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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Assistance to Bolivia

Note by the Secretariat

The Secretary-General has the honour to transmit to the Commission on Human Rights the report of Professor Hector Gros Espiell, formulated in the context of Commission resolution 1983/33 adopted on 3 March 1983.

It may be recalled that, by this resolution, the Commission on Human Rights, inter alia, requested the Secretary-General

"to provide advisory services and other forms of appropriate human rights assistance as may be requested by the Constitutional Government of Bolivia".

Pursuant to this request and in concurrence with the wishes of the Government of Bolivia, the Secretary-General invited Professor Hector Gros Espiell, former Special Envoy of the Commission on the situation of human rights in Bolivia, to ascertain the Government's views and to undertake an examination of the matters involved in the above-mentioned request of the Commission.

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REPORT BY PROFESSOR HECTOR GROS ESPIELL ON HIS MISSION TO BOLIVIA
PURSUANT TO OPERATIVE PARAGRAPH 6 OF RESOLUTION 1983/33 OF THE
COMMISSION ON HUMAN RIGHTS

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I. INTRODUCTION AND BACKGROUND INFORMATION

1. At its thirty-ninth session, the Commission on Human Rights adopted without a vote, on 8 March 1983, resolution 1983/33 which runs as follows:

"The Commission on Human Rights,

Conscious of its responsibility to examine situations of violations of human rights and fundamental freedoms wherever they occur and for as long as such situations give rise to international concern,

Recalling its resolution 1982/33 of 11 March 1982 on the situation of human rights in Bolivia, which provided for the extension for another year of the mandate of the Special Envoy appointed pursuant to its resolution 34 (XXXVII) of 11 March 1981,

Welcoming the establishment by peaceful means, on 10 October 1982, of a constitutional Government in Bolivia,

Having carefully examined the study by the Special Envoy and the observations of the Government of Bolivia thereon,

Welcoming the continued co-operation extended by the Government of Bolivia to the Special Envoy,

Noting the observation by the Special Envoy that consideration of the case of Bolivia, as provided for in its resolution 34 (XXXVII), should be concluded,

Considering that the United Nations should be prepared to consider providing assistance to any nation emerging from a period of human rights violations, if that nation so requests, in order to contribute to respect for human rights and fundamental freedoms,

1. Expresses its gratitude to Mr. Héctor Gros Espiell for the manner in which he carried out his mandate as Special Envoy;
2. Notes with satisfaction the conclusion of the Special Envoy that, in the period under review and particularly since 10 October 1982, the constitutional Government of Bolivia has demonstrated a complete respect for human rights;
3. Welcomes the creation by the constitutional Government of Bolivia of a national commission to investigate cases of disappearances;
4. Notes with satisfaction the determination of the constitutional Government of Bolivia to take the necessary measures to ensure that a thorough investigation of all past violations of human rights is undertaken with a view to establishing responsibility through due process of law;
5. Welcomes the accession by Bolivia, in 1982, to the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights;
6. Requests the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as may be requested by the constitutional Government of Bolivia;
7. Decides to conclude its consideration of the human rights situation in Bolivia established in its resolution 34 (XXXVII)."

2. On 8 May 1983, the Economic and Social Council took note of resolution 1983/33 of the Commission on Human Rights. It also "endorsed the Commission's decision to request the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as might be requested by the constitutional Government of Bolivia". (Decision 1983/146 of the Economic and Social Council.) 1/

It is particularly noteworthy, in connection with the subject matter of this report, that operative paragraph 6 of the resolution by the Commission on Human Rights requests the Secretary-General to provide advisory services and other forms of appropriate human rights assistance as may be requested by the constitutional Government of Bolivia.

Within this context and to bring out the background to the topic, attention should also be drawn to operative paragraph 4 of resolution 1982/33, adopted by the Commission on Human Rights at its thirty-eighth session, which reads:

"Requests the Secretary-General to provide advisory services and other forms of appropriate assistance requested by the Government of Bolivia to help the Government to continue to take appropriate measures guaranteeing the enjoyment of human rights and fundamental freedoms".

4. In paragraphs 112 and 115 of chapter IX, Conclusions, of his second Study, 2/ the Special Envoy of the Commission on Human Rights, Professor Héctor Gros Espiell, expressed the view that "the United Nations should continue, through advisory services and assistance, to support and promote the local effort - which is the irreplaceable and determining factor - to ensure the full observance of human rights and fundamental freedoms in Bolivia". 3/ At the same time, however, he repeated his conclusion that complementary international assistance would be needed to help attain that objective and to assist in changing the adverse economic and social circumstances currently obtaining in the country. United Nations advice, assistance and support are, in fact, essential contributions to the furthering of a process which is designed to guarantee full respect for human rights and fundamental freedoms. An improvement in economic, social and cultural conditions is, obviously, crucial if genuine respect for and effective observation of economic, social and cultural rights, as well as civil and political rights, are to be achieved. 4/ The elimination of, or rather the campaign against, hunger, poverty, disease and ignorance is the major basic problem confronting human rights in Bolivia today since, under the democratic constitutional Government, respect for human rights has been achieved inasmuch as they are no longer directly violated by government action. 5/ It has not yet proved possible, however, for a variety of reasons which it would be inappropriate to mention here, to launch a vigorous and positive process of economic and social development.

1/ E/1983/13, E/CN.4/1983/60.

2/ E/CN.4/1983/22.

3/ Ibid., para. 112.

4/ First report of the Special Envoy, E/CN.4/1500, para. 128; Second report, E/CN.4/1983/22, paras. 32-37.

5/ Theme enlarged upon by the Special Envoy in his second report. See also E/CN.4/Sub.2/1983/SR.10, para. 45.

5. Mr. Mario Roncal Antezana, the Minister of the Interior, Migration and Justice, addressing the Commission on Human Rights at its thirty-ninth session, said that, since civil liberties had been re-established in Bolivia, there remained only one human right still to be achieved, the right to well-being: the Bolivian Government had asked the Commission to help it to conform with the provisions of the International Covenant on Economic, Social and Cultural Rights and provide workers and their families with decent living conditions. 6/

6. On 2 March 1983, during the session of the Commission on Human Rights, Mr. Olara A. Otunnu, the Commission's Chairman; Mr. Kurt Herndl, the Assistant Secretary-General, Centre for Human Rights; and Professor Héctor Gros Espiell, the Special Envoy of the Commission; had held a meeting with Mr. Mario Roncal Antezana the Bolivian Minister of the Interior, Migration and Justice, and Mrs. Carola Sánchez Peña de Lorenz, the Chargé d'affaires, for the purpose of initiating discussions on possible assistance to Bolivia. The representatives of the Bolivian Government had reiterated their country's determination to observe human rights. However, such observance largely depended on the economic situation which Bolivia was undergoing. The economic factor was a constant threat to political stability. Consequently, the Government of Bolivia was turning to the international community for its support in achieving economic and political stability.

7. On that occasion, Professor Héctor Gros Espiell submitted a memorandum of possible assistance to Bolivia, which is reproduced below:

"(1) Assistance to the Government of Bolivia, as recommended in my two Studies on the human rights situation in that country and specifically mentioned in the resolution by the Commission on Human Rights on that subject in 1982, should be imbued with some special characteristics.

(2) It is not simply a matter of furnishing technical, doctrinal and bibliographic co-operation for the purpose of improving the legislation and, more generally, the legal system of Bolivia with respect to human rights. Without prejudice to the fact that this is possible - and quite feasible if the government so requests - it should not be forgotten that, since the country in question has a long legal tradition, good-quality libraries and study centres and well-qualified local specialists, assistance of this kind should not be given particular priority.

(3) Nevertheless, in the strictly legal area, I can see two possible forms of co-operation which might be very interesting and useful:

(a) A study of the reasons why the remedies of habeas corpus and constitutional amparo were virtually ineffective in safeguarding and guaranteeing human rights. Preparation of a draft code of trial procedure, a system of responsibilities and administrative machinery which, based on the genuine independence of the judiciary, should ensure the rapidity, efficiency and effectiveness of such remedies.

(b) Advisory services and other assistance to establish a system of teaching human rights law, at the primary, secondary and university levels, as regards both domestic law and international law.

6/ E/CN.4/1983/SR.44, para. 43.

(4) Still in the legal area, some very interesting work could be done with respect to the internal application of the International Covenant on Economic, Social and Cultural Rights and, in co-operation with the International Labour Organisation, of the ILO international labour conventions to which Bolivia is a party.

(5) However, the most effective co-operation would, in my view, consist of assistance in channelling and promoting the resolution of the basic economic, and social situations which condition the genuine existence of human rights (civil, political, economic, social and cultural).

(6) To implement the idea outlined in paragraph 5, it would be necessary for a team from the Centre for Human Rights subsequently broadened and supplemented to an adequate extent, to plan and organize all-round assistance from the United Nations system so as to co-operate in the economic and social rehabilitation of Bolivia. Such rehabilitation is a basic prerequisite - though not the sole and exclusive requirement - for making human rights into a living reality, based on the practical recognition of human dignity, rather than a mere formula, to which lip-service is paid in passing, and an expression deriving from an empty legalism.

(7) Such co-ordinated and global action by the United Nations system, directed towards an objective - mankind, its dignity and its rights - which is common to the whole of the system, would highlight in a concrete case the system's ability to act in a joint, co-ordinated and methodical way and would demonstrate the importance attached by the international community to the restoration and re-establishment of a regime which guarantees and respects human rights, and would thus strengthen the faith and confidence of the peoples in action by the United Nations.

(8) The Centre for Human Rights and its operational team for Bolivia could form the co-ordinating nucleus of such aid and co-operation by the United Nations system. At a subsequent stage, consideration would be given to the manner in which this strengthened team - built around the initial team from the Centre - would be constituted so as to include representatives of the Government of Bolivia and of all the organizations and institutions collaborating in the project.

(9) For the moment, a start should be made in putting together the team from the secretariat of the Centre for Human Rights and appointing the person to direct the project. This team, in close contact with the representatives of the government of Bolivia, would begin the work and would then be strengthened and built up adequately so that it can plan and put into effect this very broad and original - while simultaneously unique and exemplary - project of co-operation, assistance and promotion in the field of human rights".

8. At that meeting, Mr. Kurt Herndl, the Assistant Secretary-General, Centre for Human Rights, stressed the possibility of assisting Bolivia within the existing conditions and structures of the Centre. Furnishing all-round assistance, however, would be beyond the current mandate of the Centre for Human Rights in the matter.

9. On 7 July 1983, the government of Bolivia sent a letter to the Centre for Human Rights in which it stated that "it considers it desirable and urgent that the Centre for Human Rights should make up a team, led by Professor Héctor Gros Espiell, to visit my country in the near future in order to plan and organize all-round assistance by the United Nations system to co-operate in the economic and social

rehabilitation of Bolivia. It would also be desirable for the team to assist by its advice in establishing a system of teaching human rights law, at the primary, secondary and university levels, as regards both domestic law and international law."

10. In a letter dated 18 August, Professor Gros Espiell, agreed to co-operate in carrying out the Commission's mandate. Previously, on 8 August 1983, following upon a conversation with Professor Gros Espiell, the Assistant Secretary-General, Centre for Human Rights, had approached the Permanent Mission of Bolivia stating that he was "open to any suggestion similar to that put forward in the second paragraph of its letter dated 7 July 1983 that various ministries of its Government could arrange for him to come, basing themselves on Commission resolution 1983/33. Such proposals would be useful when preparing a detailed agenda of the subjects to be discussed during the visit of Professor Gros Espiell to Bolivia."

11. As a result of these developments, I paid a visit to Bolivia from 8-13 December 1985. The description of this visit and the conclusions I reached as a result of conversations with the country's authorities are to be found in the following chapters. I should, however, mention that, in the course of the visit I had meetings with Messrs. Vicente Mendoza and Luis Pelaez Rioja, the Chairmen of the Human Rights Commissions of the Chamber of Deputies and the Senate; Mr. Federico Alvarez Plata, the Minister of the Interior and acting Minister for Foreign Affairs; Mr. Al Alvarado, the Minister of Education; Mr. Ivan Finot, the Under-Secretary for Planning; Mr. René Duchén, the Under-Secretary for Justice in the Ministry of the Interior; Mr. Jaime Prudencio Cossio, representing the University of San Andrés; with the Association of Relatives of Disappeared Persons; with Mr. Jorge Auza Lopez, the Under-Secretary of the Ministry of Health; Dr. Gonzalo de Achá, Director-General for Foreign Policy; and Mr. Jaime Paz Zamora, the Vice-President of the Republic and acting President. It was not possible to hold the scheduled meetings with Mr. Hernán Siles Zuazo, the President of the Republic, and the Minister for Foreign Affairs because, at the time of the visit to Bolivia, they were in Buenos Aires in connection with the transfer of power in the Argentine Republic. Meetings were also held with the technical and expert associations of the Ministry of Education and Ministry of Planning and with the competent technical departments of the Ministry of Foreign Affairs.

12. These interviews and conversations have convinced me that there is a firm determination in the democratic constitutional Government of Bolivia to maintain its policy of respect for and furtherance of human rights, despite the extremely serious economic and social circumstances through which the country is passing, and that it still firmly intends to make progress in that area not only through the formal respect for human rights and freedoms but also by campaigning to improve economic, cultural and social conditions, which can be achieved only through the integral and harmonious development of the country's economy. To this end, as well as the essential domestic effort involving hard work, perseverance and political and democratic stability, international assistance and co-operation will be needed.

13. Emphasis should also be laid on the full agreement reached concerning the current negative situation in the economic and social fields and the need to adopt immediate corrective measures to safeguard human rights as perceived in their conceptual fullness and genuine physical manifestations.

It is thus important to stress the comments by the constitutional President of Bolivia which link the campaign for civil liberties with action against hunger, poverty, disease and ignorance. Dr. Siles Zuazo has stated:

"All the activities of the Party, from the unyielding struggle in opposition against the abuse of power and the traffic in narcotic drugs to the current concern of our Government to respond effectively to the mandate received from the national majority, are designed to secure the maximum possible well-being for all Bolivians, with the greatest urgency in the case of the most underprivileged."

"This hard battle against hunger, poverty and disease is, in short, the struggle for the health of the Bolivian people." 7/

Reference should also be made to the specific invocation of the right to health and the other rights set forth in article 25 of the Universal Declaration of Human Rights in an official document of the constitutional Government of Bolivia. 8/ In this document, which was mentioned at the meeting with the Under-Secretary of the Ministry of Health, it is stated:

"In accordance with this concept, health ceases to be an item of merchandise and becomes a human right, yet another of those recognized (article 25) by the Universal Declaration which was approved and proclaimed by the General Assembly of the United Nations on 10 December 1948."

...

"Despite the fact that it is so expressly recognized, enjoyment of the right to health is still restricted by the persistence of social discrimination, poverty and exploitation, to which should normally be added the existence of an anarchical system of medical services, in which the responsibility of the State is diluted in many ways." 9/

To give some idea of the terrible social deficiencies in Bolivia, it will be sufficient to recall the following data which are included in the work quoted above:

"In Bolivia, infant mortality was 150 per thousand in 1972 and 175 per thousand in 1976. This figure is still rising and is now estimated at 200 per thousand. Of every 5 children born, only 4 reach the age of one year. Of these 4, 14 per cent die before beginning school. In the developed countries, only 1 per cent of the children of that age die.

All these deaths are due to what are sometimes called 'diseases of poverty': enteritis, diarrhoea, influenza and pneumonia, measles, vitamin deficiencies and malnutrition. Malnutrition affects 26 per cent, in the tropical region and 52 per cent in the altiplano of the children under 5 years old."

7/ "Bases para la política de salud del Gobierno Democrático y Popular" (La Paz, Bolivia, July 1983), p. 3.

8/ Op. cit., p. 13.

9/ Op. cit., pp. 15-16.

II. MEANING AND OBJECT OF THE REPORT

14. The meaning and object of this Report emerge clearly from the background information set out in chapter I and, in particular, from the contents of paragraph 4. To add anything further would needlessly lengthen the text.

15. On the other hand, it should be recalled that a distinction must be made with regard to the advisory services and assistance to be offered to Bolivia, as was explained above. In the strict sense of applying the pertinent resolutions of the Commission on Human Rights and the Economic and Social Council, this Report will set forth some conclusions with regard to the human rights assistance, requested by the Government of Bolivia, which can be supplied by the Centre within its resources and terms of reference. Thus an exposition will be given of assistance in preparing a programme for teaching human rights at the primary, secondary and higher levels, in accordance with the request made by the Government of Bolivia in its letter of 7 July 1983 (see para. 9). Furthermore, other possible forms of advice and assistance on the subject, as proposed by the competent Bolivian authorities during the visit to that country (see para. 11), will be examined.

16. A different question, which goes beyond the application of the aforesaid resolutions of the Commission on Human Rights, is that raised by the then Special Envoy in his two reports and reiterated in paragraphs 5, 6 and 7 of his memorandum dated 2 March 1983 (see para. 7). This question, which is undoubtedly an innovatory and transcendent one, would necessitate a special resolution of the Economic and Social Council for its instrumentation and application, since it goes beyond the possibilities of the Centre for Human Rights in terms of giving assistance and advice. I shall refer to these two questions separately in chapters III and IV of this report.

III. HUMAN RIGHTS ADVISORY SERVICES AND ASSISTANCE IN BOLIVIA

17. The first question is that of the advisory services and assistance with respect to human rights that the Centre is able to provide under paragraph 6 of resolution 1983/33 of the Commission on Human Rights and within the framework of General Assembly resolution 926 (X). The latter resolution provides for, authorizes and regulates the following forms of human rights assistance: (a) Advisory services of experts; (b) Fellowships and scholarships; and (c) Seminars. The situation will be analysed in the light of this general resolution of the General Assembly and the more specific resolution of the Commission on Human Rights referring to such services in the case of Bolivia.

18. The first project to which the Government of Bolivia referred in its note of 7 July 1983 was that concerning the preparation and implementation of a programme of teaching human rights at the primary, secondary and higher levels. The matter was considered in depth during the visit to Bolivia a meeting being held, on that occasion, with technical experts from the Ministry of Education and university authorities to examine the subject. The purpose of the initiative would be to ensure that, at all educational levels and in the training of teachers and professors with respect to teaching in the towns and in the country - in all forms of education in fact, account is taken of matters connected with human rights and that the child, the adolescent and the young person are given - without discrimination of any kind - an adequate idea of what their rights are, and how they can be legally guaranteed and defended, and what their duties are; as well as of the role the State plays in the promotion and defence of human rights; what is meant by the violation of human rights, whether by the public authorities or by other powers of any nature whatever; and of the significance of human rights and freedoms, not only with respect to the full development of the human personality - based on recognition of the inherent dignity of all human beings - but also for the advancement of the community and for the peaceful and harmonious development of society as a whole.

19. Without prejudice to the fact that measures will have to be adopted immediately in Bolivia within the existing teaching programmes, reference was made and adequate coverage given to everything connected with the human rights question and a proposal was submitted that a seminar be held on the propagation and analysis of human rights in Bolivia to form the starting point for the general reorganization of education in the country, at all levels and of all kinds, so as to ensure that the subject is adequately included. In the course of the conversations that took place, I stated that the project seemed to me to be one of the highest importance and that I thought that United Nations support for its implementation should be obtained. I further pointed out that it would be essential to obtain the co-operation and assistance of UNESCO, which specialized in the subject and which, by organizing the International Congress on the Teaching of Human Rights (Vienna, 12-16 September 1978) ^{10/} - whose resolutions and conclusions should be borne in mind with respect to the current case - and by issuing some invaluable specialized publications on the subject, ^{11/} has been the

^{10/} See: L'enseignement des Droits de l'Homme (UNESCO 1980, ISBN 92-3-201781-4). Manuel pour l'enseignement des droits de l'homme (UNESCO, Paris). The English edition appeared in 1982, the Spanish edition is being prepared.

^{11/} For example: Algunas sugerencias sobre la enseñanza acerca de los Derechos Humanos (UNESCO 1969-ED-68/D-37-S). Leal Levin, Derechos Humanos, Preguntas y Respuestas (Editorial de la UNESCO, 1981). Jean-Louis Ducamp, Les droits de l'homme racontés aux enfants (Collection Enfance Heureuse, Les Editions Ouvrières, 1983).

pioneering institution in the United Nations system in that respect. We also talked about the possible contribution of non-governmental academic or scientific institutions which have always shown a particular interest in the question of teaching human rights, such as the International Institute of Human Rights (founded by René Cassin), Strasbourg, which, in recent years, has amassed documentation of exceptional value concerning the teaching of human rights at all levels and in all possible ways and has carried out some invaluable research and studies on the subject. Such teaching would, of course, in a country like Bolivia with rather special characteristics, need to be planned with due regard for its linguistic, ethnic, cultural, social and economic peculiarities, and the fact that it is a developing country. The annexes to this report, which I have delivered to the Centre for Human Rights, contain the project submitted by the Ministry of Education and Culture of Bolivia for holding this seminar, a proposal that should be considered at the appropriate moment by the Centre, with a view to supplying the assistance and advice that have been requested.

20. Teaching human rights in the primary and secondary schools is inseparable from a wide distribution among the people of the relevant texts, particularly the Universal Declaration of Human Rights. In a country, such as Bolivia, in which various languages are spoken and in which the members of the indigenous majority still make use of their traditional languages (Quechua and Aymará), sometimes without understanding, speaking or reading Spanish, it is very important that these texts should be translated into and distributed in the indigenous languages. Consequently, the initiative of Mr. Juan Blanch, the Resident Representative of the United Nations Development Programme in Bolivia, in having the Universal Declaration translated into Quechua and Aymará was a very gratifying one. In a celebration at La Paz on 3 December 1983 to commemorate the thirty-fifth anniversary of the Universal Declaration of Human Rights, at which I spoke, Mr. Blanch handed over those translations to the Reverend Father Julio Tumiri, Chairman of the Permanent Assembly for Human Rights in Bolivia.

21. With respect to the university teaching of human rights in Bolivia which cannot be planned directly by the Ministry of Education in view of the constitutionally established regime of university autonomy, a meeting was held with Mr. Jaime Prudencio Cassio in the office of the Rector of the University of San Andrés. Agreement was reached on the need to plan the teaching of human rights at the university level and on the feasibility of including human rights as a subject in the courses for a licentiate in law. In this connection, it will be necessary to implement a programme including advisory services or reference books, fellowships for university teachers in higher education centres which already have such a course and, possibly, the sending of experts to Bolivia to furnish such services. To this end, the competent Bolivian authorities will have to make direct contact with the Centre for Human Rights.

22. Since there are a number of universities in Bolivia, it will be necessary for the Council of Rectors to take action to underline the importance of all the universities taking steps to include human rights as a subject in the faculties of law. It would also be of interest to consider the possibility of offering some detailed information on the human rights question in other faculties, such as the faculties of medicine, a matter which has already been tackled in certain universities in the United States and Europe.

23. The teaching of human rights as a separate course, at the various training levels, is still an exceptional formula and, despite the recognition of the great importance of the subject, it is to be found at very few levels of study and in very few universities in America and Europe. If it proved possible - with United Nations assistance - to institute a course of this type in a developing

country which is facing major political, economic and social difficulties but which is tackling its democratic and cultural future with decision and energy, the case would constitute an example of and an incentive to similar attitudes and initiatives in other countries.

24. This report is, quite logically, limited to a general description of the question of teaching human rights at the various educational and training levels. The concrete way in which such advice and assistance is to be given will be negotiated by the Ministry of Foreign Affairs of Bolivia with the United Nations Centre for Human Rights, within the context of the general and special resolutions referred to above.

25. All that I need add in this connection, repeating what I have already said, is that I consider that an adequate teaching of human rights in a country such as Bolivia is of essential importance in the process of promoting and ensuring effective respect for human rights, and that such teaching always constitutes, but particularly in situations such as that which has motivated the interest of the United Nations in the problem of human rights in Bolivia, an essential factor to which the United Nations should pay priority attention.

26. Within this same chapter, mention should also be made of the request for advisory services and other assistance in connection with the reform and improvement of the prison system in Bolivia. The topic had already been submitted to me in 1982 by the "Committee for Prisoners and Released Prisoners". The question was then brought up officially during the meeting held with the Chairmen of the Human Rights Commissions of the two Chambers of the Bolivian Congress and also by the Minister of the Interior and Mr. René Duchén, the Under-Secretary for Justice in that Ministry. The documentation that was supplied to me is contained in the files annexed to this report which are to be found in the Centre for Human Rights. Stress should be laid on the fact that the lamentable state of the prisons in Bolivia, which is in itself a violation of the human rights of persons under arrest, prisoners awaiting trial and convicted prisoners and a factor which hampers any process of reclamation and the psychological and moral rehabilitation of such persons, would fully justify furnishing the Government of Bolivia with advisory services and other assistance in planning prison reform. Such advice and assistance could be given within the framework of the services that are mentioned, in general terms, in General Assembly resolution 926 (X). In due course, however, they will have to be supplemented - in the event that it proves possible to move on to the implementation stage - by technical and economic co-operation to prepare and execute specific projects. Financial co-operation to execute and carry out the projects would have to be negotiated separately with the competent United Nations services. For the moment, co-operation in the technical study of the problem and its possible solutions can be requested within the framework of the advisory services and other assistance.

IV. THE IMPACT OF THE ADVERSE ECONOMIC AND SOCIAL CONDITIONS
IN BOLIVIA ON THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS
ACTION BY THE UNITED NATIONS

27. A distinction has already been made between the direct and immediate assistance that the Centre can make available under paragraph 6 of resolution 1983/33, of which this Report is already a first practical application, and the attention that the United Nations can pay to the economic and social questions which determine and condition the real possibility of effectively enjoying human rights in a given place at a given time. This question was particularly enlarged upon in paragraphs 5, 6 and 7 of my memorandum of 2 March 1983, taking up ideas which had been set out in the first and second reports of the Special Envoy of the Commission on Human Rights, as mentioned in paragraph 4 of this Report. In the meeting on 8 December 1982 at United Nations Headquarters in New York of the then Special Envoy with Mr. Javier Pérez de Cuéllar, the Secretary-General of the United Nations, that aspect of the question was discussed at some length, and the Secretary-General stated on that occasion that, in the conversation he had had some days before with Dr. Hernán Siles Zuazo, the constitutional President of Bolivia, during his visit to the United Nations, reference had been made to the need to contemplate global assistance by the United Nations system to Bolivia to help in its economic recovery which - in accordance with the ideas set out by the Special Envoy - was essential for the effective and genuine future observation of human rights in that country.

28. This decision by the Secretary-General was immediately instrumented and prepared for execution. Ms Margaret Anstee was appointed Special Representative to the Secretary-General to devise an adequate way of providing, within the United Nations system, assistance to the Government of Bolivia to resolve the serious economic and social problems affecting that country. Ms Anstee visited Bolivia on 14 December 1982 and, in her first report submitted to the Secretary-General and the President of Bolivia, suggested that the United Nations system could act in two ways. ^{12/} The first, through direct support, would use the resources available within the various organs of the United Nations system which might be requested to give priority to the case of Bolivia. The second, and more significant, would use indirect methods. In that situation, the United Nations system would play the role of a catalyst or, in other words, would assist the Government of Bolivia to present its case to the international community in the best possible way and thus increase its chances of obtaining economic resources, either by bilateral agreements with friendly countries and/or by international/regional agreements through existing financial institutions. In order to take action in accordance with this second approach, a Round Table on International Co-operation for Bolivia, sponsored by the constitutional Government of Bolivia and the Secretary-General of the United Nations, was held at La Paz from 20-22 April. The objective of this first meeting was to submit to the international organizations and friendly countries ^{13/} the broad outlines of Bolivian economic policy for the future and assess what financial assistance might be expected from outside. The foundations were laid for a second Round Table, to which a medium-term and long-term development programme and the specific projects comprising it will be submitted for financing. This second Round Table will be held on 2 April 1984, and Senior level participation, Heads of State and/or Government will be able to attend. This global and systematic action

^{12/} Round Table on International Co-operation for Bolivia (Phase One), La Paz, 20-22 April 1983.

^{13/} At this first Round Table, held on 20-22 April 1983, 36 countries and 25 international and regional organizations were represented.

undertaken in accordance with the instructions of the Secretary-General - which has also begun to operate through a communication addressed by him to the Directors-General or Executive Secretaries of the specialized agencies of the United Nations whose activities may be linked with aid and assistance to Bolivia - is of capital importance and could not be ignored by this Report, since its connection with the question of human rights, in the form in which I have envisaged it, is unquestionable.

29. Without prejudice to the way in which this global operation of economic assistance to Bolivia - which is independent and autonomous but closely linked with the material considered in this Report - may be organized, concretized and implemented, I shall refer to the question not only as has already been done (see paras. 16 and 27) from an over-all conspectus but also with reference to a specific project, which might be an initial example of the way in which a project for economic assistance to a country - which requires it in a situation of extreme gravity and urgency - can have an impact on the problem of observing and genuinely enjoying human rights.

30. The constitutional Government of Bolivia, through its Ministry of Planning and Co-ordination, has worked out a project to determine how much extreme poverty there is in Bolivia and its implications for planning and social policies. This project, which is currently being finalized, was made available to me and is to be found - with full background information - in the file annexed to this Report which is preserved in the archives of the Centre for Human Rights. I think that a project of this type, which is extremely important and of very great interest, would form an initial and highly positive example - in the event that it proved possible to co-operate in its implementation within, perhaps, the general project to which reference has been made in paragraph 28 - of the way in which an endeavour could be made to modify, through international co-operation, certain extreme situations of an economic and social nature which have a negative effect on the whole problem of human rights.

31. Likewise, during my visit to Bolivia, I was presented by the Association of Relatives of Missing Prisoners and Martyrs for National Liberation; the National Commission on Disappeared Persons (an official organization established by the Government of Bolivia by Supreme Decree No. 19241 of 28 October 1982 whose activities and terms of reference were broadened and extended by Supreme Decree No. 19734 of 11 August 1983); and the Under-Secretary for Justice in the Ministry of the Interior; with a document on economic assistance to the relatives - particularly the children - of disappeared persons, many of whom are in a piteous situation. A situation of this kind really deserves to be paid special attention since, following upon violations of human rights by a Government which scorned the applicable international standards and principles, a whole set of persons are suffering as a result of those violations and are not being cared for economically and socially because of the deficiencies and limitations of the national welfare services. The gravity of this situation, its origin and nature, and also its effects on the idea of human rights and the consequences of their violations which children and adolescents may develop, justify paying special attention thereto.

V. CONCLUSIONS

32. Neither the project referred to in paragraph 30 nor the situation described in paragraph 31 can, of course, be dealt with within the advisory and assistance services in respect of human rights which the Centre is in a position to offer. International co-operation of this kind would require not only a resolution of the Commission on Human Rights, which would open up the way in general, but also an express resolution by the Economic and Social Council which would include these innovatory situations in an over-all policy based on consideration of the need to attack the negative economic and social conditions which, at their most serious and acute levels, prevent the effective observation of human rights in certain countries. It would also be necessary for these questions to be considered in the framework of the materials forming the subject for study in the project designed to generate all-round action by the United Nations system focused on the current economic situation in Bolivia, to which I referred in paragraph 28. This, I repeat, is a decision by the Secretary-General of the highest interest and importance which, it is to be hoped, will be crowned with success and will produce immediate results, so urgently required in view of the economic and social situation of Bolivia.

33. This Report cannot, of course, give precise and directly operational formulas, or describe specific solutions. Its objective, as has been stated, is a different one. If, however, as a result of this Report, the furnishing of advisory and assistance services with respect to human rights in Bolivia is accentuated and improved, in accordance with the concrete projects that have been submitted and referred to in chapter III and if, in addition, progress is made in considering the other more general and complex problem to which chapter IV refers, I think that the aims of the Commission on Human Rights in its resolution 1983/33 would be fully achieved.

VI. RECOMMENDATIONS

34. On the basis of everything that has been stated above, I venture to make two recommendations:

(a) That the Commission on Human Rights, having reiterated its previous statements, should request the Secretary-General to offer to the democratic constitutional Government of Bolivia, through the Centre for Human Rights, the assistance and co-operation services in respect of human rights required for the study and preparation of the projects set out in paragraphs 18 to 28 of this Report; and

(b) That the Commission on Human Rights, reaffirming the need to take into account the basic economic and social situations which, to some extent, condition the possibility of genuine observance of and respect for human rights, should request the Economic and Social Council, due regard being had for the ongoing project mentioned in paragraph 28 of the Report that is being executed in accordance with the instructions of the Secretary-General, to envisage ways of offering the support required to implement the project referred to in paragraph 30.