



Recommendations to comply with the human rights obligations of LGBT persons 20th UPR Session – Bolivia

The LGBT community in Bolivia is one of the most discriminated groups. The General Perceived Discrimination Index indicates that 24 of each 100 LGBT people have perceived any form of discrimination being trans people the most discriminated among them. The 94% of the LGBT population thinks that the legislation is insufficient to guarantee the protection of their human rights.

Just one of every seven LGBT people that suffer violent acts makes a complaint, in addition, some affirms that there is no positive response to their complaints and the authorities don't do anything. Others do not complain fearing that the media would expose them. In the last 10 years, there have been 55 hate crimes, and this number increases at least with 5 cases every year. The 40% of the LGBT population demands a specific law on Gender Identity. The 80% of the LGBT population has been verbally, physically and psychologically attacked by the Bolivian police. The 70% of the LGBT community indicates that the judiciary and the access to justice is inefficient. And finally the 100% believes they have been discriminated during the administration of justice. All this information evidences that there are discriminations and abuses to the human rights on grounds of sexual orientation and gender identity including hate crimes. The entities and personnel that commit these abuses are part of the health, work, education, justice, army, and police sector; as well as religious entities and political parties.

We therefore invite other governments to contribute to the improvement of our human rights by making some of the following recommendations:

Recommendations General Recommendations

1. Create State Programs to teach human rights to LGBT persons
2. The immediate implementation of the Plurinational Strategy in Human Rights Education
3. Elaborate, adopt, enact and implement a Plurinational Strategy against discrimination on grounds of sexual orientation and gender identity.
4. Promote the Yogyakarta Principles as part of the National Action on Human Rights, as state principles on how to apply international law and human rights standards to SOGI issues

Specific Recommendations

- **Rights to life, liberty and security of person**
 1. Document hate-crimes cases and life and security violations through the National Institute of Statistics.
 2. Adopt, Enact and Publish a comprehensive Law against hate crimes based on SOGI and historic reparations.
 3. Promote raise awareness campaigns directed to all the public and to potential and real perpetrators of violence.
- **Recognition of the legal personality**
 1. Elaborate, enact and publish a Gender Identity Law that allows trans people to freely exercise their gender identity
 2. Modify the Civil Registration Law to include gender identity as a cause to modify the name and gender within all the legal documents of trans people.
- **Equality before the law and equal protection without distinction. Equal protection against discrimination**
 1. Instruct the National Committee against Racism and Discrimination to elaborate annual report on cases of discrimination against LGBT people
 2. Elaborate, Adopt, Enact and Implement a Plurinational Action Strategy against discrimination based on sexual orientation and gender identity

- **Arbitrary detention and prison**

1. Design and implement mandatory and permanent training programmes to the police officers, army and judiciary.
2. Create and apply a specialized Protocol for the Bolivian Police to attend and follow-up on cases of discrimination, abuses and hate crimes including disciplinary measures for those that discriminate against LGBT persons.

- **Non-Discrimination by the judiciary, police and armed forces systems**

1. Through the Ministry of Defense in coordination with the Ministry of Justice the Ministry of Education and the Ombudsman Office, create and implement education and raise awareness programmes directed to the judiciary personnel, army and police in relation to the efficient attention of LGBT persons in accordance with the Yogyakarta Principles and the Law 045 Against any form of Discrimination
2. Sanction cases of homophobia, transphobia and biphobia within the Judiciary, Armed Forces and Police with disciplinary actions and/or community service
3. Repeal any legislation, regulation or similar that prohibits or discriminates LGBT persons within the national police and defense system
4. Create LGBT sub-programmes within their respective Human Rights units in the judiciary, police and armed forces systems.

- **Right to marry and found a family**

1. Comply with the Supreme Decree N° 2985 “Human Rights National Action Plan” in relation to the adoption of a Conjugal Union Act that regulates and recognizes the rights of people with a different sexual orientation and gender identity.
2. Repeal the articles from the Civil Code and Family Code that expressly and tacitly prohibit the right to found a family to same sex couples
3. Repeal the legal dispositions from the Children and Adolescent Code that expressly prohibit adoption to same sex couples
4. Include in the Draft of the new Family Code the recognition of diverse families including those based on sexual orientation and gender identity.

- **Freedom of Religion**

1. Enact legislation calling the churches with legal personality and national worship registration to include within their regulations dispositions of non-discrimination on any grounds such as sexual orientation and gender identity

- **Public participation and access to public service**

1. Elaborate, through the Plurinational Electoral Organ, legislation that guarantees the inclusion and respect of human rights of LGBT in political parties and social organizations

- **Access to Work**

1. Implement training programmes to the personnel of the Ministry of Labor to give assistance to the Bolivian business sector on inclusion and non-discrimination against LGBT persons. This also includes instructing the public and private sector to implement training programmes to their personnel on this matter.
2. Through the Ministry of Labor, circulate, to the public and private sector, ministerial decisions condemning discrimination and denial of work to LGBT persons.

- **Access to Health**

1. Through the Ministry of Health and Sports, create guidelines for the health personnel to treat LGBT persons with a human rights perspective
2. Implement national training and raise awareness programmes to give medical care without stigma and discrimination based on sexual orientation and gender identity

- **Access to education**

1. Adopt legislation that guarantees LGBT persons access to education, such as an Anti-bullying Act that includes bullying based on sexual orientation and gender identity
2. Create Programmes to the professorate in all levels of education on the attention of LGBT students.