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REFFRENC: CAT/follow-up/reminders

7 July 2014

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the second periodic report of the Plurinational State of Bolivia (CAT/C/BOL/2) by this Committee, at its 50th session, held from 6 to 31 May 2013. At the end of that session, the Committee's concluding observations (CAT/C/BOL/CO/2) were transmitted to your Permanent Mission. In paragraph 27 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 31 May 2014, further information regarding areas of particular concern identified by the Committee in paragraphs 9 (b), 11 (d), 13 (c) and 16 (a) (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Plurinational State of Bolivia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Jens Modvig

Rapporteur for Follow-up on Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/BOL/CO/2)

PLURINATIONAL STATE OF BOLIVIA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental procedural safeguards

9. The Committee takes note of the information provided by the State party's delegation about the rules and regulations governing prisoners' rights during the initial stages of their detention. However, it regrets the lack of information on the measures and procedures in place to ensure that, in practice, all persons deprived of their liberty are actually able to exercise those rights. Nor has the State party explained what obstacles it has encountered in its efforts to give effect to the Committee's earlier recommendation that a national public register of persons deprived of their liberty be established that indicates the authority which ordered such deprivation, the grounds for doing so and the type of proceedings to be instituted (A/56/44, para. 97 (c)). The Committee is concerned by the fact that article 296 of the Code of Criminal Procedure requires police officers to enter no more than the place, date and time of arrest in the register (art. 2).

The State party should:

(...)

(b) Carry out monitoring and inspections on a systematic basis in order to ensure fulfilment of the obligation to duly record the information regarding each arrest that is outlined in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173 of 9 December 1988).

(...)

Investigations and legal proceedings

11. The Committee is concerned by the delays that have occurred in the criminal investigation and prosecution of most of the individual cases of ill-treatment, torture, excessive use of force and death in custody that were drawn to the State party's

attention in the list of issues (CAT/C/BOL/Q/2/Add.1, paras. 22 and 27). The Committee shares the concern of the Ombudsman's Office about the possibility that the prosecution of some of these crimes might be time-barred. The Committee also regrets that it has not received detailed information on the outcome of the investigations, on related legal or disciplinary proceedings or on the sentences or disciplinary penalties imposed on persons who committed acts of torture during the period covered by the report. In the absence of this information, the Committee finds itself unable to evaluate the actions of the State party in the light of article 12 of the Convention (arts. 2, 12 and 16).

The State party should:

(...)

(d) Prosecute persons suspected of having committed torture or ill-treatment and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that their victims are afforded appropriate redress. The State party should provide up-to-date statistics in this respect.

(...)

Efforts to combat impunity and to provide redress for past human rights violations

13. The Committee takes note with interest of the existence of a draft bill concerning the establishment of a truth and justice commission to investigate human rights violations committed in Bolivia in the period 1964–1982. It takes note with concern, however, of the delays and scant progress made in investigating serious human rights violations committed during the period when the country was under military rule (1964–1982) and in prosecuting the persons responsible for them. The Committee is also concerned that, despite the establishment of the Inter-Agency Council of Inquiry on Enforced Disappearances in 2003, the whereabouts of many of the people who disappeared between 1980 and 1982 remain unknown. It is concerned, in particular, about the armed forces' refusal to declassify records that could help investigators to determine the fate and discover the whereabouts of these people (arts. 1, 4, 12, 13 and 16).

The State party should:

(...)

(c) Adopt the necessary measures to provide access to all civilian and military files that may contain documentation relevant to ongoing investigations and documentation that could be of assistance in determining the fate and discovering the whereabouts of disappeared persons.

(...)

Child abuse and sexual violence against children

16. The Committee has received reports on the severity of the problem of child abuse and sexual violence against minors existing in Bolivian educational institutions. Although it notes that the delegation has said that such incidents are isolated cases, the Committee is concerned by the fact that official statistics that could be used to evaluate the situation in this respect have not been made available. The Committee also regrets that so little information was provided by the delegation on the obstacles that hinder victims and their families from gaining access to justice. The Committee will be closely following the progress of the petition submitted to the Inter-American Commission on Human Rights concerning the case of the girl child Patricia Flores (arts. 2 and 16).

The Committee urges the State party to take steps to prevent the sexual abuse of children in its schools, to mount an appropriate response to cases of such abuse and, in particular, to:

- (a) Urge all the relevant authorities to investigate such abuses and to bring the suspected perpetrators to trial;**

(...)

27. The Committee requests the State party to furnish it with information by 31 May 2014, at the latest, on the action it has taken in response to the recommendations that it: (a) consolidate or strengthen fundamental legal safeguards for persons in custody; (b) promptly conduct impartial, effective investigations; and (c) prosecute persons suspected of committing torture or ill-treatment and punish those found guilty of having done so. These recommendations are set forth in paragraphs 9 (b), 11 (d) and 13 (c) herein. In addition, the Committee would like to be informed about the measures adopted to prevent and deal appropriately with cases of sexual abuse of children in educational institutions. The corresponding recommendation is set forth in paragraph 16 (a) herein.

(...)
