

**Speech by H.E. the Minister for Institutional Transparency
and Combating Corruption of the Plurinational State of Bolivia,
Ms. Nardy Suxo**

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Mr. President, Madame High Commissioner, Distinguished Ambassadors, and distinguished representatives of States, non-governmental organisations and the international press, I'm honoured to have the opportunity to present the Report of the Plurinational State of Bolivia for the Universal Periodic Review. I would like to begin by transmitting you fraternal greetings on behalf of our President, brother Evo Morales Ayma, a promoter of human rights protection, at the national and international level.

Allow me to briefly present the authorities of the delegation that accompanies me: Ms. Nilda Copa, Minister of Justice and Mr. Nelson Cox, Director General of the Vice-Minister of Justice and Fundamental Rights, who will participate in the dialogue with you today.

This exam coincides with a historical moment for our country, which is living a process of democratic and cultural revolution since 2006, driven by the social movements and indigenous peoples; we are men and women that for decades have been fighting for our claims; fighting for our rights to be respected.

The marginalized majorities that led the various struggles to recognize their right to participate in the building an inclusive country, and to defend our water, gas and natural resources, entrusted President Morales an agenda with three specific demands:

- 1) To regain ownership of our natural resources and ensure that its benefits reach all;
- 2) To convene a Constitutional Assembly to establish the basis for a new and more inclusive State that represents all, that is broadly participatory, and that recognizes all human rights;
- 3) To bring those responsible for human rights abuses and acts of corruption to justice.

Since our government began, we have been working to meet these clear demands to make human rights effective for all Bolivians.

We committed ourselves to eradicating poverty, a heavy legacy we inherited from colonial, racist, segregatory and undemocratic structural and macroeconomic policies imposed by previous administrations. One of the main achievements of our first term in government was the nationalization of our hydrocarbon industry, which allowed the country to significantly increase its income and invest these resources in programmes to improve the population's access to health and education. The State resources were redistributed, promoting production and employment. The implementation of the programmes included under the framework of our National Development Plan, have allowed us to address our population's most urgent needs, as well as to counter the effects of the global economic crisis, as has been verified by the specialized international agencies.

Programmes like the "*Yes I can*" which successfully culminated eradicating illiteracy and the "*Zero Malnutrition*" still being implemented, have made great progress, among other plans and programmes listed in the National Report at your disposal. The "*Dignity*" rent was instituted for persons over 60 years of age, "*Juancito Pinto*" for children in primary school, and "*Juana Azurduy*" for mothers and children under two years of age, all of which have universal coverage. We have implemented Universal Healthcare Insurance, and are working towards extending access to water, electricity and telephone communication in rural areas, all of which are enshrined as human rights in our Constitution; we are improving the infrastructure of public schools and

the quality of education; we have accelerated the delivery of land and land titles for indigenous and peasant families. In short, we are prioritizing the work in many areas that had never been in the agenda of past governments. Each of these efforts has yielded concrete results, of which we hope provide you more details in the following interventions; others remain to be seen, but we are working to meet the first demand made by our civil society.

With great effort, patience and humility, we have overcome all obstacles to dialogue, to define, in a broad and participatory manner, a new State Constitution which recognizes and guarantees all the human rights we have ratified in international treaties, particularly emphasizing economic, social, cultural, and environmental rights, under principles of solidarity, equity and equality, to "*live well*". Our Constitution seeks to banish past exclusionary structures that impeded the consolidation of the rule of law recognizing everyone, without exception. This Constitution also recognizes the traditional forms of organisation and justice of Indigenous Peoples, as well as the validity of ordinary justice, both framed by the full respect of human rights, safeguarding gender equality and condemning all forms of discrimination. We have thus met the second demand made by our civil society.

However, the introduction of specific legislation that would allow the implementation of this new Constitution has been delayed because the previous Legislature was dominated by a destructive opposition which preferred favouring their political calculations over the population's needs.

This obstacle was overcome through the popular vote granted in the democratic elections held last December, and in accordance with the new Constitution, we have opened new spaces for political participation by the different sectors of society. Us women now make up 50% of the President's ministerial cabinet, we also conform 45% of the Senate, and 23% of the Chamber of Deputies in the new "*Plurinational Legislative Assembly*". Through popular vote, the first Afro-descendent leaders and persons with disabilities have also been elected to this policymaking body, in addition to indigenous men and women representatives from different regions of the country.

This Plurinational Legislative Assembly has already begun working on the tasks mandated by the people and is currently reviewing the approval of the following draft laws: the transitional law needed to renew the administration of justice; the "*Marcelo Quiroga Santa Cruz*" Law to combat corruption and illicit appropriation of funds; and the "*Law on Prevention and Elimination of All Forms of Racism and Discrimination*" among others.

Responding to the third demand from civil society, and to the calls for justice made by the victims of the October 2003 repression and their families, we have begun trial proceedings against former President Gonzalo Sánchez de Lozada and his collaborators for the crimes against humanity committed during the repression exercised against social protests of the time, resulting in more than 60 deaths and hundreds injured. While the results of this judicial process are awaited, scholarships and public recognition ceremonies have been made, including the payment of a solidarity rent. We have also initiated processes to meet the demands made by the relatives of victims of enforced disappearances committed during past military dictatorships. After decades of neglect by indolent, supposedly democratic, governments, work has begun on the exhumation of remains, identification of victims and the returning of remains to their families.

On the other hand, and in compliance to observations made by international human rights mechanisms regarding the existence of Guaraní indigenous living under contemporary forms of slavery; observations which had not been followed by past governments, we released 150 Guaraní families from bondage, birth certificates were granted to 2,514 Weenhayek and Taipete Indigenous Peoples, and identity cards and birth certificates were given to 189 Guaraní indigenous, obtaining further payment of 1.2 million Bolivians to Guaraní families and the delivery of lands for their own livelihood. We are currently still working to complete the process of freeing our Guaraní brothers and sisters, and returning them the decent life they deserve.

All these efforts to build an inclusive State have also been accompanied by acts of racist violence against indigenous peoples and human rights defenders, particularly those advocating for Indigenous Peoples' rights. These attacks have been driven by radical groups opposing the government, as have been verified and reported by international intergovernmental and non-governmental bodies. The most extreme forms of this violence occurred in the Pando Massacre of September 2008, of which you, as members and observers of the Human Rights Council, have been duly informed through the interventions of our Mission in Geneva, and through the Reports issued by the Office of the High Commissioner for Human Rights. We are applying the full force of the law on those who participated in such shameful acts. We reiterate our commitment to all victims of all undignified violent and racist attacks, and assure them we will not let these acts go unpunished; we will continue investigating these acts, and ensure those responsible are punished according to law.

Since our past term in office, we have also attested serious shortcomings in the judicial system, with citizens constantly complaining about its extreme bureaucracy, its delays and lack of transparency in trying those accused of human rights violations, its inefficiency, and even serious cases of corruption and patronage. We are obliged, as a government, to address these complains, and have consequently initiated reforms to the justice system in order to ensure its independence, to the point that our Constitution establishes that the highest judicial authorities be elected by universal and direct suffrage. To this effect, a draft transitional law is in the process of being approved by the Plurinational Legislative Assembly which intends to avoid the suspension of processes before the Judicial Organ by temporarily filling the vacancies that currently exist in the Supreme Court, the Constitutional Court and the Judicial Council. This, while a framework law, for the election of judicial authorities, in accordance to the Constitution, is prepared.

Even as we promote the establishment of an independent, modern, efficient, and transparent judicial body that serves the people, we have also declared a war against corruption, initiated during the last administration with the establishment of the

Ministry for Institutional Transparency and Combating Corruption, which I have the honor to head. Our Ministry is pursuing measures to ensure transparency in government and is working hard to ensure that anyone found having committed corruption acts, regardless of rank or political affiliation, is sanctioned.

In Bolivia, we are working towards making human rights a tangible reality in the everyday life of all, so that everyone, without any exceptions, can enjoy a decent life. An example of our commitment to the international community in the promotion of human rights is the ratification of 16 of the 17 major international human rights treaties. We have signed today in New York, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and will soon also join the Second Optional Protocol to the International Covenant on Civil and Political Rights, thus completing the ratification of all core international instruments. We are also part of the main Inter-American Human Rights Treaties, as can be seen in the list included in the document distributed before the meeting.

Moreover, we have a National Human Rights Institution, the "*Defensoría del Pueblo*" established in 1997; an institution that fully-complies with the Paris Principles for which it has been accredited as type "A". We also have strong and vibrant civil society organizations, with whom we work hand-in-hand in the promotion and protection of human rights. Together with them, we have developed a National Human Rights Action Plan, entitled "*Bolivia to live well*", and established a National Human Rights Council to oversee its implementation, both put into effect by Presidential Decree last year.

We have received several visits by Special Rapporteurs and a visit by the High Commissioner for Human Rights in 2007. Stemming from the good relationship established then, President Morales' government invited the Office the High Commissioner for Human Rights to set up an office in the country with a broad mandate, so as to coordinately work in the promotion of human rights.

As further evidence of our commitment to human rights, we are pleased to announce that today we have extended the Human Rights Council, of which we are members since 2007, an open invitation for its mechanisms and special procedures to visit our country; to give us advice on how to better work for human rights, as well as to learn from the knowledge of our peoples, which long ago had already understood that man and nature are complementary and should co-exist in harmony to achieve a decent life for all.

Brothers and sisters,

As you are aware, last 6 December, a majority vote from our people, gave us the mandate to deepen our efforts to ensure that the full enjoyment of human rights reaches everyone in the country. Consistent with our international commitments, but mainly in response to the commitments made to our people, our President Evo Morales during his possession ceremony, announced several measures related to the enjoyment of human rights in detail, which could be summarized as a commitment to continue implementing our social programs and prioritizing the most vulnerable populations to continue gaining ground in our fight against poverty and provide a decent life to our people.

Let me to list you some additional immediate voluntary commitments other than those already mentioned:

- ✓ The presentation of all reports to the treaty monitoring bodies still pending;
- ✓ The development, by the National Human Rights Council, of a plan to follow up the recommendations made by international human rights mechanisms, including the present;
- ✓ The renewal of the mandate of the High Commissioner for Human Rights' Office in Bolivia, for it to continue accompanying our efforts in the promotion of human rights;
- ✓ Encouraging the early adoption of the Law on Prevention and Elimination of All Forms of Racial Discrimination;

- ✓ Encouraging the early adoption of the "Marcelo Quiroga Santa Cruz" Law on Combating Corruption, Illegal Enrichment and Investigation of Fortunes;
- ✓ The election, according to law, of a new head for the Ombudsman's Office;
- ✓ The reconstruction, according to the Constitution, of the institutions of the Judicial Organ;
- ✓ To continue implementation of our National Action Plan on Human Rights, entitled "*Bolivia to live well*";
- ✓ To facilitate access to the files relating to human rights violations committed during the dictatorship;
- ✓ To continue our efforts to extradite all persons charged of human rights violations and crimes against humanity.

The challenges ahead are many, it won't be easy, but we have all the political will, and with the support of our people and the solidarity of friendly countries, we will continue to overcome these challenges.

In these efforts, we need to stress civil society's fundamental role (indigenous peoples, social movements, women, young people, and all social groups), having not only been a participant of the progress achieved by the country in the area of human rights, but in many cases the main actors for change and promoters of the moral force that has driven us all to question ourselves about our prejudices, and understand the need for change.

In the preparation of our National Report, which has been aptly led by the Ministry of Justice, we have worked with over 150 civil society organizations and local governments in the main cities of all nine departments. Their participation has allowed us to evaluate our human rights situation without reservations, and gather inputs and suggestions on how to implement our National Human Rights Action Plan

in a more participatory manner. Be certain that in fulfilling the recommendations of this review, we will also work in a participatory and inclusive fashion.

We appreciate the attention and the wide interest shown by several delegations that are closely following events in Bolivian, we value of international cooperation and especially appreciate the selfless support given by friendly countries that support us in solidarity to build a new Bolivia, and give us their unconditional support, both economically and socially.

Through this intervention, we hope to have answered some of questions so graciously made to us by some delegations; those remaining will be answered in following interventions. Bolivia awaits your comments and recommendations with a genuine desire to answer all your questions and concerns.

Thank you Mr. President