performed to protect the honour of the family. If the State was to penalize abortion, it was obligated to help prevent unwanted pregnancies.

70. Mr. BUERGENTHAL said that he was impressed with the multiplicity of proposals for human rights reform in Bolivia, but disappointed that only a few laws had been enacted to implement them. The Committee urged the Government and the national legislature to act promptly on the various proposals under consideration.

71. Mr. KLEIN said that much still had to be done in order to deal effectively with deficiencies in ensuring respect for human rights. The reporting delegation had stated that the provisions of Act No. 1008 would be examined when the Constitutional Tribunal began its work. It was unacceptable that legislation that was in violation of Bolivia's international human rights

obligations continued to be valid in the interim. Prompt steps must be taken to bring it into conformity with the Covenant.

72. Mr. EL-SHAFEI noted with satisfaction the reforms carried out and the institutions established in Bolivia to strengthen respect for human rights. Nevertheless, the state of siege imposed by the Government could not be reconciled with article 4 of the Covenant or the country's Constitution. The right to hold peaceful demonstrations was recognized under the Covenant and did not justify the declaration of an emergency.

73. The operations to eradicate coca cultivation unfortunately created a climate of intimidation and terror since the military forces which carried them out committed serious human rights violations. The Government should consider alternative methods for dealing with that problem.

74. Judicial corruption must be eliminated. The dependence of the judicial branch on the central Government, which appointed judges on the basis of political party alliances, did not ensure the proper administration of justice. Furthermore, pre-trial detention of suspects for long periods of time was incompatible with Bolivia's obligations under the Covenant. Lastly, the frequent cases of torture did not reassure the Committee that the Government was committed to eliminating all forms of human rights violations.

75. Ms. EVATT said that she shared the views expressed by Ms. Medina Quiroga concerning abortion.

76. Some of the problems encountered in Bolivia arose from failure to perceive the important connection between the right of peaceful demonstration, the right of freedom of expression and opinion and the right of freedom of association. The teachers' strike had involved all those elements, but the response of the Government seemed to have been one of confrontation at the very moment that negotiations were under way. The resulting violence and arrests had been in violation of articles 9 (3) and (4) and 19, 21 and 22 of the Covenant. The solution to the problem was not just to amend laws but also to strengthen respect for the rule of law and human rights, particularly in the judiciary and law enforcement bodies through training and strict supervision. Training and education should be introduced on a massive scale with support at the highest level of government to ensure recourse to remedies for human rights violations. She hoped that the observations by the Committee would help Bolivia carry out the task of creating a human rights culture.

77. Mr. KRETZMER stressed the need to take strong action against impunity for human rights violations in Bolivia. The Government should establish a credible independent mechanism to examine allegations of human rights violations by members of the police and military forces and to prosecute and punish those responsible for such violations. Such a mechanism would send a clear message that human rights violations were not tolerated and would underscore Bolivia's commitment to protecting the human rights of its citizens.

78. Mr. BHAGWATI said that although Bolivia had made advances in the right direction, it still needed to maintain vigilance and institute major reforms. He stressed the need to maintain an honest and independent judiciary and provide

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human rights training to judges, lawyers and law enforcement officials. In order to put an end to the torture and cruel treatment of prisoners, the services of a lawyer should be provided to suspects immediately after their arrest and human rights training should be mandated for police officers. Freedom of association must be respected and a comprehensive legal-aid programme should be set up, particularly in view of the widespread poverty among the population.

79. Ms. MOGHASEL drew attention to Bolivia's ratification of the Convention on the Elimination of All Forms of Discrimination against Women, which was a major instrument in the field of human rights. Courses providing human rights education were important enough for the United Nations to furnish technical assistance to countries which did not have the means to conduct such courses on their own.

80. The CHAIRPERSON said that the Committee recognized the magnitude of the reforms to be carried out, particularly those designed to guarantee the independence of the judiciary. It was essential to have a State based on the rule of law, with a legal system ensuring the implementation of the Covenant by banning laws which derogated from fundamental rights and providing human rights training and education.

81. Ms. SAUCEDO PAZ (Bolivia) expressed appreciation to the members of the Committee for their words of encouragement for the reform process under way in Bolivia. The Government was aware that much more remained to be done, particularly in changing the negative attitudes prevailing in many institutions, such as the police force. Bolivia was committed to bringing about such change with a view to guaranteeing full enjoyment of human rights.

The meeting rose at 6.05 p.m.