

Universal Periodic Review
(20th session, Oct–Nov 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Bolivia (Plurinational State of)

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	4/10/1976 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	28/02/2006 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	04/08/2006 Ratification			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P
Right to education

Constitutional Framework:

2. The new Constitution of 2009 of Bolivia¹ enshrines the right to education without discrimination in Article 17. Article 14 of the Constitution provides that no one should be discriminated on grounds of sex, color, age, sexual orientation, culture, nationality, citizenship, language, religion, etc.

3. According to the Constitution, education constitutes a supreme function and first financing responsibility of the State, which has the obligation to promote, guarantee and manage it (Article 77). The Constitution grants that education is multilingual and the State shall provide technical and vocational education (Article 78). The Constitution also provides for human rights education (Article 79) and it states that state education is compulsory until the end of secondary level (Article 81).

4. The Constitution states that people with disabilities should be granted the same right with regard to education (Articles 70 and 71), notably by establishing special curriculum (Article 85). In addition, the State shall in priority support students with less economic possibilities to have access to the different levels of the education system through feeding programmes, clothes, transport, school material, etc. (Article 82).

5. Moreover, *Title II, Chapter VI*, Section II is dedicated to Education and Higher education and regulates public and private universities (Articles 91 to 97).

Legislative Framework:

6. Some recent laws regarding Education:

- The ***Education Law n° 070 of 2010***², abrogating the Law n° 1565 on the Educational Reform, promotes the instruction of three languages (Spanish, foreign language and native language), equality of opportunities without any form of discrimination, gender equality, social participation, secularism, education quality, etc. Chapter 1 of this law is called “Education as a fundamental right” and provides for universal and free education until higher education. Education is compulsory until the end of the secondary level and it has to be intercultural and multilingual. The law promotes gender equality in Article 4.
- The ***Law against Racism and any Form of Discrimination of 2010***³ states that the State shall promote the implementation of institutional policies of prevention and fight against racism and discrimination in Universities, public and private institutes and in the National education system at preschool, primary and secondary levels. The State shall also promote

¹ <http://www.unesco.org/education/edurights/media/docs/448d6c1a19a25940041237d515708fdf2eb87eb5.pdf>

² Law accessible on Planipolis Website: http://planipolis.iiep.unesco.org/upload/Bolivia/Bolivia_Ley_de_Educacion_2010-2011.pdf (Accessed 27 August 2013)

³ Law accessible on Bolivia Judiciary Official Website: <http://suprema.poderjudicial.gob.bo/Leyes%20y%20Reglamentos/L%20contra%20el%20racismo.pdf> (Accessed 27 August 2013)

human rights education in formal and non-formal education curriculum in order to promote respect of diversity and banish sexism, prejudices, etc.

Policy Framework:

– General information

7. In the Strategic Plan for 2013-2015⁴, the Ministry of Education of Bolivia has underlined four main objectives in the education area:

1. Equity and Opportunity to grant equal access to all Bolivians to education without any social, cultural, linguistic, and economic discrimination
2. Education of Quality
3. Productive Education
4. Enforcement of the education administration

– Inclusive Education

8. The 10th Summit of the Bolivarian Alliance for the Americas (ALBA⁵) concluded on 25 June 2010 in Ecuador with new goals of social justice, aimed at the increasing inclusion of indigenous peoples and Afro-descendants. At the city of Otavalo, Presidents Rafael Correa, from Ecuador; Hugo Chavez, from Venezuela; and Evo Morales, from Bolivia, and Cuban vice-president Esteban Lazo, signed a final document, Declaration of Otavalo⁶, which defends the construction of inclusive, culturally diverse and environmentally responsible societies. Paragraph 9 states: “We are committed to strengthening public policies that provide access to health, education, employment and housing on a priority basis in favour of those most severely excluded, and to promote policies in direct benefit of Indian and Afro-descendent People.”

Cooperation:

9. Bolivia is not party to the 1960 UNESCO Convention against Discrimination in Education.

10. Bolivia did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States, 2001 (covering the period 1994-1999)
- Seventh Consultation of Member States, 2007 (covering the period 2000-2005)
- Eighth Consultation of Member States, 2013 (covering the period 2006-2011)

11. Bolivia did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

⁴ Strategic Plan for 2013-2015, Bolivia Ministry of Education, p.2, accessible at:

http://www.minedu.gob.bo/documentacion/2012/Resumen_Ejecutivo_POA_2013.pdf (Accessed 27 August 2013)

⁵ Nine States are members of ALBA: Bolivarian Republic of Venezuela, Cuba, Bolivia, Nicaragua y Dominica, Honduras, Ecuador, San Vincent and the Grenadines and Antigua and Barbuda.

⁶ Declaration of Otavalo, ALBA, accessible at : <http://www.alba-tcp.org/en/contenido/declaration-otavalo> (Accessed 27 August 2013)

- Fourth Consultation of Member States, 2009 (covering the period 2005-2008)
- Fifth Consultation of Member States, 2013 (covering the period 2009-2012)

12. Bolivia did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the First Consultation of Member States (1993). However, it reported within the framework of the Second Consultation of Member States (2011).

13. Bolivia is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative Framework:

14. Freedom of expression is guaranteed under Article 7 of the Bolivian Constitution (1967, amended in 2009).⁷

15. Defamation is considered a criminal offense that is subject to the Penal Code (1972) and is punishable up to 3 years in prison.⁸

16. The Law on Telecommunications, Information and Communications Technology went into effect in August 2011,⁹ with Article 111 allowing the government broad powers, without independent oversight, to require telecommunications companies to intercept on any communication if the national security deemed to be at risk, or in case of any other major emergency.

17. Articles 16 and 23 of the Law Against Racism and All Forms of Discrimination (2010) impose penalties of up to five years' imprisonment and suspension of media operating licenses for any engagement in racism or discrimination.¹⁰

18. In 2013, Bolivia released draft of the Transparency and Access to Information law.¹¹

Media Self-Regulation:

⁷ <http://www.uasb.edu.ec/padh/revista19/documentos/Constitucionbolivia.pdf>

⁸ http://www.oas.org/Juridico/mla/sp/bol/sp_bol-int-text-cp.html

⁹ <http://eju.tv/2011/07/ley-general-de-telecomunicaciones-tecnologas-de-informacin-y-comunicacin-texto/>

¹⁰ <http://www.noracismo.gob.bo/index.php/ley-045-contra-racismo-y-toda-forma-de-discriminacion>

¹¹ http://www.anpbolivia.com/index.php?option=com_content&task=view&id=168&Itemid=42

19. Media self-regulation mechanisms exist in the country including through organizations such as the National Press Association of Bolivia (ANP)¹², the National Association of Journalists of Bolivia (ANPB) and the Association of Journalists of La Paz (APLP)¹³.

Safety of Journalists:

20. UNESCO recorded the killing of journalist David Niño de Guzmán which took place in Bolivia in 2011.¹⁴ The Director-General of UNESCO condemned the killing and called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators. In 2013, Bolivia informed UNESCO that the case had been concluded.

Freedom of scientific research and the right to benefit from scientific progress and its applications

21. There are no legal restriction on academic freedom in Bolivia.

Gender equality and migrants

22. In 2011, the scholarly and professional journal “Diversities”, published by UNESCO, issued articles on “Transnational Migration and Changing Gender Relations in Peruvian and Bolivian cities”¹⁵ and “Female Migration Outcomes: Human Rights Perspectives”¹⁶.

III. RECOMMENDATIONS

23. In the Report of the Working Group on the Universal Periodic Review of 10 February 2010¹⁷, various recommendations were made to Bolivia regarding the right to education.

24. The recommendations listed below were examined by Bolivia and enjoyed its support:

¹² www.anpbolivia.com

¹³ <http://www.aplp.org.bo>

¹⁴ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/bolivia/>

¹⁵ <http://unesdoc.unesco.org/images/0019/001914/191499e.pdf#191546>.

¹⁶ <http://unesdoc.unesco.org/images/0019/001914/191499e.pdf> and <http://www.unesco.org/new/en/social-and-human-sciences/resources/periodicals/diversities/past-issues/vol-13-no-1-2011/>.

¹⁷ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/120/13/PDF/G1012013.pdf?OpenElement>, Accessed on 29/10/2013

- 13. *To take effective measures and provide funds for the development of standards and policies to meet the needs of the most vulnerable groups in various areas, in particular education, health and housing (Islamic Republic of Iran);*
- 25. *To continue efforts to ensure equal opportunities for girls and women in terms of education, access to employment, housing and working conditions (Egypt);*
- 26. *To include sexual orientation and gender identity in all laws and initiatives combating discrimination and promoting equality, and to develop public education and sensitivity programmes and make them available, including to police, military, judicial, prison and other authorities (Netherlands);*
- 28. *To improve detention conditions in general, particularly for women and children (Italy); To take concrete measures to prevent prison overcrowding and enhance prison education and training in order to reintegrate inmates into society (Turkey); to intensify efforts to improve the situation in detention centres and prisons, with a special focus on ensuring the separation of juvenile convicts from adult inmates (Slovakia);*
- 29. *To ensure that all children living in detention are accorded special protection, including the nutrition, health and educational services necessary for their proper development (Austria);*
- 68. *To continue its reforms to improve the level and the quality of social protection, education and health (Belarus);*
- 71. *To explore possibilities for further cooperation at the regional and international levels with relevant stakeholders with a view to achieving the Millennium Development Goals related to poverty eradication, nutrition, water and sanitation and environmental sustainability (Malaysia); to seek development assistance from development partners and United Nations specialized agencies in order to find solutions to identified challenges hampering the enjoyment of human rights and the achievement of the Millennium Development Goals (Nigeria); to continue efforts to ensure the implementation of the Millennium Development Goals, in particular by ensuring universal primary education and combating illiteracy, which would guarantee that the population enjoys its social and economic rights (Lebanon);*
- 72. *To develop a national strategy for human rights education in the school system, in accordance with the Plan of Action of the World Programme for Human Rights Education, with the full participation of all stakeholders (Italy);*

25. Analysis: With the adoption of its two laws regarding education at the end of 2010 (the Education Law n°070 of 2010 and the Law against Racism and any Form of Discrimination of 2010), Bolivia addressed some of the issues raised in the aforementioned recommendations, and notably gender equality and the promotion of human rights education.

Specific Recommendations on the right to education for the 2nd UPR cycle:

26. Bolivia is strongly encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

27. Bolivia is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

28. Bolivia is encouraged to take additional measures to keep children in school and to ensure that, inter alia, girls, indigenous children, children belonging to minority groups, and disabled children fully realize their right to education.

29. Bolivia is encouraged to further strengthen efforts to abolish fees and other costs of schooling and to ensure primary education is free and compulsory.

Freedom of opinion and expression

30. UNESCO notes the progress being made in the introduction of a freedom of information law and urges the Plurinational State of Bolivia to ensure the new law is in accordance with international standards.

31. UNESCO urges the Plurinational State of Bolivia to ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights and to investigate all attacks on journalists and media workers.

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

32. With regard to contribution of science and technology to development, Bolivia (Plurinational State of) is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.