



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the third periodic report of the Plurinational State of Bolivia\*

1. The Committee considered the third periodic report of the Plurinational State of Bolivia<sup>1</sup> at its 41st and 43rd meetings, held on 5 and 6 October 2021, and adopted the present concluding observations at its 54th meeting, held on 15 October 2021.<sup>2</sup>

#### A. Introduction

2. The Committee welcomes the State party's third periodic report, despite its late submission, and the additional information provided in the replies to the list of issues.<sup>3</sup> The Committee appreciates the frank and constructive dialogue with the State party's interministerial delegation.

#### B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken by the State party to enhance the realization of economic, social and cultural rights, as referred to in the present concluding observations. The Committee welcomes the creation of the plurinational system for following up, monitoring and gathering statistics on human rights recommendations, the adoption of the Constitution in 2009, which explicitly incorporates the rights recognized in the Covenant, and the ratification of the Optional Protocol to the Covenant in 2012.

#### C. Principal matters of concern and recommendations

##### Domestic application of the Covenant

4. The Committee welcomes the State party's rules of constitutional law enshrining the justiciability of the rights set forth in the Covenant and the pro persona principle and takes note of the jurisprudence of the Plurinational Constitutional Court, including decisions No. 0335/2013, No. 0729/2019-S4, No. 1014/2019-S4 and No. 0525/2019-S4, invoking some Covenant rights. However, it regrets the lack of sufficient information on how the rights enshrined in the Covenant are applied in all four types of autonomous entity. The Committee is also concerned about the ineffectiveness of the human rights indicators system and the plurinational system for following up, monitoring and gathering statistics on human rights recommendations (art. 2 (1)).

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\* Adopted by the Committee at its seventieth session (27 September–15 October 2021).

<sup>1</sup> E/C.12/BOL/3.

<sup>2</sup> See E/C.12/2021/SR.41 and E/C.12/2021/SR.43.

<sup>3</sup> E/C.12/BOL/RQ/3.



5. **The Committee recommends that the State party:**

(a) **Take the necessary measures to promote the enjoyment of all the rights recognized in the Covenant in all four types of autonomous entity, including by organizing training on the Covenant, particularly for judges, lawyers, law enforcement officials, members of the Plurinational Legislative Assembly and other officials responsible for its implementation, and awareness-raising campaigns for rights holders. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant;**

(b) **Strengthen the human rights indicators system and the plurinational system for following up, monitoring and gathering statistics on human rights recommendations to ensure effective monitoring of the recommendations of international human rights protection mechanisms, particularly with respect to the rights enshrined in the Covenant.**

#### **Independence of the judiciary**

6. The Committee welcomes the delegation's statement that the State party intends to act on the recommendations, in particular those relating to judicial independence, issued by the Interdisciplinary Group of Independent Experts, which was established under an agreement with the Inter-American Commission on Human Rights with a view to supporting investigations into the acts of violence and human rights violations that occurred between September and December 2019. However, the Committee is concerned about the apparent lack of independence and autonomy of the judiciary and the Public Prosecution Service (art. 2 (1)).

7. **The Committee recommends that the State party step up its efforts to guarantee the independence of the justice system, the professional stability of judges and prosecutors and the availability of sufficient budgetary resources for the proper functioning of the system.**

#### **Human rights defenders**

8. The Committee is concerned about the security conditions in which human rights defenders operate, particularly in defending economic, social, cultural and environmental rights and the rights to territory and natural resources. It is also concerned about the obstacles faced by the Ombudsman's Office in the performance of its functions (art. 2 (1)).

9. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive policy to protect defenders of economic, social and cultural rights that includes measures to prevent attacks, in particular against indigenous peoples. In addition, the Committee urges the State party to combat the culture of impunity surrounding such attacks by investigating threats, harassment and violence and ensuring that perpetrators are punished. The Committee reminds the State party of its statement on human rights defenders and economic, social and cultural rights;<sup>4</sup>**

(b) **Strengthen the capacities of the Ombudsman's Office, given its crucial role in the observance of and respect for the rights enshrined in the Covenant.**

#### **Climate change**

10. The Committee welcomes the regulatory framework of Act No. 071 of 2010 on the Rights of Mother Earth and the climate change mitigation and adaptation measures taken in the water and energy sectors, such as the 2017–2020 National Strategy on Resilient Agriculture through Agricultural Risk Management and Adaptation to Climate Change. However, it is concerned that the State party is not on track to meet its nationally determined contribution in the forestry and agricultural production sectors. Similarly, the Committee is concerned about increases in greenhouse gas emissions and the State party's lack of sufficient

<sup>4</sup> E/C.12/2016/2.

capacity to prepare national greenhouse gas inventories. The Committee also notes the lack of coordination among the sectors involved in updating, implementing and monitoring nationally determined contributions (arts. 1 (1) and 2 (1)).

**11. The Committee recommends that the State party:**

(a) **Continue to promote alternative and renewable energies, and step up its efforts to reduce greenhouse gas emissions;**

(b) **Adopt a national climate change adaptation plan to reduce the adverse impacts of climate change on economic, social and cultural rights;**

(c) **Strengthen national institutional capacity for the preparation of national greenhouse gas inventories; review its nationally determined contributions in the light of the Paris Agreement; improve coordination among the sectors involved in updating and monitoring nationally determined contributions; and adopt measures aimed at meeting the nationally determined contribution in the forestry and agricultural production sectors;**

(d) **Consult the Committee's statement on climate change and the Covenant.<sup>5</sup>**

**Indigenous peoples and territories**

12. The Committee acknowledges the progress made by the State party in recognizing the rights of indigenous peoples and its efforts to enshrine in the Constitution four types of autonomous entity, namely departments, regions, municipalities and indigenous and aboriginal communities, in accordance with Act No. 031 of 2010. However, the Committee is concerned about claims that indigenous and aboriginal communities face obstacles to obtaining autonomous status, including requirements such as certification of viable governance and the lack of progress made in the accreditation processes already begun. The Committee also notes with concern that there are no regulations accompanying Act No. 450 of 2013 on the protection of highly vulnerable indigenous peoples and that Act No. 073 of 2010 on jurisdictional demarcation does not guarantee full protection for indigenous and aboriginal jurisdiction (art. 1 (2)).

**13. The Committee recommends that the State party:**

(a) **Ensure legal certainty for indigenous peoples over lands, territories and natural resources traditionally occupied and used by them, and adopt the necessary measures to facilitate the attainment of autonomous status for indigenous and aboriginal communities;**

(b) **Approve the regulations of Act No. 450 of 2013 on the protection of highly vulnerable indigenous peoples and amend Act No. 073 of 2010 on jurisdictional demarcation;**

(c) **Expedite the training of public authorities and officials, particularly justice officials, on the economic, social and cultural rights of indigenous peoples.**

**Right to be consulted and to free, prior and informed consent**

14. The Committee regrets the delays in adopting a framework act on free, prior and informed consultation, and the fact that the regulations governing mining and hydrocarbons do not guarantee consultation processes that meet international standards. The Committee is concerned that the right of indigenous peoples to prior consultation in decisions that may affect them, including in connection with mining, hydrocarbon and infrastructure projects, is not widely respected. In particular, it regrets the irregularities surrounding the road-building project in Isiboro Sécure National Park and Indigenous Territory (art. 1 (2)).

**15. The Committee recommends that the State party:**

(a) **Strengthen its regulations through consultations with indigenous peoples on the development of the legal, administrative and public policy framework for the**

<sup>5</sup> E/C.12/2018/1.

**enjoyment of the right to be consulted and to free, prior and informed consent, and update, in particular, its regulations on mining and hydrocarbons;**

**(b) Ensure adequate consultation with, and the free, prior and informed consent of, indigenous peoples regarding all legislative or administrative measures liable to affect them directly;**

**(c) Adopt measures to guarantee the integrity of the Isiboro Sécure National Park and Indigenous Territory.**

#### **Fiscal policy and inequality**

16. The Committee notes the increase in tax revenues and the significant economic growth during the reporting period, as well as the increase in social spending and the notable reduction in inequality since the previous report. However, it is concerned that levels of inequality remain high and that the tax system is not particularly progressive due to excessive reliance on indirect taxes, which means that the State party does not take advantage of opportunities to further reduce inequality and obtain greater resources for the realization of economic, social and cultural rights (arts. 2 (1) and (2)).

**17. The Committee recommends that the State party increase direct taxes in order to establish a progressive tax system designed to reduce inequality and ensure greater enjoyment of the Covenant rights, using the maximum available resources. The Committee invites the State party to consult the recommendations made by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, in his report on his visit to the State party.<sup>6</sup>**

#### **Non-discrimination**

18. The Committee wishes to highlight the progress made in this area, such as the adoption of Act No. 045 of 2010 on the Elimination of Racism and All Forms of Discrimination and the 2016–2020 Multisectoral Plan of the Plurinational State of Bolivia to Combat Racism and All Forms of Discrimination. However, it notes that the National Committee against Racism and All Forms of Discrimination lacks the necessary staff and budget to perform its functions (art. 2 (2)).

**19. The Committee recommends that the State party:**

**(a) Strengthen the capacities of the National Committee against Racism and All Forms of Discrimination and maintain a register of the cases reported, processed and punished under Act No. 045, capturing disaggregated data in order to identify the most affected groups;**

**(b) Implement a comprehensive anti-racism policy that is duly evaluated and monitored, and ensure that sufficient resources are made available for its application.**

#### **Lesbian, gay, bisexual, transgender and intersex persons**

20. The Committee welcomes the adoption of Act No. 807 of 2016 on Gender Identity, but regrets that Constitutional Court ruling No. 0076/2017 restricts the fundamental rights of transsexual and transgender persons. The Committee takes note of Constitutional Decision No. 127/2020 of the Departmental Court of Justice of La Paz, which allowed the registration of a same-sex partnership for the first time, but is concerned that applications made by other same-sex couples have been denied. The Committee is also concerned about the violence and discrimination experienced by lesbian, gay, bisexual, transgender and intersex persons on the basis of their sexual orientation and gender identity, and about the impunity with which such acts are committed (art. 2 (2)).

**21. The Committee recommends that the State party:**

<sup>6</sup> A/HRC/43/45/Add.1.

(a) **Adopt a law on hate crimes against lesbian, gay, bisexual, transgender and intersex persons, protect them from violence and discrimination and combat impunity, including through awareness-raising campaigns aimed at the judiciary, the legislature and the general public;**

(b) **Ensure that Act No. 807 is effectively implemented and that internal institutional regulations and procedures are fully aligned with it;**

(c) **Update its legislation to guarantee the same rights for same-sex couples as for heterosexual couples, in particular with respect to access to statutory benefits such as health, social security and pensions.**

#### **Asylum seekers, refugees and migrants**

22. The Committee regrets the obstacles faced by many refugees and migrants in regularizing their status and obtaining access to education and health services because they lack proper documentation (art. 2 (2)).

23. **The Committee recommends that the State party ensure the integration of asylum seekers, migrants and refugees, including by providing humanitarian assistance and removing barriers to benefiting from social policies irrespective of migration status, in line with the Committee's statement on the duties of States towards refugees and migrants under the Covenant.<sup>7</sup>**

#### **Equality between men and women**

24. The Committee is concerned about the lack of accountability for the outcomes of the 2016–2020 Multisectoral Plan to Dismantle the Patriarchal System and Promote Women's Well-being, and about the persistence of stereotypes associated with the roles of women and men in the family and in society, which perpetuate discrimination against women in areas such as education, health, employment, political participation, gender-based violence and time spent on unpaid domestic and care work (art. 3).

25. **The Committee recommends that the State party:**

(a) **Assess the impact of the Multisectoral Plan to Dismantle the Patriarchal System and Promote Women's Well-being, particularly with regard to women in vulnerable groups; and adopt such measures, including temporary special measures, as may be necessary to achieve the equal right of women to the full enjoyment of all economic, social and cultural rights;**

(b) **Gather evidence on the use of time, with the aim of designing a comprehensive care system that allows people to achieve work-life balance and organizing campaigns to combat patriarchal and stereotypical attitudes to gender;**

(c) **Recognize the value of unpaid care and domestic work, taking into account the contribution of such work to the economy and including it in national accounts;**

(d) **Consult its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

#### **Unemployment**

26. While welcoming the reduction in unemployment under the 2017–2022 Job Creation Scheme, the Committee regrets that insufficient steps have been taken to tackle job losses resulting from the crisis triggered by the coronavirus disease (COVID-19) pandemic, especially among groups traditionally affected by unemployment, such as young persons, indigenous persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, and asylum seekers, refugees and migrants (art. 6).

27. **The Committee recommends that the State party take urgent measures, in the context of reduced job opportunities due to the crisis triggered by the COVID-19**

<sup>7</sup> E/C.12/2017/1.

**pandemic, to revive the economy and step up efforts to provide support to jobseekers, particularly those from vulnerable groups. The Committee also recommends that the State party monitor the temporary adjustments to labour legislation implemented in response to the COVID-19 pandemic, with a view to preventing abuses. The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.**

#### **Informal economy**

28. The Committee is concerned about the high rate of informal employment, which has increased as a result of the COVID-19 pandemic. In particular, the Committee notes with concern the disproportionately high number of women in the informal economy, where they are engaged in precarious forms of employment such as domestic work. The Committee also regrets that women and other vulnerable groups of persons who work in the informal economy throughout their lives have little access to pensions. The Committee is also concerned about the high unemployment rates among persons with disabilities, as well as the barriers they face in obtaining decent work (arts. 3, 6 and 7).

29. **The Committee recommends that the State party:**

(a) **Take the necessary measures to progressively reduce the number of workers in the informal economy, particularly women, and integrate them into the formal economy;**

(b) **Take specific steps to reduce the existing gap in access to pensions, which particularly affects persons working in the informal economy;**

(c) **Monitor the effective implementation of affirmative action measures for persons with disabilities in the public and private sectors.**

#### **Conditions of work**

30. The Committee is concerned about groups who are exposed to difficult working conditions, violence and abuse in the informal economy, in particular indigenous persons, lesbian, gay, bisexual, transgender and intersex persons, and asylum seekers, refugees and migrants. It is also concerned about the exploitation of women and girls engaged in domestic work and of indigenous workers employed informally in the livestock and agricultural sectors and by logging companies. The Committee regrets the lack of effective measures to protect women from harassment and discrimination in the workplace, as well as the persistence of the wage gap between men and women engaged in the same type of work in the private sector (arts. 2, 6 and 7).

31. **The Committee recommends that the State party:**

(a) **Take steps to promote job stability for women, reduce the wage gap, prevent and punish harassment and discrimination in the workplace and promote work-life balance. The Committee also urges the State party to monitor the conditions of employment of domestic workers and ensure that they have access to effective remedies to combat abuse or exploitation;**

(b) **Step up its efforts to eliminate labour exploitation affecting the indigenous population and the worst forms of child labour by gathering disaggregated data and increasing the number of inspections in remote locations to identify such situations;**

(c) **Implement a policy to promote decent work for persons with disabilities in an inclusive job market, and monitor compliance with requirements to provide reasonable accommodation in the workplace;**

(d) **Consult its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

#### **Child labour**

32. The Committee notes with satisfaction that Constitutional Decision No. 0025/2017 of the Plurinational Constitutional Court struck down provisions allowing minors to work from

the age of 10 years, and that Act No. 1139 of 2018 authorizes work from the age of 14 years. However, it regrets that there are no measures in place to prevent children under 14 years of age from working or to protect any who do (art. 6).

**33. The Committee recommends that the State party take measures to prevent children under 14 years of age from working and to protect any who do, provide social assistance to families living in extreme poverty, guarantee access to and continuation of education for girls and boys, and conduct awareness-raising activities and labour inspections.**

#### **Freedom of association and the right to strike**

34. The Committee welcomes Act No. 316 of 2012, which decriminalizes the right to strike and protects trade union privileges. However, it is concerned about obstacles to the registration of trade unions and allegations of excessive limitations on the right to strike for workers in the public sector, including health personnel (art. 8).

**35. The Committee recommends that the State party guarantee the right to form and register unions, and refrain from interfering in their internal processes; protect persons who engage in trade union activities; prevent and punish all forms of reprisals; establish a regulatory framework on the right to strike for workers in essential services, and recognize that right for public sector employees.**

#### **Social security**

36. The Committee welcomes the implementation of the Unified Health System for vulnerable groups, the introduction of the Universal Grant and the Family Grant to mitigate the effects of the COVID-19 pandemic and the expansion in the number of people entitled to a pension. However, it is concerned about barriers to social security for disadvantaged and marginalized groups, such as women and asylum seekers, refugees and migrants, who are engaged in precarious informal employment (art. 9).

**37. The Committee recommends that the State party:**

(a) **Strengthen efforts to guarantee access to social security benefits without discrimination, with a particular focus on vulnerable groups;**

(b) **Improve coverage and services for persons engaged exclusively in unpaid domestic work and promote a positive perception of the contribution made to the social security system by migrant workers;**

(c) **Ensure that pensions are sufficient to provide beneficiaries with an adequate standard of living, taking into account the effects of the COVID-19 pandemic;**

(d) **Consult the Committee's general comment No. 19 (2007) on the right to social security.**

#### **Protection of families, children and adolescents**

38. The Committee notes with concern the persistently high rates of sexual violence against children and adolescents, early marriage and cohabitation, and the entrenched practice of corporal punishment. The Committee also regrets the absence of sufficient resources for the Comprehensive Plurinational Protection System for Children and Adolescents (art. 10).

**39. The Committee recommends that the State party:**

(a) **Ensure that cases of sexual violence against children and adolescents are properly investigated and that penalties are imposed;**

(b) **Take steps, including through awareness-raising campaigns, to prevent and eradicate early marriage and cohabitation and the physical and psychological punishment of children and adolescents;**

(c) **Strengthen the Comprehensive Plurinational Protection System for Children and Adolescents and its coordination work with the Office for the Defence of Children and Adolescents, and provide it with sufficient resources.**

#### **Gender-based violence**

40. The Committee is concerned about the persistently high rates of violence against women, including femicide, despite the enactment of Act No. 348 of 2013 on guaranteeing a life free of violence for women and the establishment of protocols on gender-sensitive trials. It is also concerned about the lack of thorough investigations and the high degree of impunity surrounding these cases. The Committee is further concerned about the inadequacy of essential services for women in situations of violence (arts. 3 and 10).

41. **The Committee recommends that the State party:**

(a) **Strengthen Act No. 348 and improve the capacity of essential services for women in situations of violence by providing infrastructure, equipment, specialized personnel and an adequate budget;**

(b) **Ensure that all cases of violence against women are effectively investigated and that the perpetrators are duly punished, and monitor the effective application of the protocols on gender-sensitive trials;**

(c) **Create specialized courts with exclusive jurisdiction over gender-based violence.**

#### **Poverty**

42. The Committee recognizes the significant reduction in poverty and the improvements in several social indicators during the reporting period. However, the Committee is concerned that the poverty rate remains high. It is also concerned about the lack of sufficient measures to mitigate the economic impact of the COVID-19 pandemic and about the persistent socioeconomic gaps between rural and urban populations and between indigenous and non-indigenous populations (art. 11).

43. **The Committee recommends that the State party strengthen immediate measures to mitigate the social and economic effects of COVID-19, particularly on vulnerable groups. It also urges the State party to step up its efforts to further reduce poverty and close inequality gaps between the rural and urban populations and between the indigenous and non-indigenous populations. To that end, it recommends that a human rights approach be incorporated into poverty reduction strategies. In that connection, the Committee invites the State party to consult its statement on poverty and the Covenant.<sup>8</sup>**

#### **Food**

44. The Committee notes with satisfaction the reduction in chronic malnutrition among children under five years of age and the increase in food production. However, it regrets the persistent high rates of chronic malnutrition in rural areas and the increase in overweight and obesity rates (art. 11).

45. **The Committee recommends that the State party take the necessary measures to ensure the availability of sufficient healthy and nutritious food, especially for disadvantaged groups, and to discourage the consumption of food and beverages that are harmful to health.**

#### **Water and sanitation**

46. The Committee notes with satisfaction the significant increase in access to better-quality water sources and improved sanitation facilities. However, it is concerned that the

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<sup>8</sup> E/C.12/2001/10.



rate of access to sanitation remains low. It is also concerned about disparities between urban and rural areas and between departments with regard to access to such services (art. 11).

47. **The Committee recommends that the State party continue to invest in improving access to water, hygiene and sanitation services, with a particular focus on the most disadvantaged and marginalized groups. The Committee draws the State party's attention to its general comment No. 15 (2002) on the right to water.**

#### **Adequate housing**

48. The Committee takes note of the reduction of the housing deficit as a result of programmes implemented by the National Housing Agency. However, it is concerned about the insufficient supply of affordable housing and social housing, which affects disadvantaged and marginalized populations in particular (art. 11).

49. **The Committee recommends that the State party:**

(a) **Strengthen national housing policy to guarantee access to and availability of adequate and affordable housing, in particular by expanding the supply of social housing and the provision of housing subsidies;**

(b) **Improve its data-collection system in order to produce reliable data, disaggregated by prohibited grounds of discrimination, on access to adequate housing.**

#### **Right to health**

50. The Committee welcomes the adoption of the Unified Health System through Act No. 1152 of 2019, which guarantees free health care to individuals not covered by the short-term social security scheme. However, the Committee is concerned about the inadequate funding of Act No. 1152 and the structural weaknesses of the health system, which have been exacerbated by the COVID-19 pandemic and indicate that access to health services remains very unequal. It is also concerned about the underreporting of deaths attributable to COVID-19. It is further concerned that despite the State's Intercultural Family and Community Health Policy, the number of home visits and specialists trained in using an intercultural approach is insufficient and that there are still barriers to access to health services for persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons (arts. 2 (1), 12 and 15).

51. **The Committee recommends that the State party:**

(a) **Strengthen its health system by investing more heavily in infrastructure, equipment and trained personnel to reduce the gaps in access that affect the most disadvantaged groups;**

(b) **Improve its epidemiological surveillance system, especially with regard to the COVID-19 pandemic;**

(c) **Promote the involvement of participatory management and citizen oversight bodies in decision-making in shared health management, within the framework of the Intercultural Family and Community Health Policy model;**

(d) **Ensure that medical facilities, information and communication are accessible for persons with disabilities; improve the knowledge of health personnel on the rights of persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons and establish health-care protocols for those groups.**

#### **Maternal mortality**

52. The Committee welcomes the reduction in the maternal mortality rate, but regrets that it continues to be one of the highest in the region and that there are still gaps in access to obstetric services for indigenous women and women living in rural areas.

53. **The Committee recommends that the State party redouble its efforts to reduce maternal mortality and the gaps in access to obstetric services in rural areas and among the indigenous and Afro-Bolivian populations.**

### **Sexual and reproductive health**

54. The Committee regrets the persistence of unsafe abortions due to the criminalization of abortion and the obstacles women face in obtaining access to safe abortions, even in cases where it is legally permitted, due to factors such as the lack of necessary medicines, the requirement to present a copy of the complaint and the absence of sufficient alternatives in cases of conscientious objection by health personnel. It is also concerned about the high rate of teenage pregnancy. The Committee is further concerned about the lack of a comprehensive sexual and reproductive health education policy, limited access to modern contraceptives and delays in the adoption of the Comprehensive Act on Sexual and Reproductive Rights (art. 12).

55. **The Committee recommends that the State party:**

(a) **Revise its criminal legislation prohibiting abortion to make it compatible with women's rights, including the right to life and to physical and mental health, expand the circumstances in which abortion is legally permitted and eliminate restrictive requirements limiting access to abortion. The Committee also urges the State party to ensure that women who seek abortions are not held criminally responsible and that good quality sexual and reproductive health information and services are made available for all women and adolescent girls, especially in remote rural areas;**

(b) **Evaluate the 2015–2020 Plurinational Plan for the Prevention of Pregnancies in Adolescents and Young Persons and step up efforts to reduce this problem through comprehensive sexual and reproductive health education, alongside counselling and health-care services tailored to adolescents;**

(c) **Adopt a Comprehensive Act on Sexual and Reproductive Rights and implement a national sexual and reproductive health plan with goals, indicators, a monitoring system and sufficient technical and financial resources. In this regard, the Committee draws the State party's attention to its general comment No. 22 (2016) on the right to sexual and reproductive health.**

### **Drug policy**

56. The Committee expresses its concern about the persistence of a predominantly punitive approach to drug use, the lack of harm reduction programmes for drug users and the absence of legislation to facilitate the medicinal use of cannabis (art. 12).

57. **The Committee recommends that the State party reform the regulations on drug use using a public health and harm reduction approach, and establish protocols to facilitate the granting of authorizations for the medicinal use of cannabis.**

### **Right to education**

58. The Committee welcomes the State party's achievements in reducing school dropout rates and illiteracy. However, the Committee is concerned that the secondary education completion rate remains a challenge, particularly for students from rural areas, indigenous and Afro-Bolivian backgrounds or other disadvantaged and marginalized groups. Furthermore, the Committee regrets the absence of a comprehensive inclusive education policy, the lack of sufficient resources, the prevalence of discriminatory stereotypes in educational settings, the low number of students with disabilities enrolled at the various levels of education, the high dropout rate among students with disabilities, the existence of segregated schools and the lack of specialized teachers to work with students with disabilities (art. 13).

59. **The Committee recommends that the State party:**

(a) **Compile disaggregated data on the school dropout rate among students from rural areas, indigenous and Afro-Bolivian backgrounds or other disadvantaged and marginalized groups;**

(b) **Adopt concrete and specific measures to reduce the school dropout rate, especially in secondary education, with respect to students from rural areas or indigenous and Afro-Bolivian backgrounds;**

(c) **Develop and implement a comprehensive policy to ensure inclusive education and enrolment of persons with disabilities and address the high dropout rate among students with disabilities;**

(d) **Adopt measures to eliminate discriminatory stereotypes in the educational environment regarding students with disabilities and ensure that educational institutions do not perpetuate such stereotypes;**

(e) **Allocate sufficient resources for the implementation of the above-mentioned measures, including training for teachers working with students with disabilities.**

#### **Impact of COVID-19 on the right to education**

60. The Committee is concerned about the impact on education of the measures taken in 2020 owing to the spread of COVID-19, including the suspension of in-person classes, which has exacerbated disparities in access to quality education, particularly for indigenous students who live in rural areas and/or lack access to the Internet or new technologies (art. 13).

61. **The Committee recommends that the State party step up the implementation of specific and concrete measures to ensure the resumption of in-person schooling, access to good quality education and a reduction in the digital divide among students.**

#### **Multilingual and intercultural education**

62. Within the framework of the Multilingual and Intercultural Education Policy and the Basic Curriculum of the Plurinational Education System, the Committee notes the steps taken by the State party to adopt and implement a number of regional intercultural curricula, but is concerned at their insufficient implementation and at the lack of such curricula for the Juaniquina, Cayubaba and Itonama indigenous nations and peoples (arts. 13 and 15).

63. **The Committee recommends that the State party:**

(a) **Evaluate the implementation of these regional curricula and ensure that they are adapted to the needs of the various indigenous peoples;**

(b) **Adopt measures to approve and implement regional intercultural curricula for the Juaniquina, Cayubaba and Itonama indigenous nations and peoples.**

#### **Indigenous languages**

64. The Committee welcomes the broad regulatory framework supporting the linguistic rights of indigenous nations and peoples, such as Act No. 269 of 2012. However, the Committee is concerned about the preservation of indigenous languages in the State party, especially those at risk of disappearance, which has direct implications for the exercise of cultural rights by indigenous peoples. The Committee regrets that only a small number of public officials fulfil the requirement to speak an indigenous language in order to guarantee access to the public services they provide (art. 15).

65. **The Committee recommends that the State party adopt the necessary measures for the preservation of indigenous languages, including the approval of the regulations on the effective implementation of Act No. 450 on the protection of highly vulnerable indigenous and aboriginal nations and peoples. It further recommends ensuring the promotion of the use of all indigenous languages in the public sphere.**

#### **Cultural diversity**

66. The Committee expresses its concern about a number of demonstrations of discrimination against indigenous peoples in the State party. Furthermore, the Committee notes with concern the existence of a public discourse that uses ethnic identity as a criterion for exclusion and division, particularly in the context of the 2019 sociopolitical crisis (arts. 2 and 15).

67. **The Committee recommends that the State party:**

(a) **Implement a comprehensive policy that places value on diversity and plurality and rejects all forms of discrimination;**

(b) **Create spaces for consensus and dialogue in order to protect, promote and appreciate cultural diversity and ensure that it is perceived by the general public as an element that enriches, rather than divides, society.**

#### **D. Other recommendations**

68. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and by treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.<sup>9</sup>**

69. **The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including in all four types of autonomous entity, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Ombudsman's Office, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.**

70. **In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 9 (a) (human rights defenders), 11 (c) (climate change) and 15 (a) (right to be consulted and to free, prior and informed consent) above.**

71. **The Committee requests the State party to submit its fourth periodic report in accordance with article 16 of the Covenant by 31 October 2026, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.**

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<sup>9</sup> E/C.12/2019/1.