

BOLIVIA

**NATIONAL PLAN OF ACTION FOR THE
PROMOTION AND PROTECTION OF HUMAN
RIGHTS IN THE MEDIUM
AND LONG TERM**

National Plan of Action for the Promotion and Protection of Human
Rights in the Medium and Long Term

[...]

PART I
OBJECTIVES

[...]

CIVIC EDUCATION

To promote, through human rights education, information and training, a culture of human rights and democracy that will make it possible for the development of attitudes and behaviour conducive to the observance of human rights in daily life - what could be called the "routinization" of human rights - to continue and spread, not only among public employees but throughout civil society. Such a culture of human rights and democracy should allow, *inter alia*, negotiated conflict resolution, with respect for the Constitution and the law and for the freedom of action of democratic institutions, which is an important aspect of good governance.

[...]

PART II
National Plan of Action: specific activities

[...]

III. Education, training, information and documentation

Education for human rights and democracy is an essential component of the Plan of Action for the Promotion and Protection of Human Rights and the progressive realization of what has been called sustainable human development. This means that education, training and public information on human rights are indispensable to the establishment and promotion of stable and harmonious relationships among communities and all sectors of society and for fostering mutual understanding, tolerance and, ultimately, the peaceful settlement of social conflicts.

The Office of the Under-Secretary for Human Rights, in liaison with the other competent departments of the Executive within the Inter-Ministerial Group, and with State and non-State actors in the field of human rights, will be the focal point for the education, training, documentation, publications and information activities envisaged in the National Plan of Action.

Human rights education is inseparable from the dissemination of adequate information, whether theoretical or practical. Accordingly, the Office of the Under-Secretary for Human Rights of the Ministry of Justice, in coordination with all the above-mentioned actors, will organize in the medium term the Human Rights Documentation, Publications and Information Centre mentioned in the relevant chapter of the Plan of Action. As indicated earlier, the Centre will combine a centralized structure with decentralization through documentation centres in the various departments and regions.

Giving particular consideration to Bolivia's socio-economic reality, the Office of the Under-Secretary for Human Rights, through the Centre, will arrange for the broadcasting of regular radio and television programmes attractive to the general public in languages accessible to all segments of the population, providing information on human rights and the specific means and mechanisms for their defence and protection. Booklets and posters focusing on graphic components will also be published on these topics.

Through the Documentation, Publications and Information Centre, the Office of the Under-Secretary for Human Rights will publish a periodical designed for the public at large. It will be comprehensive and expound governmental and non-governmental points of view with regard to the defence and protection of human rights.

The human rights education and training activities to be executed and coordinated by the Human Rights Education and Training Centre of the Office of the Under-Secretary for Justice, as mentioned in the relevant chapter of the Plan of Action, will be conducted in accordance with a strategy having a dual thrust, aimed at: (1) the general public and (2) particular professional and social sectors.

- (1) The education activities designed for the general public, i.e. broad non-specialized segments of the population, will deal with fundamental human rights and the mechanisms for their exercise and safeguard with concrete information on governmental and non-governmental agencies able to provide legal aid or other types of assistance.

The Office of the Under-Secretary for Human Rights, through the Education and Training Centre and the Documentation, Publications and Information Centre, and relying on or coordinating with the human rights offices, public defender offices and legal aid offices of the Office of the Under-Secretary for Ethnic Affairs, structures of the Office of the Under-Secretary for Gender Affairs, any offices that might be created by the Ombudsman, as well as any structures of civil society that may wish to be involved, including non-governmental organizations, churches, trade unions, etc., will organize *periodic human rights information and promotion days* in all departments and regions of the country. in

accordance with a plan to be prepared for each calendar year.

These days should provide practical information on the institutions, standards and mechanisms for human rights defence and protection and should encourage the broadest and most active participation by civil society.

It is expected that such days will have been held throughout the national territory by the year 2000.

- (2) As for education, training and information for particular sectors, account must be taken of Bolivia's political, institutional and socio-economic context in the years to come (medium-term plan). In this connection, notwithstanding the importance of the institutional reform of the State - strengthening and improvement of existing bodies and creation of new ones - and the legislative reform - at the level of the Constitution, statute law and the ratification of international treaties - it must be remembered that the key to progress on human rights is respect for these rights, their effective promotion in the daily practice of institutions ("routinization" of respect for human rights) and their incorporation as standards of conduct by the broadest possible sectors of the population.

Such serious problems as delayed justice, alleged ill-treatment of prisoners, inhuman conditions of detention or allegations of corruption against magistrates and civil servants call for institutional, legislative, financial and infrastructural responses, as well as profound changes in State agents' individual and collective behaviour and partly also in the behaviour of the population as a whole.

Another factor making it necessary to assign priority to the education, training and information of particular social and professional sectors is the fact that Bolivia is undergoing a process of major transformations, especially in the field of human rights and, more particularly, in the administration of justice.

In such processes, active involvement in a wide-ranging and free discussion of ideas by the various sectors of civil society, including the mass media, acquires the utmost importance and is one of the guarantees of the success of any reform process.

In this regard, the National Plan of Action will endeavour to coordinate and reinforce the myriad initiatives currently flourishing in Bolivia with regard to human rights education, training and information, as a result of the activities both of the Executive, the Legislature and the Judiciary, and of the organizations of civil society, often with the valuable support of the international community, through bilateral or multilateral

initiatives.

In this regard, over the medium term the National Plan of Action provides for training activities in human rights and the administration of justice for judges, prosecutors, lawyers, police officers and prison staff.

The aim for the year 2000 is that all such personnel will have received various degrees of training and information on the subject. The main methodology to be used will be the "training of trainers".

Pilot experiments will be conducted at an initial phase as a build-up to its general application. Some of these experiments will include cross-sectoral courses that could bring together, for instance, judges, prosecutors and officials of the Judicial-Technical Police. Training subjects for judges, prosecutors and lawyers will include the human rights treaties ratified by Bolivia, human rights in the administration of criminal justice with special reference to codes of conduct, and the development and praxis of comparative law in the region on the basis of the transition to democracy, the independence of judges and lawyers, the principles of an impartial trial, the administration of justice for indigenous peoples, the administration of justice for minors, the protection of women's rights in the administration of justice, equality and non-discrimination in the administration of justice, and habeas corpus and *amparo* remedies, including in a state of exception.

Specialized training should be provided on judicial guarantees with special reference to the principle of equal access by the prosecution and the defence to evidence, the rule of exclusion of evidence unlawfully entered in a case, and the presumption of innocence. Training should also be provided concerning the rights of victims to know the truth, to participate in criminal proceedings, to reparation and to restitution. There should also be training on the respect and protection due to the victims, especially in the case of women, indigenous peoples, minors and other vulnerable groups, such as the disabled or persons with HIV/AIDS.

The enactment of new laws and the establishment of new institutions call for specific training with regard to the abolition of imprisonment for debt, the problems of delayed justice, the machinery of the law on domestic violence, the mandate of the public defender, human rights, legal aid and other offices, and the principles, institutional rules and procedures provided for in the preliminary draft laws on the Constitutional Court, the Judicature Council, the Ombudsman and the planned Code of Penal Procedure.

Training topics for the armed forces will include not only the

fundamental principles and rules of international humanitarian law and international human rights law, but also the recommendations pertaining to minimum humanitarian standards formulated within the United Nations.

The training subjects for police officers, the Judicial-Technical Police, the Special Anti-Narcotics Force (FELCN), the Mobile Rural Patrol Unit (UMOPAR) and the Women's and Families' Protection Brigades will include human rights standards and mechanisms in accordance with the Constitution, statute law, international law and the respective codes of conduct. Special information must be provided on the use of force and firearms, both in the process of maintaining law and order and in the activities of the judicial police or the fight against drug trafficking. Training will be provided on effective legal and ethical methods of interrogation, human rights during incommunicado detention, police custody and pre-trial detention. There will also be training on the treatment due to vulnerable groups and victims, as mentioned above.

Training for prison staff will include the standard minimum rules for the treatment of prisoners, special categories of persons deprived of their liberty, including minors, women, indigenous inhabitants and persons in pre-trial detention. Training will also be given in prison administration, disciplinary and complaints procedures, contacts with the outside world, including the family, legal or paralegal advisers and medical staff, and importance will be assigned to training in the rehabilitation of persons who have served a prison sentence, as well as intellectual and vocational training of persons in pre-trial detention.

All courses for professionals will include training in principles, organizations and methods for fighting corruption, on the basis of the relevant international instruments and documents, both of the United Nations and of the Organization of American States. In this regard, pilot experiments in cross-sectoral training may be carried out.

The National Plan of Action accords special importance to the strengthening and training of organizations of civil society, particularly those involved in the defence and promotion of human rights, the rights of women, the rights of the child and the rights of indigenous peoples.

As far as non-governmental human rights organizations are concerned, special emphasis will be placed on training in the new institutions, with particular reference to the functioning, powers and characteristics of the public defender and human rights offices of the Ministry of Justice. There will also be specific training in the work of the Ombudsman and the characteristics of the penal reform and the penal procedure reform, including the new laws already promulgated (abolition of imprisonment

for debt, law on domestic violence, etc.). Training will furthermore be offered to non-governmental organizations that provide legal assistance in the defence of human rights, especially for the training of legal and paralegal personnel.

Human rights training for sectors of civil society, particularly in the form of training of trainers, should include all those who have a multiplier effect, such as teachers, social communicators, especially mass media journalists, trade-unionists, social workers, etc.

In this connection, initiatives will be taken to incorporate the subjects and the focus of human rights in curricula at the primary, secondary, vocational and university levels.

The National Plan assigns singular importance to the strengthening and training of non-governmental organizations devoted to the defence and promotion of women's rights. In this particular connection, planned activities will centre on the subject of gender in human rights and on the legal and institutional means of promoting and defending women's civil and political, economic, social and cultural rights. A subject of particular interest will be that of women and work and women in the formal and informal economy from the human rights viewpoint. Special attention will be given to activities for training in the law on domestic violence and arrangements for its enforcement, and to the Convention on the Elimination of All Forms of Discrimination against Women. Preferential attention will also be assigned to the subject of women's political, social and civic participation in the framework of the new Popular Participation Act.

The National Plan of Action provides for the strengthening and training of non-governmental human rights organizations dealing, as a matter of priority, with the subject of the rights of the child in Bolivia. In this connection, the activities should contribute to the necessary discussion of the adoption of new laws, especially a juvenile penal code, and to encouraging a new public perception of children's role in society. Special attention should be paid to children and formal and informal work. Priority should also be assigned to the subject of juvenile justice, prevention of juvenile delinquency and alternative non-custodial measures for minors, and the penal system.

The strengthening and training of indigenous non-governmental organizations is one of the fundamental objectives of the National Plan of Action. Specific activities in the implementation of the National Plan should include human rights training from the perspective of the indigenous populations. They should centre on training in the legal and institutional mechanisms for promoting and safeguarding human rights.

with specific information on methods of protection and defence. Attention should be given both to civil and political rights and to economic, social and cultural rights, the right to a sound and balanced environment and the right to development, with particular reference to the rights embodied in the revised Constitution of 1994. With regard to issues concerning indigenous peoples, efforts will also be made to foster new egalitarian relations. The political, social and civic participation of the indigenous populations as a whole will be encouraged. The active participation of the indigenous peoples of Bolivia in the International Decade of the World's Indigenous People must be promoted.

The Government of Bolivia will elicit the support of the international community in the form of bilateral and multilateral technical assistance and financial cooperation for the realization of the activities provided for in the present National Plan of Action for the protection and promotion of human rights.