



**International Covenant on
Civil and Political Rights**

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**Fourth periodic report submitted by
the Plurinational State of Bolivia under
article 40 of the Covenant, due in 2018* ****

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** The annexes to the present report are on file with the secretariat and are available for consultation.
They are also available on the website of the Human Rights Committee.



I. Introduction

1. Bolivia ratified the International Covenant on Civil and Political Rights (“the Covenant”) by Supreme Decree No. 18950 of 17 May 1982, since raised to the status of law by Act No. 2119 of 11 September 2000 (annex 1).
2. The Covenant and other international human rights instruments form part of the constitutional body of law and therefore take precedence over domestic legislation, in accordance with articles 13 (II) and (IV), 256 and 410 (II) of the Constitution¹ (annex 2).
3. The Plurinational State of Bolivia, in accordance with article 40 of the Covenant, hereby submits to the Human Rights Committee (“the Committee”) its fourth periodic report, in which it describes the legislative developments and the measures adopted in the country, in compliance with the Covenant and the recommendations made by the Committee in relation to the third periodic report of the Plurinational State of Bolivia (CCPR/C/BOL/CO/3) of 22 September 2011.
4. The Plurinational State of Bolivia has been working to promote, protect and guarantee the exercise of civil and political rights. This work has resulted in the issue of a large number of legislative texts that promote the rights of the most vulnerable communities in the State. Also of note are the activities undertaken to prevent, address and punish discrimination and to promote the exercise of democracy through the election, by public vote, of the highest authorities of the Bolivian justice system.

II. Information relating to articles 1 to 27 of the Covenant

Article 1

Right to self-determination and indigenous autonomy

5. The Constitution recognizes four types of autonomous entities: departments, regions, municipalities and native indigenous campesino communities. According to articles 289 et seq., the autonomy of native indigenous campesino communities consists in self-government, that is, the exercise of self-determination by the native indigenous nations and peoples. The “Andrés Babiñez” Framework Act on Autonomous Entities and Decentralization (Act No. 031) of 19 July 2010 establishes the procedures and mechanisms applicable to the formation of autonomous native indigenous campesino communities.
6. Article 50 (II) of Act No. 031 provides that a municipality may opt to become an autonomous native indigenous campesino community through a public referendum organized by the native indigenous campesino authorities in accordance with the procedure established in the Electoral Act (No. 026) of 30 June 2010.
7. Within this framework, between 2009 and 2017, native indigenous campesino nations and peoples in 14 municipalities chose to become autonomous indigenous communities through consultative referendums² (annex 3).

Articles 2 (1), 3 and 26

Non-discrimination

8. The Constitution enshrines non-discrimination and guarantees all persons and community groups, without any discrimination whatsoever, the free and effective exercise of the rights enshrined therein and in legislation and international human rights treaties.³

¹ Constitution, adopted by referendum on 25 January 2009 and enacted on 7 February 2009.

² Electoral Bureau: “Activities undertaken by the Plurinational Electoral Bureau to promote the human rights recognized in the International Covenant on Civil and Political Rights.”

³ Constitution, art. 14 (II) and (III).

9. Within this framework, and in accordance with the Act on the Elimination of Racism and All Forms of Discrimination (Act No. 045) of 8 October 2010⁴ (annex 4), the National Committee against Racism and All Forms of Discrimination adopted the Policy of the Plurinational State of Bolivia against Racism and All Forms of Discrimination (Plan of Action 2012–2015)⁵ (annex 5), which included 17 programmes for the elimination of racism and all forms of discrimination to be implemented by Government ministries.

10. In line with the State's new planning system, the Multisectoral Plan to Eliminate Racism and All Forms of Discrimination 2016–2020⁶ (annex 6) supports the implementation of the Economic and Social Development Plan by promoting public policies designed to eliminate extreme poverty and to enhance and protect the political, civil, economic, social and cultural rights of the most vulnerable communities.

11. In pursuit of these goals, the Multisectoral Plan encompasses a variety of areas, including social affairs, the economy, the productive sector, labour, the judicial sphere, politics, cultural identity and the public administration. Various plurinational programmes have been established within each area, including, for example, a new public planning and investment system, access to housing programmes, production and employment opportunities, initiatives to promote the full participation of vulnerable communities in political life, awareness-raising and prevention programmes, a consultation system and public policies for indigenous peoples, and a non-patriarchal public administration system.

12. Pursuant to Act No. 045,⁷ persons subjected to acts of racism or discrimination may opt to pursue constitutional, administrative or disciplinary and/or criminal remedies, as appropriate. The Act specifically outlaws acts of misconduct by persons acting in an official capacity, establishes the obligation of public officials to report all such acts,⁸ regulates the framework for the protection of victims of racism and all other forms of discrimination⁹ and prohibits the media from authorizing and publishing racist ideas with discriminatory content.¹⁰

13. The Criminal Code defines and punishes the offences of racism, discrimination, advocacy for and incitement to racism or discrimination, establishment and operation of racist or discriminatory organizations and associations, and insults and other forms of verbal abuse on racist or discriminatory grounds.

Articles 2 (2), 2 (3), 4, 5 and 6

14. The Bolivian State presented information relating to articles 2 (2), 2 (3), 4, 5 and 6 in its third periodic report on the implementation of the Covenant (CCPR/C/BOL/3), submitted in September 2011.

⁴ Act No. 045, art. 9. (Functions of the Committee). "The principal duties of the National Committee against Racism and All Forms of Discrimination shall be: (a) Overseeing the preparation of an analytical report and a national plan of action to eliminate racism and all forms of discrimination according to the guidelines set out in article 6 of the present Act."

⁵ Decision No. 009/2011.

⁶ Adopted by Decision No. 001/2016 of 7 December 2016, issued by the National Committee against Racism and All Forms of Discrimination.

⁷ Act No. 045, art. 12. (Competent Authorities). Persons subjected to acts of racism or discrimination may opt to pursue constitutional, administrative or disciplinary and/or criminal remedies, as appropriate.

⁸ Act No. 045, art. 17. (Obligation to Report). Persons acting in an official capacity who become aware of acts of racism or any form of discrimination have an obligation to report these acts to the competent authorities; if they do not do so, they shall be subject to the penalties established in article 178 of the Criminal Code.

⁹ Act No. 045, art. 18. (Protection of Victims, Witnesses and Complainants). The State shall ensure the physical and psychological safety of victims of, witnesses to and persons who submit complaints regarding offences of racism and all forms of discrimination.

¹⁰ Act No. 045, art. 16. (Mass Media Outlets). Any media outlet that authorizes and publishes racist and discriminatory ideas shall be subject to financial penalties and shall see its operating licence suspended, subject to the regulations.

Article 7

Definition and criminalization of torture

15. As indicated in the third periodic report submitted to the Committee, articles 15, 44 (I) and (II) and 144 of the Constitution and article 295 of the Criminal Code are still in force and contribute to the implementation of article 7 of the Covenant.

16. Article 5 of Supreme Decree No. 2082 of 21 August 2014, which sets out the regulations for implementing the Act on the Mechanism for the Prevention of Torture, defines torture as “*any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity*”.

17. The Children and Adolescents Code, adopted through Act No. 548 of 17 July 2014 (annex 7), safeguards the right to integrity of the person of children and adolescents, who may not be subjected to torture or to other cruel, inhuman or degrading treatment.¹¹

18. Article 146 of the Children and Adolescents Code establishes that: “I. Children and adolescents have the right to proper treatment, which includes a non-violent upbringing and education based on mutual respect and solidarity. II. The exercise of authority by parents, guardians, custodians, family members and educators must employ non-violent methods of child-raising, training, education and correction. All forms of physical, violent or humiliating punishment are prohibited.”

19. By Directive MG-DGRP No. 025/2017 issued on 20 September 2017, the General Directorate of Prisons has instructed departmental directors of the prison system and prison directors to ensure the absolute prohibition of any and all acts or omissions amounting to torture and/or ill-treatment.

20. The National Directorate of Prison Security¹² (annex 8) has ordered prison directors to instruct the security officials under their command that, in the exercise of prison security duties, prisoners must be treated in a manner respectful of their human rights and that all cruel or inhuman treatment is prohibited, in accordance with article 5¹³ of the Universal Declaration of Human Rights.

21. The Attorney General has issued a directive¹⁴ providing for implementation of the recommendations made by the Subcommittee on Prevention of Torture. On the basis of this directive, a manual for applying the Istanbul Protocol during the investigation of offences of ill-treatment and torture was prepared with a view to establishing guidelines to inform criteria for action and facilitate planned criminal prosecutions.

¹¹ Children and Adolescents Code, art. 145 (Right to Integrity of the Person). (...) II. Children and adolescents shall not be subjected to torture or to other cruel, inhuman or degrading treatment or punishment.

¹² General Memorandum No. 144/2017 of 22 September 2017.

¹³ Universal Declaration of Human Rights, art. 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

¹⁴ Directive FGE/RJGP No. 176/2017 of 16 October 2017.

Article 8

Measures to combat slavery and all forms of servitude

22. The Constitution prohibits servitude, slavery, the trafficking and smuggling of persons,¹⁵ and all forms of forced labour and similar modes of exploitation that oblige a person to perform work without his or her consent and without fair pay¹⁶ in Bolivia.

23. Information on the steps taken in compliance with article 8 will be provided in paragraphs 154 to 167 of the present report.

Article 9

Right to liberty and security of person

24. As indicated in the third periodic report submitted to the Committee, articles 22, 23, 115, 116 and 117 of the Constitution are still in force and support the implementation of article 9 of the Covenant.

25. In addition, the State has enacted the Act on Streamlining and Reducing the Workload in the Criminal Justice System (Act No. 586) of 30 October 2014 (annex 9), which “*introduces procedures to expedite the processing of criminal cases for purposes of lightening the workload in the criminal justice system and reducing judicial delays and thereby guaranteeing prompt, timely and effective justice within the framework of the Constitution.*”¹⁷ The Act establishes timeliness principles and a maximum duration for criminal proceedings in accordance with the treaty body framework and partially amends the Code of Criminal Procedure, introducing a requirement that trial courts shall be composed of three expert judges competent to rule on the continuance or resolution of trials for all publicly actionable offences. This requirement supersedes the previous composition of three lay judges provided for in article 60 of the Judiciary Act (Act No. 025) of 24 June 2010. In addition, Act No. 586 provides for the termination of pretrial detention when:

- Its duration exceeds the minimum legal term of imprisonment prescribed for the most serious offence being tried.
- Its duration exceeds 12 months without charges having been brought or 24 months without a sentence having been passed, except in cases involving national security offences or the offences of corruption, femicide, murder, child or adolescent rape and infanticide.
- The person deprived of liberty certifies that he or she has a terminal illness.

26. Pursuant to Act No. 025, the judiciary prepared and implemented the National Plan for Reducing the Workload in the Criminal Justice System as a policy response to the high proportion of pretrial detainees in the country’s prisons, the lack of protection and impunity caused by procedural delays, delays in holding conclusive hearings, the insufficient number of judges, the poor organization of court offices, the “formulaic” procedures, the actions of parties and their procedural conduct, the unequal distribution of cases between old and new courts and courts in the provinces and courts in the capital, and the lack of up-to-date statistics to serve as a diagnostic tool to inform effective management policies. The following results were obtained:

- 3,492 conclusive hearings were held, including 1,279 hearings relating to the cases of pretrial detainees.

¹⁵ Constitution, art. 15. No one may be subjected to servitude or slavery. The trafficking and smuggling of persons is prohibited.

¹⁶ Art. 46 (...) III. All forms of forced labour and similar modes of exploitation that oblige a person to perform work without his or her consent and without fair pay are prohibited.

¹⁷ Act No. 586, art. 1. (Purpose). The purpose of the present Act is to introduce procedures to expedite the processing of criminal cases for purposes of lightening the workload in the criminal justice system and reducing judicial delays and thereby guaranteeing prompt, timely and effective justice within the framework of the Constitution.

- 759 sentences were handed down in summary hearings.
- 1,056 conclusive hearings were conducted in preparation for oral proceedings.
- 1,464 definitive decisions were handed down in hearings involving the application of alternative penalties.
- 212 further definitive decisions were reached by applying other procedures.

27. The Plurinational Legislative Assembly is currently considering a bill on summary criminal procedure that would amend the Code of Criminal Procedure. The bill proposes a series of mechanisms for streamlining and immediately resolving criminal cases, protecting the rights of innocent persons and preventing judicial delays and the placement of pretrial detainees in prisons.

28. The Attorney General's Office¹⁸ has been working to introduce a reliable computerized alert system to monitor the duration of pretrial detention in accordance with the time limits prescribed in article 239¹⁹ of the Code of Criminal Procedure adopted through Act No. 1970 of 25 March 1999.

Article 10

Prison system in Bolivia

29. Pursuant to the Sentence Enforcement and Supervision Act (Act No. 2298) of 20 December 2001 (annex 10), the lawyers of persons deprived of their liberty have unrestricted visiting rights.²⁰ Persons deprived of their liberty have the right to receive visits during the week, at the weekend and on holidays, subject only to visiting hours and security restrictions,²¹ and have the right to receive conjugal visits.²²

30. In addition, persons deprived of their liberty can submit requests or complaints, orally or in writing, to the director of the establishment or its administrative personnel or through other direct mechanisms authorized by the General Directorate of Prisons and have access to the complaints and requests boxes installed in every prison.²³

31. In accordance with international instruments, the Constitution and Act No. 2298, the highest authority within the General Directorate of Prisons conducts periodic inspections of

¹⁸ Directive FGE/RJGP No. 176/2017 of 16 October 2017 issued by the Attorney General's Office.

¹⁹ Code of Criminal Procedure, art. 239. (Termination of pretrial detention). Pretrial detention shall be terminated: (1) if fresh evidence shows that the grounds for application of this measure are not met or renders its substitution by another measure appropriate; (2) if its duration exceeds the minimum legal term of imprisonment prescribed for the most serious offence being tried; or (3) if its duration exceeds 18 months without charges having been brought or 36 months without a sentence having been passed. Upon expiry of the time limits prescribed in subparagraphs (2) and (3), the judge or court shall apply the appropriate precautionary measures provided for in article 240 of this Code, provided that the delay is not attributable to the dilatory acts of the accused.

²⁰ Act No. 2298, art. 105. (Visits by Legal Counsel). Inmates' lawyers shall not be restricted by visiting hours. Security personnel may not examine the contents of lawyers' papers.

²¹ Act No. 2298, art. 103. (Visits). Inmates shall have the right to receive visits twice a week, every Sunday and on official holidays, without any restrictions other than those relating to visiting hours, order and security prescribed by the internal regulations of the establishment. In emergency situations, the management of the establishment may authorize extraordinary visits. Visits shall be treated with due respect and consideration and shall be subject to the provisions of the internal regulations.

²² Act No. 2298, art. 106. (Conjugal Visits). In addition to the visits provided for in article 103, all inmates shall have the right to receive conjugal visits twice a month. Where both spouses or partners are detained in the same district, the departmental directorate shall determine a conjugal visiting schedule. To this end, the director shall provide the security staff required for the transfer.

²³ Act No. 2298, art. 43. (Complaints and Requests Box). A complaints and requests box shall be installed in the common area of every prison, the contents of which shall be submitted on a weekly basis to the enforcement judge for his or her consideration. Prison administration officials may not in any circumstances examine the contents of the box, subject to penalty. Complaints and requests submitted through the box shall not be required to meet the prerequisites set out in the preceding article.

the activities carried out in prisons throughout the country. Departmental directorates of the prison system also inspect prisons to ensure their proper functioning.

32. On 2 December 2015, the General Directorate of Prisons concluded an inter-institutional cooperation agreement with the Construir Foundation to design and implement a prison information system that will hold up-to-date information on persons deprived of their liberty, the judge and prosecutor assigned to their case, the date of their detention, their procedural status, their full identity and fingerprints and their sentence calculation, within a framework that ensures respect for human rights (annex 11). The prison information system will also contain information on the social, family, psychological, employment and legal status of persons deprived of their liberty (annex 12).

33. On 10 February 2017, the Ministry of the Interior and the Supreme Court of Justice concluded an inter-institutional cooperation and coordination agreement (annex 13) that integrates the prison information system and the information system of the Supreme Court. In parallel, within the framework of the above-mentioned agreement, a joint inter-institutional unit was established to set up a database containing information on the personal data and procedural status of persons deprived of their liberty that can be updated on an ongoing basis.

34. Additionally, a special commission comprising representatives of the judiciary, the Public Prosecution Service, the Ministry of the Interior and the Ombudsman's Office has been set up to analyse all cases of persons deprived of their liberty with a view to identifying those that merit prioritization on the basis of age, gender and other factors, and to consider the feasibility of applying an alternative to pretrial detention or other measure provided for under the progressive system established in Act No. 2298.

Public Defender Service

35. The Plurinational Public Defender Service was established through the Plurinational Public Defender Service Act (Act No. 463) of 19 December 2013 (annex 14) as a decentralized institution with administrative, financial, legal and technical autonomy, under the supervision of the Ministry of Justice and Institutional Transparency. It is a free service provided by the State pursuant to a specific mandate established in the Constitution that enshrines the fundamental right to expert criminal defence services as a condition of access to justice and safeguards fundamental rights and judicial guarantees. The Service's remit is to:

- Guarantee the right to defence and access to a system of justice that is pluralistic, prompt, timely and free by facilitating State-funded legal assistance and expert criminal defence to all persons who have been accused, charged or prosecuted and who lack sufficient means and to those who have not designated a defence lawyer.
- Achieve alternative solutions to disputes, taking every possible measure to avoid delaying justice.
- Provide expert defence from the first stage of the criminal proceedings until the execution of the sentence, within the national territory.
- Provide expert assistance to support accused persons who have been declared in contempt of court and ensure direct access to the Service for older persons and persons under 18 years of age.

36. According to the Integrated Case Monitoring System, in 2017 (as at 1 December) the Plurinational Public Defender Service assisted 11,609 persons nationwide, as detailed below:

<i>2017, as at 1 December</i>					
<i>Department</i>	<i>Women</i>		<i>Men</i>		<i>Total</i>
	<i>Detained</i>	<i>Not detained</i>	<i>Detained</i>	<i>Not detained</i>	
La Paz	158	206	872	496	41 732
Cochabamba	138	217	886	757	1 998
Santa Cruz	145	78	1 616	355	2 194
Beni	41	103	486	356	986
Pando	5	22	144	145	316
Potosí	40	185	390	659	1 274
Tarija	21	198	224	931	1 374
Oruro	112	86	412	176	786
Chuquisaca	19	192	178	560	949
Total	679	1 287	5 208	4 435	11 609

Source: Plurinational Public Defender Service.

37. Public defenders attached to the Plurinational Public Defender Service visited prisons to record the consultations and activities carried out and activities to be undertaken:

<i>Prison visits</i>			
<i>Department</i>	<i>Number of visits</i>	<i>Number of users interviewed</i>	<i>Number of users assisted</i>
La Paz	46	10 413	-
Cochabamba	46	6 886	794
Santa Cruz	45	10 300	1 815
Beni	46	427	186
Pando	46	1 502	225
Potosí	46	2 006	97
Tarija	45	370	141
Oruro	46	847	416
Chuquisaca	46	1 312	49
Total	412	34 063	3 723

Source: Plurinational Public Defender Service – 2017, as at 1 December.

38. A procedural protocol for public defenders²⁴ (annex 15) has been adopted to serve as a tool that public defenders can use to ensure that judicial rights and safeguards are upheld during criminal proceedings through appropriate and timely expert criminal defence services.

Social reintegration

39. The social reintegration policy for persons deprived of their liberty covers five areas: health, education, employment, vocational training and sports. In the area of health, medical staff from the “My Health” programme visit prisons throughout the country to implement

²⁴ The procedural protocol for public defenders was adopted through Administrative Decision No. 039/2017 of 27 July 2017.

national treatment programmes.²⁵ The National Anti-Tuberculosis Programme and the National Programme for the Prevention and Treatment of Addictions are also under way.

40. In the area of education, curricular guidelines have been drawn up for the provision of primary, secondary and technical education in situations of confinement using alternative educational methods.

41. A panel of experts established under the Ministry of Labour, Employment and Social Welfare and the Ministry of the Interior is devising an employment programme for persons deprived of their liberty and a special plan to reintegrate persons who have been deprived of their liberty into the world of work.

42. The Children and Adolescents Code provided for the establishment of a specialized juvenile criminal justice system, diminished criminal responsibility for adolescents between the ages of 14 and 18 years old, a special and specialized trial procedure, a system of restorative justice and a punitive system that includes socio-educational measures.

43. Mechanisms developed to facilitate the implementation of the specialized juvenile criminal justice system include a road map and protocol for dealing with criminally responsible adolescents and general care guidelines for the operation of referral centres and social reintegration centres. Departmental juvenile criminal justice panels have been established throughout the country and training has been given to public officials in institutions working in this field.

44. These measures have led to a reduction in the issue of pretrial detention orders (from 21 per cent in 2015 to 18 per cent in 2016) and an increase in the use of non-custodial measures (from 4 per cent in 2013 to 26 per cent in 2016). The number of judicial officials allocated to cases involving children in conflict with the law has also increased.

Article 11

45. The Bolivian State presented information relating to article 11 in its third periodic report on the International Covenant on Civil and Political Rights (CCPR/C/BOL/3), submitted in September 2011.

Article 12

Right to migration

46. The Migration Act (No. 370) of 8 May 2013 (annex 16) guarantees migrants the right to migrate²⁶ on the basis of the principles of equality, universality and reciprocity.²⁷ The Act reflects the great progress made in recognizing the rights of foreign migrants insofar as it regulates their situation in the national territory and establishes institutional coordination forums to guarantee their rights in accordance with the Constitution and the international human rights instruments ratified by the State of Bolivia.

47. Act No. 370 incorporates the guarantees established in the Constitution and the Bolivian legal system for foreign migrant workers entering or staying, temporarily or permanently, in the national territory.

²⁵ National Zoonosis and Vector-Borne Disease Programme, National Programme for the Prevention and Control of Dengue, National Anti-Tuberculosis Programme, Expanded Immunization Programme, National Programme on Sexually Transmitted Infections and HIV/AIDS, National Programme on Non-Communicable Chronic Diseases, National Food-Borne Diseases Surveillance Programme.

²⁶ Act No. 370, art. 4. (Definitions). For the purposes of the present Act: (...) 13. Migration shall mean: the free act of a person or group of persons moving from one State to another; for the purposes of the present act, moving from the Plurinational State of Bolivia to another State, moving from another State to the Plurinational State of Bolivia.

²⁷ Act No. 370, art. 12. (Rights). (...) II. The State shall guarantee foreign migrant workers the exercise and enjoyment of the following rights: 1. To migrate on the basis on the principles of equality, universality and reciprocity.

48. Act No. 370 establishes the following grounds for prohibiting the entry of foreign migrants into Bolivian territory:

“(…)

(a) *If they do not have the correct visa, except in cases where the visa exemptions provided for in international agreements and conventions apply.*

(b) *If they do not meet the requirements and present the documentation requested for their admission or regularization.*

(c) *If they are found to have presented false or altered documents upon verification.*

(d) *If they have been subject to an order of mandatory departure from Bolivia for violating the present Act, unless the penalty period imposed as part of the mandatory departure order has ended.*

(e) *If they face criminal prosecution in another country and an arrest warrant has been issued against them or they have been convicted of a criminal offence in Bolivia and have not completed their sentence, pursuant to the provisions of the international agreements and treaties ratified by the State.*

(f) *If they have been convicted of crimes against humanity, human trafficking and smuggling, arms trafficking, money laundering, trafficking in controlled substances, genocide, war crimes or terrorism, in accordance with the international agreements and treaties ratified by the State.*

(g) *If they are subject to executory criminal sentences and have reoffended in another country.*

(h) *If they are listed in the records of the international police.”*

49. Persons seeking refuge and victims of human trafficking and smuggling and foreign nationals with proven family ties up to the first degree of consanguinity, filiation, adoption or legal guardianship with a national are exempt from the above stipulations.

Article 13

Expulsion from Bolivian territory

50. Act No. 370 establishes the concept of mandatory departure, which may be ordered subject to an administrative hearing²⁸ under the supervision of the General Directorate of Migration.

51. Article 38 of the above-mentioned Act establishes the following grounds for mandatory departure:

“(…)

1. *Having entered or exited the national territory irregularly and not having regularized one's migration status, failing to comply with the warnings issued and delivered within the time limits prescribed by the migration authority, except in the case of citizens whose legal domicile lies in a border area and who have documentation accrediting their situation.*

2. *Having remained in the national territory irregularly without having regularized one's migratory status, failing to comply with the warnings issued and delivered within the time limits prescribed by the migration authority.*

3. *Having been convicted, without having undergone rehabilitation, of crimes against humanity, human trafficking and smuggling, arms trafficking, money laundering, controlled*

²⁸ Migration Act No. 370 of 8 May 2013, art. 37. (Mandatory Departure). I. The General Directorate of Migration, subject to an administrative hearing, shall make a decision on the expulsion of the foreign migrant from the national territory.

substances, genocide, war crimes or terrorism, in accordance with international agreements and conventions.

4. *Having been issued a mandatory departure order but failing to comply or having complied with the order but not respecting the time limit prescribed therein, if the order is temporary in nature.*

5. *Evading border migration control.*

6. *Presenting false or altered documents (...)."*

52. If the mandatory departure order affects the rights of children or adolescents, the General Directorate of Migration has an obligation to immediately report the case to the Ombudsman for Children and Adolescents and to the consular representation of the country of origin.²⁹

53. Act No. 370 also provides that foreign migrants subject to a mandatory departure order must receive all wages earned and social and other benefits owed to them,³⁰ thus safeguarding their labour rights.

54. Mandatory departure proceedings are cancelled if the foreign migrant demonstrates a family tie up to the first degree of consanguinity, filiation, adoption or legal guardianship with or by a Bolivian national, provided that the marriage or legally recognized union was entered into prior to the event giving rise to the decision to impose a mandatory departure order, except in the cases described in article 38 (I) (3) of Act No. 370.

Article 14

Judicial guarantees

55. With regard to legislative measures, the Bolivian State has adopted the following laws: Act No. 586;³¹ the Code of Civil Procedure, adopted through Act No. 439 of 19 November 2013 (annex 17);³² and Act No. 464 of 19 December 2013 on the Plurinational Victim Assistance Service.³³

56. The Plurinational Constitutional Court has jurisprudence on the right to due process, particularly the issues of publicity, impartiality and the equality of the parties to proceedings, which can be found in the following constitutional decisions: Constitutional Decision No. 0088/2006-R of 25 January 2006; Plurinational Constitutional Decision No. 1663/2013 of 4 October 2013; Plurinational Constitutional Decision No. 0910/2014 of 14 May 2014; Plurinational Constitutional Decision No. 0802/2014 of 30 April 2014; Plurinational Constitutional Decision No. 0235/2015-S1 of 26 February 2015; and Plurinational Constitutional Decision No. 0041/2016 of 6 March 2016.

²⁹ Migration Act No. 370 of 8 May 2013, art. 37. (Mandatory Departure). (...) IV. If the rights of children or adolescents will be affected by the mandatory departure, the General Directorate of Migration shall immediately report the case to the Ombudsman for Children and Adolescents and to the consular representation of the country of origin, where appropriate.

³⁰ Act No. 370 of 8 May 2013, the Migration Act, art. 49. (Rights of Migrant Workers). In addition to the rights established in the Constitution, the international human rights instruments ratified by the State and domestic legislation, migrant workers shall have the following rights: (...) 6. If subjected to mandatory departure from the country, migrant workers shall receive all wages earned and social and other benefits owed to them.

³¹ Act No. 586, art. 1. (Purpose). The aim of the present Act is to introduce procedures to expedite the processing of criminal cases for purposes of lightening the workload in the criminal justice system, reducing judicial delays and thereby guaranteeing prompt, timely and effective justice within the framework of the Constitution.

³² Act No. 439, art. 4. (Right to due process). All persons have the right to a fair and equitable trial during which they are afforded the rights established in the general legal provisions applicable to other persons in the same position; this includes the set of requirements that must be observed by all judicial officials pursuant to the Constitution, international treaties and conventions and the law.

³³ Act No. 464, art. 11. (Exercise of guarantees and decent treatment). I. Staff of the Service shall ensure compliance with the Constitution, international agreements and treaties, and laws and regulations relating to the protection and defence of human rights, subject to penalty.

Reform of the justice system

57. The National Summit on Plural Justice for the Right Way of Living (the “Justice Summit”) (annex 19) was held on 10 and 11 June 2016 in the city of Sucre. Various social, academic and civil society organizations³⁴ took part and made concrete proposals for reforming the justice system, which had been developed at nine pre-Summit meetings. A commission responsible for following up on the conclusions of the National Summit on Plural Justice (“the Commission”) was subsequently established through Act No. 898 of 26 January 2017. The purpose of the Commission, whose members are drawn from legislative, executive and judicial institutions, is to give effect to the conclusions reached at the Summit, to which end it has clearly defined its programme of work,³⁵ subject to strict respect for the independence and separation of powers.

58. The Commission has since completed the following tasks entrusted to it by the Bolivian people:

- Preparation of a draft bill to amend the structural framework of the justice sector, which was adopted and enacted by Act No. 929 of 27 April 2017 amending Act No. 025 (the Judiciary Act), Act No. 027 (the Plurinational Constitutional Court Act) and Act No. 026 (the Electoral Act).
- Preparation of a proposal for draft regulations on the preselection of candidates for seats on the Plurinational Constitutional Court, the Supreme Court of Justice, the Agricultural and Environmental Court and the Council of the Judiciary, the purpose of which was to establish procedures and time frames for candidate invitations, clearance and, assessment and the preparation of shortlists. The proposal provided, inter alia, that the Plurinational Legislative Assembly must ensure that 50 per cent of the shortlisted candidates are women and that candidates of native indigenous campesino origin are included on the shortlist. The proposal was adopted by the Plurinational Legislative Assembly on 19 June 2017.
- Preparation of a proposal for draft regulations on the judicial profession, which were adopted by the Council of the Judiciary through Agreement No. 072 of 15 August 2018.
- Preparation of a proposal for a draft handbook on entry to the judicial profession, which was adopted by the Council of the Judiciary through Agreement No. 073 of 15 August 2018.
- Preparation of a draft law on the establishment of constitutional chambers, designed to strengthen the manner in which the administration of justice is organized and to streamline the management of judicial remedies that are settled in the courts and chambers of departmental courts of justice, thus preventing procedural delays. This reform is also intended to ensure that judicial remedies are settled by members of the court specializing in constitutional affairs and human rights, thus better protecting the human rights established in the Constitution, international treaties and domestic law. The draft law was enacted on 27 September 2018 through Act No. 1104 (annex 20).

³⁴ Social organizations, institutions, civil society, universities, law schools and State entities.

³⁵ Art. 3 (Functions). 1. To carry out the following measures in the short term: (a) Propose improvements to the procedure for preselecting and electing judges and councillors of the judiciary and the Plurinational Constitutional Court within thirty (30) days of the formation of the Commission; and (b) devise and propose regulations governing the evaluation of serving judges and prosecutors and regulations governing the judicial and prosecutorial service within ninety (90) days of the formation of the Commission, for approval by the competent authorities. 2. Coordinate, monitor and audit each stage of the evaluation of judicial and prosecutorial authorities. 3. Coordinate, monitor and audit the entry of judges and prosecutors into the judicial service, during the three years following the formation of the Commission. 4. Promote and coordinate with the relevant bodies the drafting and adoption of a new university law curriculum. 5. Propose amendments to the case processing model used by the judiciary, the Public Prosecution Service and police investigation units to modernize the justice system and ensure that it operates efficiently. 6. Promote and monitor the implementation of electronic governance in the judiciary, the Plurinational Constitutional Court, the Public Prosecution Service and police investigation units. 7. Any other measures necessary to contribute to the implementation of the conclusions of the National Summit on Plural Justice for a Good Life.

- Preparation of draft regulations on the judicial profession, adopted through Agreement No. 072/2018 by the plenary of the Council of the Judiciary. The regulations govern the subsystems relating to the entry, evaluation, retention and training of State judicial officers.
- Preparation of a bill on summary criminal procedure, based on the following five components: (1) A simplified notification procedure; (2) restrictions on pretrial detention; (3) increased use of oral proceedings in criminal procedure; (4) jurisdictional adjustment; and (5) case processing and the use of information and communications technology.

Article 15

Principle of non-retroactivity

59. Article 123 of the Constitution stipulates that the law provides only for future events and cannot be applied retroactively, except in the sphere of employment, if retroactive application in favour of workers is expressly provided for, and in criminal matters, if retroactive application benefits the accused.

60. Accordingly, in Plurinational Constitutional Decision No. 1742/2013 of 21 October 2013, the Plurinational Constitutional Court granted the protection that had been requested and decided that, in the case in question, the accused should be released immediately, in accordance with the most-favourable-law principle and the retroactive application of criminal law for the benefit of the accused, “because the decriminalization of an act puts an end to the State’s *ius puniendi* and, as a result, any precautionary measure of a personal nature that has been adopted loses its validity automatically, in the absence of any legal and constitutional basis for the deprivation of liberty, without prejudice to any appeal that may have been lodged”.

61. In addition, Plurinational Constitutional Decision No. 0743/2014 of 15 April 2014 establishes that: “No act may be considered criminal or may be punished if it was not classified as a punishable offence by law prior to the prosecution; this applies to the case in question, especially as one of the most basic principles that governs the application of the law is the principle of non-retroactivity, which means that laws have effect only from the date that they are made.”

Article 16

Legal personality

62. The Constitution establishes that every human being, without distinction, has legal personality and capacity in accordance with the law and possesses the rights enshrined in the Constitution.³⁶ In accordance with these provisions, article 2 of Supreme Decree No. 1434 of 12 December 2012 (annex 21) stipulates that the Personal Identity Registration Service has an obligation to promote the signing of inter-institutional agreements with the relevant health-sector entities, with a view to collecting information about babies born in public and private health-care facilities.

63. Accordingly, the Personal Identity Registration Service has signed inter-institutional agreements with the National Health Fund and the Ministry of Health, which establish joint plans to ensure that all babies born in hospitals nationwide are registered and issued with an identity card.³⁷

64. In addition, under article 298 (II) (14) and (15) of the Constitution, the central State authorities are exclusively empowered to grant legal personality to social organizations that operate in more than one department and to register and grant legal personality to non-governmental organizations (NGOs), foundations and not-for-profit civil society bodies that

³⁶ Constitution, art. 14 (I).

³⁷ Central register of the Personal Identity Registration Service; restricted and controlled registration by the Ministry of Health under the Guardian Plan, which has been planned, developed and implemented.

operate in more than one department. To this end, the State has developed the following regulatory framework:

- Act No. 351 of 19 March 2013 on granting legal personality (“Act No. 351”) (annex 22)
- Supreme Decree No. 1597, of 5 June 2013, setting out partial implementing regulations for Act No. 351 that govern the procedures for granting legal personality, revoking legal personality and amending statutes and internal regulations (annex 23)

Article 17

65. The State provided information on protection against interference with privacy in its third periodic report.

Articles 18 and 27

Freedom of religion

66. The Constitution establishes that the Plurinational State of Bolivia is a secular State that respects and protects freedom of religion and spiritual belief in accordance with its world views.³⁸ The Constitution also recognizes the right of all Bolivians to freedom of thought, spirituality, religion and worship, expressed individually or collectively, in public or private.³⁹

67. Act No. 351, which governs the granting of legal personality to churches and religious and spiritual associations that operate on a not-for-profit basis and the registration of such entities, came into force in 2013. Under this Act, applications for recognition of legal personality are processed by the Ministry of Foreign Affairs and officially granted by the Ministry of the Office of the President.

Article 19

Freedom of expression

68. Article 21 (5) of the Constitution states that all Bolivians have the right to freely express and impart thoughts and opinions through any oral, written or visual communication media, individually or collectively. In addition, article 106 (II) of the Constitution stipulates that the State shall guarantee for all Bolivians the right to freedom of expression, opinion and information, the right of correction or reply and the right to freely express ideas by any means of dissemination, without prior censorship.

Article 20

69. The State provided information on this subject, with reference to the Constitution and current regulations, in its last periodic report.

Article 21

70. Information on the right of peaceful assembly was provided in the third periodic report.

³⁸ Constitution of 7 February 2009, art. 4. The State shall respect and protect freedom of religion and spiritual belief in accordance with its world views. The State shall be independent of religion.

³⁹ Constitution of 7 February 2009, art. 21. All Bolivians shall have the right to freedom of thought, spirituality, religion and worship, expressed individually or collectively, in public or private, for lawful purposes.

Article 22

Right to freedom of association

71. This right is enshrined in articles 51 and 52 of the Constitution, which recognize the right to form trade unions and guarantee this right as a means of providing protection, representation, assistance, education and culture for workers in both rural and urban areas.

72. In Plurinational Constitutional Decision No. 0683/2013 of 28 May 2013, the Plurinational Constitutional Court states that: “The right to freedom of association in Bolivia has deep historical and cultural significance, as expressed in the preamble to the Bolivian Constitution, which affirms that the Bolivian people, in their diversity, shall be inspired by the struggles of the past, including those of trade unions, as they build the Bolivian State. Article 51 of the Constitution, meanwhile, establishes the right of all workers to form trade unions and stipulates that the State shall respect the trade union principles of unity, trade union democracy, political pluralism, autonomous funding, solidarity and internationalism. The right to freedom of association is recognized as a means of providing protection, representation, assistance, education and culture for rural and urban workers, and the State is required to respect the ideological and organizational independence of the unions.”

Article 23

Protection of the family

73. The Family and Family Procedure Code (annex 24), which governs the rights of families, family relations and the rights, duties and obligations of family members, was adopted under Act No. 603 of 19 September 2014.

74. The Code on Children and Adolescents and its implementing regulations (annex 25)⁴⁰ establish and guarantee the exercise of the right to a family.⁴¹

75. As part of the Child and Adolescent Information System,⁴² a module on the right to a family⁴³ is being developed, with a view to restoring to children and adolescents the right to a family, based on information collected from juvenile judges, the offices of the ombudsmen for children and adolescents and departmental technical bodies for social policy in the nine departments.

76. Pursuant to Act No. 251 of 20 June 2012 on the protection of refugees (annex 26), in order to promote family reunification, the State extends refugee status to spouses and partners, relatives in the ascending or descending line, sisters and brothers who are economically dependent on the refugee and any children, adolescents and adults under his or her guardianship. The relevant procedure is set forth in Supreme Decree No. 1440 of 19 December 2012 (annex 27).

⁴⁰ Supreme Decree No. 2377 of 27 May 2015.

⁴¹ This is understood to mean the right of children and adolescents to live, develop and be raised in an affectionate and safe environment in their family of origin or, exceptionally, if that is impossible or contrary to their best interests, in a foster family where they may experience family and community life. A child or adolescent may be separated only in exceptional circumstances defined by law and decided upon by the juvenile courts.

⁴² Managed by the Ministry of Justice and Institutional Transparency, in accordance with article 179 (n) of Act No. 548.

⁴³ On behalf of the Ministry of Justice and Institutional Transparency, the Office of the Deputy Minister for Equal Opportunities and the Directorate General for Children and Older Persons have set up the Child and Adolescent Information System, which consists of an electronic platform with three modules on information from the offices of the ombudsmen, the juvenile justice system and the right to a family, respectively.

Article 24

Rights of the child

77. The Children and Adolescents Code guarantees full and effective exercise of the rights of children and adolescents, as required for their overall development.

78. State authorities at all levels have taken on the responsibility, jointly with families and society, for implementing the Comprehensive Plurinational System for Children and Adolescents.⁴⁴ The aims of this system are being achieved through the Plurinational Plan for Children and Adolescents, following its approval on 7 April 2017 at the Congress on the Rights of Children and Adolescents, which was attended by representatives of State authorities at all levels, the committees that represent this population group⁴⁵ and civil society organizations.

79. Also in force is the Plurinational Plan for Children and Adolescents/Multisectoral Comprehensive Development Plan for the Right Way of Living, which is aligned, through public policy on children and adolescents, with the Economic and Social Development Plan and the General Economic and Social Development Plan, and establishes the rights of children and adolescents as a priority in the Plurinational State of Bolivia. This Plan was approved at the first five-yearly Congress on the Rights of Children and Adolescents.⁴⁶

80. The State protects children's right to identity by ensuring that they are registered immediately and without charge in the Civil Registry. Between 2015 and 2017, a total of 227,768 children aged under 2 years old, 33,315 children aged between 2 and 5 years old and 9,672 children aged between 6 and 12 years old were registered.

81. Under the national plan for registering and issuing identity cards to newborns, children are assigned an identity card number at birth and their personal identity is thus registered for the first time.

Article 25

82. The Constitution establishes the right of men and women to political participation on a fair and equal basis. Act No. 026 stipulates that Bolivian intercultural democracy should ensure gender equity and equal opportunities for women and men.

83. Further information on steps taken to implement article 25 of the Covenant will be provided in the section on the recommendation contained in paragraph 8 of the Committee's concluding observations.

⁴⁴ The Comprehensive Plurinational System for Children and Adolescents comprises the Plurinational System for the Comprehensive Protection of Children and Adolescents and the juvenile justice system. It is a coordinated set of organs, bodies, institutions, organizations, entities and services whose primary objective is to ensure the full enjoyment of the rights of children and adolescents.

⁴⁵ Forums for social participation at all territorial levels.

⁴⁶ The Congress was attended by representatives of the committees for children and adolescents of the nine departments and representatives of the executive branch, departmental governments, municipal governments and civil society, in accordance with Act No. 548.

III. Implementation of the recommendations made by the Committee in its concluding observations on the third periodic report of the Plurinational State of Bolivia (CCPR/C/BOL/CO/3)

Recommendation contained in paragraph 5

84. Between 2013 and 2017, the Government passed 60 national laws that are related to the rights enshrined in the Covenant.⁴⁷

85. In addition, the Plurinational Constitutional Court handed down a series of constitutional decisions, which, according to article 203 of the Constitution and article 15 of the Code of Constitutional Procedure, are binding and must be implemented. There is therefore case law on the following Covenant rights:

- Right to life⁴⁸
- Right to liberty and security of person⁴⁹
- Right to equality and non-discrimination⁵⁰
- Right not to be held in slavery or servitude and not to be tortured⁵¹
- Right to recognition as a person before the law and to the equal protection of the law⁵²
- Right not to be subjected to arbitrary arrest, detention or exile⁵³
- Right to due process, specifically, the right to a public hearing by an independent and impartial tribunal⁵⁴
- Right to be presumed innocent until proved guilty⁵⁵
- Right not to suffer interference with one's privacy, family, correspondence or home⁵⁶

⁴⁷ Youth Act No. 342 of 5 February 2013; Act No. 348 of 9 March 2013, designed to ensure that women enjoy a life free from violence; Act No. 358 of 17 April 2013 on the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, adopted by General Assembly resolution 44/128 of 15 December 1989; Act No. 389 of 23 September 2013, declaring the National Day against Trafficking and Smuggling of Persons; Act No. 439; Act No. 463 of 19 December 2013 on the Plurinational Public Defence Service; Act No. 474 of 30 December 2013 on the Service for the Prevention of Torture; Act No. 548; Act No. 586; Act No. 603 of 19 November 2014, establishing the Family and Family Procedure Code; Gender Identity Act No. 807 of 21 May 2016; Act No. 870 of 13 December 2016 on the Ombudsman; Act No. 879 of 23 December 2016 on the Truth Commission; Act No. 898; Transitional Act No. 960 of 23 June 2017 on the preselection and election of the highest authorities of the Plurinational Constitutional Court, the Supreme Court, the Agricultural and Environmental Court and the Council of the Judiciary.

⁴⁸ Plurinational Constitutional Decisions Nos. 1099/2013-L, 1254/2013-L, 1567/2013, 1624/2013, 1749/2013, 0112/2014-S1, 1299/2014, 0046/2015-S3, 0122/2014-S1, 1299/2014, 0046/2015-S3, 0122/2015-S1, 0261/2015-S2 and 0324/2015-S2.

⁴⁹ Plurinational Constitutional Decisions Nos. 0364/2013, 813/2013, 0871/2013-L, 0946/2013-L, 1116/2013, 1707/2013, 1742/2013, 2056/2013, 0258/2014, 0916/2014, 0178/2014, 0325/2015-S2, 0505/2015-S3 and 0957/2015-S3.

⁵⁰ Plurinational Constitutional Decisions Nos. 0029/2013, 0869/2013-L, 1632/2013, 1663/2013, 1907/2013, 1946/2013, 2170/2013, 0173/2014, 0260/2014, 269/2014, 0458/2014, 0614/2014, 1035/2014, 1095/2014, 1283/2014, 1541/2014 and 1690/2014.

⁵¹ Plurinational Constitutional Decisions Nos. 0128/2013, 0850/2013, 1839/2013, 0600/2015-S1 and 0025/2017.

⁵² Plurinational Constitutional Decisions Nos. 0111/2014, 1690/2014 and 0106/2015.

⁵³ Plurinational Constitutional Decisions Nos. 0912/2013, 1676/2014 and 0091/2017-S1.

⁵⁴ Plurinational Constitutional Decisions Nos. 0041/2013-L, 1047/2013 and 2033/2013.

⁵⁵ Plurinational Constitutional Decisions Nos. 0137/2013, 0056/2014, 0260/2014, 0910/2014, 0079/2015 and 0052/2015.

- Right to liberty of movement and freedom to choose one's residence⁵⁷
- Right to have a nationality and to found a family freely⁵⁸
- Right to freedom of thought, conscience and religion⁵⁹
- Right to freedom of expression and opinion⁶⁰
- Right to freedom of association and right of peaceful assembly⁶¹
- Right to vote, to elect and to be elected⁶²

86. Additionally, in accordance with the State's good faith obligations as a party to the Covenant, the Plurinational Constitutional Court invoked the Covenant in a number of rulings between 2013 and 2017.⁶³

87. Over the same period, the Attorney General's Office, on behalf of the State, held training courses for 2,250 justice officials and the general public in order to raise awareness of the direct applicability of the Covenant rights.

Recommendation contained in paragraph 6

88. Article 137 of the Constitution states that: "In cases of threat to the security of the State, external threat, internal disturbance or natural disaster, the President shall have the power to declare a state of emergency, wherever necessary, in all or part of the territory. The declaration of a state of emergency shall not, under any circumstances, suspend human rights guarantees, fundamental rights, the right to due process, the right to information or the rights of persons deprived of their liberty."

89. Thus, through its constitutional framework, the State complies with the standard set by the Human Rights Committee, in that the existence of a state of emergency in Bolivia does not engender the suspension of fundamental rights such as the right to life, physical integrity, liberty and due process.

Recommendation contained in paragraph 7

90. In order to ensure compliance with Act No. 045, the Government has amended the guidelines on budget preparation to include programme structures at the central Government level for the implementation of policies to uphold and protect rights relating to gender and age and the rights of older persons, through measures to prevent and address problems relating to those rights.

91. Every year, the National Treasury grants the necessary economic resources to the Ministry of Culture and Tourism to ensure that the National Committee against Racism and All Forms of Discrimination is able to perform its role as the body responsible for designing, instituting and implementing comprehensive policies and regulations against racism and discrimination.

92. In accordance with article 7 of the aforementioned Act, the National Committee against Racism and All Forms of Discrimination approved the Policy of the Plurinational

⁵⁶ Plurinational Constitutional Decisions Nos. 0851/2013-L, 1445/2013, 0089/2014-S2, 0192/2015-S2 and 0076/2017.

⁵⁷ Plurinational Constitutional Decisions Nos. 0123/2014, 0828/2014, 1109/2017-S2 and 0952/2017-S2.

⁵⁸ Plurinational Constitutional Decisions Nos. 0467/2013, 0622/2013-L, 1061/2013-L, 0005/2015, 0059/2015 and 0348/2015.

⁵⁹ Plurinational Constitutional Decisions Nos. 0014/2013-L and 0032/2014-S3.

⁶⁰ Plurinational Constitutional Decision No. 0614/2014.

⁶¹ Plurinational Constitutional Decisions Nos. 0179/2013-L, 0998/2014, 0106/2015 and 0905/2015-S1.

⁶² Plurinational Constitutional Decisions Nos. 0648/2015-S3, 473/2016-S3, 1172/2016-S3 and 0084/2017.

⁶³ Plurinational Constitutional Decisions Nos. 0100/2013, 1874/2014, 0012/2017-S1, 0083/2017, 0084/2017, 1083/2017-S2, 1443/2017-S3, 1156/2017-S1, 0006/2018-S4, 0057/2018-S2 and 0068/2018-S4.

State of Bolivia against Racism and All Forms of Discrimination (Plan of Action 2012–2015) through Decision No. 009/2011. This policy consisted of 17 programmes for the elimination of racism and all forms of discrimination that were to be implemented by the various government ministries.

93. Subsequently, following the introduction of the new planning system, over the course of 2015 and 2016 the National Committee against Racism and All Forms of Discrimination developed and implemented the 2016–2020 Multisectoral Plan of the Plurinational State of Bolivia to Combat Racism and All Forms of Discrimination. The aim of this plan is to improve the quality of life of vulnerable sectors of the population by overcoming racist and/or discriminatory practices and attitudes as a means to eliminate extreme poverty in the country and ensure the exercise of full citizenship without racism or discrimination. Various institutions at the State level and at the level of the autonomous territorial entities are responsible for its implementation.

94. The autonomous territorial entities are also taking affirmative action themselves, adopting legislation and public policies at the municipal and departmental levels to combat discrimination. For example, the autonomous municipal government of Trinidad has decided to celebrate the International Day against Homophobia and Transphobia⁶⁴ by organizing various activities on this day, including fairs and workshops, in order to raise public awareness in general.

95. On 28 June 2018, Municipal Act No. 311 of 27 June 2018 on promoting and respecting the rights of persons of diverse sexual orientation and gender identity (annex 28) was promulgated in the La Paz Municipality to mark Gay Pride Day. The aim of this act is to promote policies for the inclusion and the human and social development of persons of diverse sexual orientation and gender identity and to prevent all forms of discrimination and violence against such persons.

96. As regards measures taken under article 6 (I) (a) of Act No. 045, the National Committee against Racism and All Forms of Discrimination has raised the profile of the National Day against Racism and All Forms of Discrimination⁶⁵ through awareness-raising activities carried out by public institutions on this day.

97. Education and awareness-raising are central to the work of the National Committee against Racism and All Forms of Discrimination. Since 2014, informative exhibitions have been held in public spaces and at art, theatre and music festivals, bringing together thousands of people, including:

- 27,000 students nationwide in 2014
- 90,000 persons in 2015
- 444 members of student brigades from all nine departments in 2016, in the city of Cochabamba

98. In the field of education, the internal regulations of 10,000 schools have been adapted.

99. In the second half of 2015, the National Committee against Racism and All Forms of Discrimination began forming student brigades against racism and all forms of discrimination, made up of 3,404 secondary school students from 700 schools across all nine departments of the country. These brigades hold national meetings each year, in the course of which they have approved a protocol for dealing with allegations of discrimination in the field of education.

100. Between 2013 and 2017, with support from the Office of the United Nations High Commissioner for Human Rights and the Ombudsman's Office, a diploma course on human rights for the prevention of racism and all forms of discrimination was run four times, with a total of 133 civil servants, teachers and justice officials in urban and rural areas attending. The aim of this initiative was to train State officials in the development and

⁶⁴ Municipal Act No. 247/2018 of 17 May 2018.

⁶⁵ Act No. 139 of 14 June 2011.

implementation of public policies to prevent and combat racism and discrimination within the framework of human rights.

101. As regards the implementation of article 6 (II) (c) of Act No. 045, in March 2015, the Permanent Council of the National Committee against Racism and All Forms of Discrimination approved a decision urging all State institutions, at all levels, to establish units for combating racism and all forms of discrimination. By 2017, units of this kind had been set up in six ministries.⁶⁶

102. Pursuant to article 6 (III) (e) and (f) of Act No. 045, the media disseminate communication material that counters racism and discrimination.⁶⁷

103. In order to make it publicly known that the State will not tolerate any form of social stigmatization, discrimination or violence based on a person's sexual orientation or gender identity, the National Committee against Racism and All Forms of Discrimination runs awareness-raising workshops on the rights of lesbian, gay, bisexual, transgender and intersex persons for students of State, private and faith schools. The Committee has also urged individuals and institutions to promote respect for diversity.⁶⁸

104. Act No. 807 of 21 May 2016 on Gender Identity establishes the procedure by which transsexual and transgender persons may change their name, sex and photograph in all public and private documents relating to their identity, thus allowing them to fully exercise their gender identity rights.

105. As regards access to justice, prosecutors have a duty and a responsibility to provide equal, decent and humane treatment to persons involved in criminal investigations and proceedings.⁶⁹ Thus, the prosecutor who is dealing with the complaint or overseeing proceedings, acting on his or her own initiative, must call for an immediate investigation and request the Victim and Witness Protection Unit to carry out a psychological interview and social assessment and to implement crisis containment and any other measures that may be necessary, depending on the case, including specific protocols and critical pathways.

106. A protocol for addressing and resolving complaints of discrimination in the public service has also been approved and is applied by the authorities that make up the central Government and the departmental and municipal governments.⁷⁰

107. In order to ensure that any act of violence based on sexual orientation or gender identity is investigated, prosecuted and punished, the Office of the Deputy Minister for Decolonization systematizes and publishes information on administrative and judicial action taken in response to racism and discrimination, in accordance with Act No. 045. This body therefore has statistics on complaints of racism and/or discrimination filed between 2010 and 2018, as detailed below.

Number of cases recorded by the General Directorate for Combating Racism

2010	2011	2012	2013	2014	2015	2016	2017	April 2018	Total
19	139	192	189	194	196	239	210	77	1 523

Source: General Directorate for Combating Racism, Office of the Deputy Minister for Decolonization.

⁶⁶ National Committee against Racism and All Forms of Discrimination, 2016–2017 annual report, p. 101.

⁶⁷ National Committee against Racism and All Forms of Discrimination, 2016–2017 annual report, p. 102.

⁶⁸ Decision CN No. 005/2015.

⁶⁹ Article 7 of Organic Act No. 260 of 11 July 2012 of the Public Prosecution Service.

⁷⁰ National Committee against Racism and All Forms of Discrimination, 2016–2017 annual report, p. 101.

<i>Complaints of racism and discrimination, disaggregated by type and form of discrimination</i>		
<i>Type or form of discrimination</i>		
<i>Cases</i>	<i>2017</i>	<i>Up to April 2018</i>
<i>Discrimination</i>		
Occupation or trade	12	7
Level of education	14	9
Physical or intellectual disability	13	4
Ideology	9	6
Gender	18	2
Pregnancy	1	
Economic and social status	8	9
Appearance	20	
Age	7	11
Xenophobia	1	
Religious belief	2	1
Refusal of service	2	6
Refusal of service	10	
Verbal abuse	28	15
Other causes – defamation or slander, labour, civil and agricultural matters	41	4
<i>Racism</i>		
Colour	10	
Origin	5	3
Background	9	1
Total	210	77

Source: General Directorate for Combating Racism, Office of the Deputy Minister for Decolonization.

108. According to the data in the tables, 1,523 complaints of racism and discrimination were registered between 2010 and April 2018. Most of the complaints recorded in 2017 and 2018 concerned verbal abuse, discrimination on the basis of appearance and gender discrimination.

Recommendation contained in paragraph 8

109. In 2017, the Multisectoral Plan to Eliminate Patriarchalism and Promote Women’s Right to Practice the Right Way of Living was approved.⁷¹ The aim of this plan is to ensure that the policies, programmes and actions of State bodies at the various levels are geared towards the development of a less patriarchal society and the creation of an environment in which women are able to exercise their right to practise the right way of living and to enjoy a life free from gender-based violence. The Plan covers six main areas and sets out strategic guidelines:

⁷¹ Based on multisectoral and cross-cutting coordination between the Ministry of Justice and Institutional Transparency and the other State departments that are working in parallel to counter patriarchalism and to promote the right of women to practise the right way of living.

<i>Areas</i>	<i>Strategic guidelines</i>
Economy, production and employment	Create conditions that enable women to fully exercise their economic, productive and labour rights and thus achieve greater economic independence.
Education	Help women to enter, remain in and advance through all levels and stages of education, through the provision of quality services, taking into account their specific needs, knowledge, skills and life cycle, from an intercultural perspective and without sexist stereotypes.
Health	Facilitate access to comprehensive health care for women, provide high-quality, user-friendly health services and promote the exercise of sexual and reproductive rights, while fully recognizing the cultural and ethnic diversity of the country.
Gender-based violence	Create an environment that allows for a life free from gender-based violence and use institutional mechanisms and regulatory instruments to punish discriminatory practices of exclusion and subordination.
Citizenship and political participation	Pave the way for bringing down barriers to women's participation in decision-making, based on the principles of equality, parity and the development of a less patriarchal society.
Strengthening of institutions	Put in place a public body, with sufficient institutional capacity and human and budgetary resources, that is responsible for implementing policies, strategies and programmes to counter patriarchalism and to support the right of women to practise the right way of living and to enjoy a life free from violence.

Source: Multisectoral Plan to Eliminate Patriarchalism and Promote Women's Right to Practice the Right Way of Living.

110. Quantitative information on the participation of women in the 2014 national elections and the 2015 subnational elections⁷² is provided below.

National political representation

<i>Plurinational Legislative Assembly</i>	<i>Composition of the Plurinational Legislative Assembly by sex</i>							
	<i>Presidential elections in 2009 and 2014 (percentage)</i>							
	<i>2009 presidential election</i>		<i>2014 presidential election</i>		<i>2016 count</i>		<i>2017 count</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
Chamber of Senators	53.0	47.0	55.6	44.4	56.0	44.0	55.0	45.0
Chamber of Deputies	77.0	23.0	49.2	50.7	50.0	50.0	47.0	53.0

Source: Supreme Electoral Court.

⁷² Democratic Parity Observatory of the Supreme Electoral Court.

Departmental political representation

<i>Composition of the departmental assemblies by sex</i>								
<i>Subnational elections in 2010 and 2015 (percentage)</i>								
<i>Departmental assemblies</i>	<i>2010 subnational election</i>		<i>2015 subnational election</i>		<i>2016 count</i>		<i>2017 count</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
Members of the departmental assemblies	71.53	28.47	54.77	45.22	55.00	45.00	55.50	44.50

Source: Supreme Electoral Court.

Municipal political representation

<i>Composition of the municipal councils by sex</i>								
<i>Subnational elections in 2010 and 2015 (percentage)</i>								
<i>Municipal councils</i>	<i>2010 subnational election</i>		<i>2015 subnational election</i>		<i>2016 count</i>		<i>2017 count</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
Councillors	57.07	42.93	49.23	50.77	49.00	51.00	49.00	51.00

Source: Supreme Electoral Court.

111. In 2018, public servants from the 20 government ministries attended a course on countering patriarchy and eradicating violence against women. The course was designed to help them to carry out their work by increasing their understanding of the process of depatriarchalization and the regulations in force to protect women's rights.

112. A summit entitled "The First Juana Azurduy de Padilla Summit of Libertarian Women: from Depatriarchalization to Decolonization" was held in 2017, with the aim of building capacities and knowledge through political training. It was attended by over 350 women from the nine departments of the country (delegations headed by their departmental executives), as well as from Chile and Peru.

113. Supreme Decree No. 2935 of 5 October 2016 (annex 29) governs the application of the Act on Political Harassment and Violence against Women (Act No. 243) of 28 May 2012 (annex 30), establishing strategies, mechanisms and procedures for its implementation. It also establishes a prevention and immediate response mechanism for defending the rights of women in situations of political harassment and/or violence,⁷³ which ensures that coordinated action is taken and assistance is provided where necessary. The mechanism is activated in cases of particularly serious or threatening political harassment or violence against women, where the life or physical integrity of the woman concerned is in imminent danger and immediate action is required; in such cases, intervention by the security forces may be requested.

114. In Supreme Decree No. 2935, the State commits to ensuring that the relevant institutions coordinate their efforts to design and implement protocols for dealing with cases of political harassment and violence against women.⁷⁴ The Decree also establishes that the Plurinational Comprehensive Judicial Services and the Plurinational Service for Assistance to Victims, as the bodies through which complaints are made, are required to provide information, legal advice and comprehensive assistance to women in situations of political harassment and violence and to provide free legal aid in criminal and constitutional proceedings.⁷⁵ As regards the administrative framework that governs cases of political

⁷³ Supreme Decree No. 2935, art. 5.

⁷⁴ Ibid., art. 6.

⁷⁵ Ibid., art. 8.

harassment and violence,⁷⁶ the Decree establishes an exclusive administrative framework mechanism for elected authorities and provides for protective measures.⁷⁷

115. The Democratic Parity Observatory has been operational since 2017. This specialized technical and political unit is primarily responsible for managing knowledge on women's political rights, on the achievement of parity and on the advances and limitations of the political system when it comes to creating political equality in a participatory, representative and community democracy. The Observatory's work focuses on four main themes: the political participation and representation of women; the political participation of indigenous and aboriginal campesino women; democratic parity in political organizations; and political harassment and violence.

116. The Plurinational Electoral Bureau is implementing a strategic plan to raise awareness of the regulations on political harassment and violence and runs campaigns promoting women's political rights such as the campaign for women to remain in office without facing political harassment or violence, which involves radio broadcasts in Aymara, Quechua and Spanish.

117. The Political Harassment and Violence Monitoring and Protection System of the Plurinational Electoral Bureau has approved regulations on the receipt of resignations and complaints relating to political harassment and violence from women candidates, elected women and women in political office, which are being implemented in the nine departmental electoral courts. The regulations state that resignations must be submitted personally and voluntarily by the elected woman; if there is any evidence of political harassment or violence, a decision invalidating the resignation should be issued. Furthermore, requests for the replacement of members of authorities covered by articles 194⁷⁸ and 195⁷⁹ of Act No. 026 should not be accepted.

Recommendation contained in paragraph 9

118. On 5 February 2014, the Plurinational Constitutional Court handed down Plurinational Constitutional Decision No. 0206/2014, which amended the definition of therapeutic abortion, declaring the requirement for judicial authorization in such cases to be unconstitutional.⁸⁰ In all such cases, the abortion must be performed by a doctor and with the woman's consent. In order to ensure compliance with this decision, the Ministry of Health prepared guidelines on the technical procedure for the provision of health-care services in accordance with Plurinational Constitutional Decision No. 0206/2014, to provide a tool enabling all health workers throughout the country to carry out legal abortions.

119. In 2015, 2016 and 2017, a training plan that covered the model of care for victims of sexual violence for medical staff and the aforementioned Plurinational Constitutional Decision, including registration in the Perinatal and Abortion Information System, was run

⁷⁶ *Ibid.*, chap. III.

⁷⁷ *Ibid.*, art. 19.

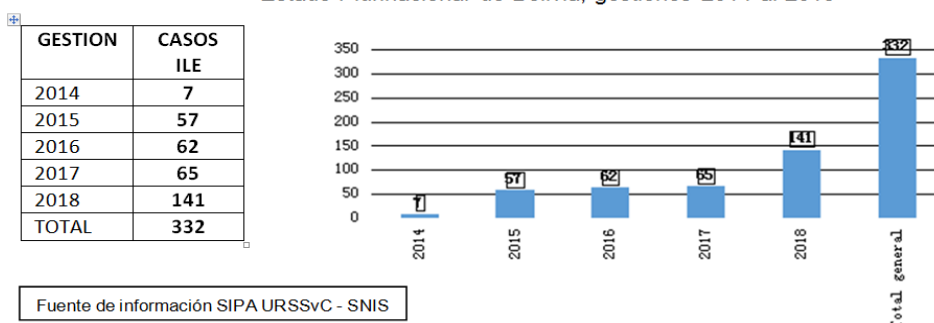
⁷⁸ Article 194. (Replacement of members of legislative authorities). In the event that a member of a national, departmental or municipal legislative authority resigns, is disqualified, dies or is permanently prevented from performing his or her duties, as attested by the political organizations concerned, the competent electoral court shall authorize the relevant alternate to take up the position. This rule shall also apply to the replacement of representatives of single-seat constituencies.

⁷⁹ Article 195. (Extraordinary authorization of alternates). If any of the events mentioned in the previous article affect both the incumbent and his or her alternate, the competent electoral court shall, at the request of the political organization concerned, authorize the alternate of another representative elected to a single-seat constituency or from a party list to take up the position, following the order of the party list of the political organization concerned. The Supreme Electoral Court shall issue regulations establishing the procedure for cases that are not covered by the Act.

⁸⁰ Plurinational Constitutional Decision No. 0206/2014 of 5 February 2014 reads as follows: "1. Declares unconstitutional ... the phrases 'provided that criminal proceedings have been brought' in the first paragraph and 'and judicial authorization in her case' in the third paragraph of article 266 of the Criminal Code, keeping the rest of that article as it stands, in accordance with the complaints procedure established in Legal Basis III.8.8 of the present decision."

for medical staff. The Perinatal and Abortion Information System is used in 35 second-level and third-level hospitals across the country. The following data has been collected:

Interrupciones Legales de Embarazos, realizados en 35 hospitales de II y III nivel, en el Estado Plurinacional de Bolivia, gestiones 2014 al 2018



120. Between 2013 and 2017, the Attorney General's Office dealt with two cases of abortion following rape, statutory rape or incest.

121. The Ministry of Health is developing the following tools and documents in order to build the capacities of health-care personnel who work with adolescents and young persons: (1) a national clinical care standard; (2) a document on integrated care through all stages of life; (3) a national guide on comprehensive and differentiated care for adolescents and young persons; (4) national standards, rules, protocols and procedures relating to contraception; (5) a comprehensive care model for victims of sexual violence; (6) the Andean Plan for the Prevention and Reduction of Adolescent Pregnancy 2017–2020; and (7) the Plurinational Plan for the Prevention of Pregnancy among Adolescents and Young Persons 2015–2020.

122. The Plurinational Plan for the Prevention of Pregnancy among Adolescents and Young Persons 2015–2020 has been approved.⁸¹ Its aim is to reduce pregnancy among adolescents and young persons and to promote the exercise of sexual, reproductive and other rights. In order to ensure that the Plan is implemented effectively, a strategy for compliance with Plurinational Constitutional Decision No. 0206/2014 and guidelines on the use of the national platform for the prevention of pregnancy among adolescents and young persons have been developed. In addition, awareness-raising sessions have been held nationwide, bringing together a total of 571 persons from youth organizations and public and private institutions from all departments of the country, and a campaign on violence prevention and responsibility has been carried out to raise public awareness of violence prevention, unplanned pregnancies, sexually transmitted infections and HIV/AIDS. In 2016 and 2017, the last week of September was declared the Week for the Prevention of Pregnancy among Adolescents and Young Persons; events held during that week included workshops and awareness-raising sessions on the exercise of sexual and reproductive rights, covering topics such as the use of contraception and the development of life plans.

Recommendation contained in paragraph 10

123. In order to prevent and combat all forms of gender-based violence and ensure the effective implementation of the legislative framework, steps have been taken to counter patriarchalism, to improve governance and to redistribute resources. The Comprehensive Act on Guaranteeing Women a Life Free from Violence (Act No. 348) of 9 March 2013 (annex 31) establishes comprehensive prevention, assistance, protection and reparation mechanisms, measures and policies for women in situations of violence and provides for the prosecution and punishment of their aggressors.

124. Indicators on the right of women to a life free from violence have been compiled since 2012 to provide statistical information that can be used to develop, monitor and evaluate public programmes and policies for the promotion and protection of this right.

⁸¹ Decision No. 002/2015 of the Interministerial Committee on Youth Policy.

125. Since 2015, six sectoral and intersectoral councils for a life free from violence have been set up under Acts Nos. 348 and 243 to coordinate between State bodies at the various levels, serving as advisory bodies that make proposals, carry out consultations and grant approval.

126. The Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence, which is managed by a dedicated unit of the Ministry of Justice and Institutional Transparency, was set up in 2014, resulting in a reorganization of the entire system of comprehensive care for women in situations of violence and the management of information from public and private services. Under this System, records detailing the aggressor's criminal record, complaints filed, action taken by public servants and any other information that may assist with prevention, response, protection and punishment in individual cases are issued.

127. The system encompasses the following specialized instruments designed to strengthen the bodies that are directly involved in preventing, responding to, protecting against, prosecuting, punishing and providing reparation for harm suffered by women in situations of violence:

- (a) A procedural model for the Comprehensive and Immediate Response Unit;
- (b) An integrated Bolivian model for combating gender-based violence;
- (c) A guide for raising the alarm about gender-based violence;
- (d) A guide for managing temporary and emergency shelters;
- (e) A guide for the operation of municipal comprehensive legal services;
- (f) A guide for indigenous authorities;
- (g) The information system of the Central Register of Violence Cases.⁸²

The Central Register of Violence Cases forms part of the information system of the Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence. It is used to record cases of violence and information about the victims and attackers. The statistics obtained from this register are used to develop public policies in this area.

128. The Anti-Violence Squad uses the following tools to improve the quality of its assistance to women victims of violence: a risk assessment form; a set of recommendations regarding the assistance and information that should be provided to women in situations of violence; safety plans; suggestion boxes; and a computerized georeferencing system for dealing with complaints and following up on cases. The Attorney General's Office, meanwhile, uses many instruments to ensure that cases are investigated promptly and impartially and that victims of gender-based violence receive specialized assistance and protection.⁸³ Between 2013 and 2018, on behalf of the judiciary, the Judicial Academy ran

⁸² Central Register of Violence Cases, available at: <http://sippase.justicia.gob.bo./sippase-ruv/App/Modules/Main/index.php>.

⁸³ Protocol on the informational approach to gender-based violence against women; protocol on prevention and assistance to children and adolescents in street situations; protocol for investigating femicide; Gesell chamber interview protocol and methodology for collecting testimony from child and adolescent victims and/or witnesses, 2012; protocol on forensic medical assessments in sexual offence cases, 2013; protocol on specialized forensic medical care in cases of violence against women, 2013; protocol on specialized forensic psychological treatment of women victims of violence, 2013; protocol for standardizing medical certificates, 2013; protocol on the adoption of protection and assistance measures in the Public Prosecution Service; protocol for prosecuting cases under Act No. 348, 2013; protocol and inter-institutional critical path for assisting and protecting victims under Act No. 348, 2014; Latin American Model Protocol for the Investigation of Gender-related Killing of Women; guide on assisting victims of sexual violence in accordance with Plurinational Constitutional Decision No. 0206/2014; recommendations for the effective investigation of femicide; guide on classifying acts of violence under Act No. 348; guide on the use of Gesell chambers, 2013; Victim and Witness Protection Unit guidelines, 2016; Victim and Witness Protection Unit guidelines, 2014 (second edition); guide on the use of Gesell chambers, 2017 (second edition); Handbook for Legislation on Violence against Women; minimum guidelines for the investigation of gender-related

workshops, on-site courses and virtual courses for justice officials on issues relating to gender-based violence.

129. In addition, the Multisectoral Plan to Eliminate Patriarchalism and Promote Women's Right to Practice the Right Way of Living 2016–2020 has been drawn up and implemented. An inter-institutional commission made up of representatives of seven ministries⁸⁴ has been set up and has approved the Comprehensive Public Policy to Ensure a Decent Life for Women. The aim of this policy is to give women the means and opportunity to exercise their right to a life free from violence by building a culture of peace, ensuring respect for their rights and introducing departmental plans to combat gender-based violence.

130. With regard to the State's obligation to protect, as part of its efforts to prioritize the defence and protection of vulnerable social groups, the State has allocated budgetary resources to the defence and protection of women⁸⁵ with a view to ensuring that plans, programmes, projects and social policies for women in vulnerable situations are implemented at the national, departmental and municipal levels. Within this framework, the autonomous departmental governments use 30 per cent of the revenue from the direct tax on hydrocarbons⁸⁶ that is earmarked for public safety for the construction and equipment of emergency and temporary shelters for women in situations of violence and their dependents, and 10 per cent of this revenue for staffing and running costs. Similarly, the autonomous municipal governments use between 25 and 30 per cent of this revenue for the operation of municipal comprehensive legal services, infrastructure, equipment and the promotion and implementation of economic and productive development and employment programmes aimed at women.

131. In La Paz Department, for example, temporary shelters provide nutritious and balanced food, clothing, protection and specialized care in the fields of health, social work and psychology, as well as technical training. Likewise, in Potosí Department, there is a temporary shelter for women victims of violence that can house up to 30 women and their children and provide them with psychological treatment, training in technical fields and food for a period of six months.

Recommendations contained in paragraph 11

132. Under the Constitution, everyone has the right to the timely and effective protection of judges and courts in the exercise of their rights and legitimate interests⁸⁷ and the right to due process is guaranteed.⁸⁸

133. In Plurinational Constitutional Decision No. 0246/2015-S1 of 26 February 2015, the Plurinational Constitutional Court stated that mob justice is a violation of human rights that is not permitted in any jurisdiction and should be prevented and punished by the Plurinational State (emphasis added). Article 6 of the Jurisdiction Demarcation Act (Act No. 073) of 29 December 2010 (annex 32)⁸⁹ states that: "*In strict application of the Constitution, imposing, consenting to or executing the death penalty for the offence of murder is strictly prohibited in criminal proceedings taking place in ordinary courts.*" Consequently, no violent act involving the use of force or a disproportionate response that threatens the life or

attacks on women's lives and femicide, 2016; internal regulations for the use of funding earmarked for protective measures, 2016; frequently asked questions about Act No. 348; glossary of terms for the implementation of Act No. 348; and Anti-Violence Squad booklets on police procedures to combat violence against women.

⁸⁴ Ministry of Justice and Institutional Transparency; Ministry of Education; Ministry of Health; Ministry of Communication; Ministry of the Interior; Ministry of Culture and Tourism; and Ministry of Labour, Employment and Social Welfare.

⁸⁵ Budget Programme 25.

⁸⁶ The direct tax on hydrocarbons, which involves the levying of taxes and/or royalties on oil companies, was introduced in response to social demands and as a result of the hydrocarbon policy reform.

⁸⁷ Constitution, article 115 (I).

⁸⁸ Constitution, article 115 (II)

⁸⁹ Act No. 073 of 29 December 2010.

physical integrity of persons or their property can be called community justice; this term has different connotations and should not be confused with acts defined as offences in the criminal justice system (emphasis added).

134. In Bolivia, acts of mob justice and all other offences are investigated in accordance with the legal system and must be brought to the attention of the justice officials responsible for conducting investigations, handing down punishments and enforcing sentences.

Recommendations contained in paragraph 12

135. On 23 October 2013, in order to coordinate joint actions in investigations into cases of enforced disappearance occurring between 4 November 1964 and 10 October 1982, the Ministry of Justice, the Attorney General's Office, the Forensic Investigation Institute and the Anthropological and Archaeological Research Institute of the University of San Andrés signed an inter-institutional cooperation agreement (annex 33) that provided for field visits and the recovery and identification of remains from probable burial sites.

136. Under the supervision of the Public Prosecution Service, these institutions, and relatives of victims of enforced disappearance during the administration of Alfredo Ovando Candía (1970), conducted visits to the town of Teoponte in 2014, 2015 and 2016 in order to carry out georeferencing and excavations based on information compiled by the Inter-Agency Commission for the Investigation of Enforced Disappearances and the Anthropological and Archaeological Research Institute.

137. Act No. 879 of 23 December 2016⁹⁰ (annex 34) provided for the establishment of the Truth Commission to investigate cases of murder, enforced disappearance, torture, arbitrary detention and sexual violence that occurred in Bolivia between 4 November 1964 and 10 October 1982. This Commission is composed of five unpaid members, chosen for their proven impartiality, professionalism, ethical conduct, personal integrity, commitment to the promotion of human rights and knowledge of the situation during the period concerned. The Commission also has a technical secretariat consisting of a team of specialists⁹¹ that is in charge of the investigation.

138. The Public Prosecution Service has issued Directive FGE/RJGP/No. 141/2017, which makes it an institutional priority to investigate offences involving human rights violations committed during the unconstitutional regimes in place between 1964 and 1982.

Recommendations contained in paragraph 13

139. In accordance with the Constitution, the ordinary courts do not recognize exemptions, privileges or courts of special jurisdiction. Military courts try offences of a military nature regulated by law.⁹² Therefore, proceedings for ordinary offences are referred to the ordinary courts and military crimes are referred to the Permanent Court of Military Justice, the specialist body responsible for the administration of military justice. The legal parameters applied by the military courts are established under the Military Criminal Code, the Code of Military Procedure and the Military Justice Organization Act.

⁹⁰ Drawn up in coordination with the Association of Relatives of Detainees, Disappeared Persons and Martyrs for National Liberation, the Ministry of Justice, the Office of the Deputy Minister of Foreign Affairs, the Office of the Deputy Minister of Defence and Cooperation for Comprehensive Development, the Office of the Deputy Minister of the Interior and the Police, the Public Prosecution Service, the Forensic Investigation Institute, the Supreme Court of Justice, the Bolivian police force, the Human Rights Commission of the Chamber of Deputies, the Anthropological and Archaeological Research Institute of the University of San Andrés, the Solón Foundation, the Bolivian Human Rights, Democracy and Development Chapter, the Permanent Human Rights Assembly of La Paz, and the Human Rights Community, with the technical support of the Bolivia country office of the Office of the United Nations High Commissioner for Human Rights.

⁹¹ Supreme Decree No. 3314, of 6 September 2017, establishing the directorate that serves as the technical secretariat of the Truth Commission.

⁹² Constitution, article 180.3.

140. The Plurinational State of Bolivia has been making efforts to amend the Criminal Code and align it with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

141. Under Act No. 474 of 30 December 2013, the Plurinational State of Bolivia established the Service for the Prevention of Torture, which is the decentralized public body that serves as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. In establishing the Service as a decentralized body, the Government took into account the scope of article 17 of the Optional Protocol to the Convention against Torture and article 32 of Supreme Decree No. 28631, which means that, under Bolivian law, this body has the status of a decentralized public institution with national scope and administrative, financial, legal and technical autonomy. It also has the human and financial resources that it needs to operate independently.

Recommendations contained in paragraph 14

142. With regard to the acts of violence that occurred in Pando, Trial Court No. 6 of La Paz issued judgment No. 10/2017 on 10 March 2017 and the parties to the proceedings (the accusers and the defendants) filed restricted appeals in respect of which the Departmental Court of Justice of La Paz has not yet issued a judgment.

143. A decision concerning redress for the damages suffered by the victims in the Porvenir case will be taken once the final judgment has been handed down.

144. With regard to the violent events that took place in Sucre in 2008, the trial court of Padilla, as part of the criminal proceedings referred to as the “24 de Mayo” case, handed down a sentence for the offences of grievous bodily harm, aggravated coercion, abuse, torture, criminal association and possession of explosives and asphyxiating substances.

145. The case is currently pending before the Supreme Court, following the submission of an application for judicial review. For this reason, a final judgment has not yet been handed down and the proceedings established under the Code of Criminal Procedure to redress the damages suffered by the victims have not been initiated.

Recommendations contained in paragraph 15

146. Pursuant to the Constitution, Bolivia is a pacifist State that promotes a culture of peace and the right to peace,⁹³ where the fundamental mission of the armed forces is to defend and preserve the independence, security, stability and honour of the State and the sovereignty of the country, uphold the Constitution, guarantee the stability of the legally constituted Government, and participate in the comprehensive development of the country, and that the organization of the armed forces hinges on its hierarchy and discipline.⁹⁴ It is essentially obedient, is not a deliberative body and is subject to laws and military regulations (...).⁹⁵

147. Military training is conducted in the light of the armed forces’ mission under the Constitution, and, accordingly, physical, moral and intellectual capacities are the essential elements required by the institution for the efficient implementation of its functions. Physical military training, and the physical preparation of cadets, soldiers, sailors, pre-military and support staff, is continuous and ongoing and cannot be regarded as a form of corporal punishment.

148. Among the measures adopted to prevent and eliminate the excessive use of force, the Bolivian armed forces prohibit physical and psychological abuse and take steps to ensure that the military and civilian staff under their command are aware of human rights and international humanitarian rights.

⁹³ Constitution, article 10.I.

⁹⁴ Ibid. art. 244.

⁹⁵ Ibid. art. 245.

Recommendations contained in paragraph 16

149. In the field of education, within the framework of the Avelino Siñani-Elizardo Pérez Education Act (Act No. 070) of 20 December 2010 (annex 35), which established violence-free education as a priority in the intersectoral plans and programmes implemented by the education system, the Ministry of Education issued Ministerial Decision Nos. RM 001/2015, RM 001/2016 and RM 001/2017, which prohibit any form of violence, mistreatment and/or abuse in the education system, against any member of the educational community, that is detrimental to his or her physical, mental, sexual or moral integrity.

150. Article 5 of the Jurisdiction Demarcation Act (Act No. 073) of 16 December 2010 provides that:

“(RESPECT FOR FUNDAMENTAL RIGHTS AND CONSTITUTIONAL GUARANTEES).

I. All jurisdictions recognized under the Constitution shall respect, promote and guarantee the right to life and other rights and guarantees recognized in the Constitution.

II. All jurisdictions recognized under the Constitution shall respect and guarantee the exercise of women’s rights and their participation, decision-making, presence and permanent involvement, both with regard to equal and fair access to office and in respect of oversight, decision-making and participation in the administration of justice.

III. The authorities of the native indigenous campesino courts shall not impose penalties involving loss of land or expulsion on older persons, or persons with disabilities, because they have not complied with communal duties, charges, contributions or communal work.

IV. All jurisdictions recognized under the Constitution shall prohibit and punish all forms of violence against children, adolescents and women. Any conciliation in relation to this issue is unlawful.

V. Mob justice is a violation of human rights that is not permitted in any jurisdiction and must be prevented and punished by the Plurinational State.”

151. Furthermore, imposing, consenting to or executing the death penalty for the crime of murder is strictly prohibited in criminal proceedings taking place in ordinary courts.

152. Article 13.18 of Act No. 101 of 4 April 2011, establishing the disciplinary regime for the Bolivian police (annex 36), stipulates that it is a serious offence for the police to assault persons who have been arrested, apprehended or detained in police cells.

153. In order to put an end to corporal punishment, national workshops on the prevention of torture and other cruel, inhuman or degrading treatment or punishment are held in the nine departments for all police officers belonging to the Crime Squad, the Anti-Violence Squad, the Drug Squad and transit and prison security staff.

Recommendations contained in paragraph 17

154. Pursuant to Article 7 of the Comprehensive Act against Human Trafficking and Smuggling (Act No. 263) of 31 July 2012 Act (annex 37),⁹⁶ the Plurinational Council on Human Trafficking and Smuggling was created to serve as the lead coordinating and representative body responsible for formulating, approving and implementing the

⁹⁶ Act No. 263, article 7. (Plurinational Council on Human Trafficking and Smuggling). This act establishes the Plurinational Council on Human Trafficking and Smuggling as the highest coordinating and representative body to formulate, approve and implement the plurinational policy on combating human trafficking and smuggling and related offences in a manner that is free from discrimination and in line with the principles of gender, generational and intercultural equality.

plurinational policy on combating human trafficking and smuggling and related offences. The Council has been engaged in the following actions:

- Promoting the signing of bilateral agreements with Peru⁹⁷ and Argentina⁹⁸ on the protection of victims of human trafficking and smuggling and related offences, pursuant to article 45 of Act No. 263⁹⁹
- Implementing the National Plan to Combat Human Trafficking and Smuggling 2015–2019, which, after being adapted to the new comprehensive State planning system, is now known as the Comprehensive Multisectoral Development Plan to Combat Human Trafficking and Smuggling 2016–2020
- Running the Workforce Reinsertion Programme for victims of human trafficking and smuggling
- Drawing up the Standardized Protocol for the Specialist Care of Victims of Human Trafficking and Smuggling 2012
- Drawing up the Guide for the Formulation of Departmental Plans against Human Trafficking and Smuggling 2015
- Drawing up the Protocol for the Repatriation of Victims of Human Trafficking and Smuggling of Bolivian Nationality Abroad

155. Information spots intended to prevent human trafficking and smuggling have also been broadcast through the media and workshops and training courses on human trafficking and smuggling and related offences have been held for civil servants, administrators and justice officials with the aim of strengthening and improving standards for the care of victims of human trafficking and smuggling. In addition, counter-trafficking and smuggling units have been set up in Bolivian police stations and the updated version of the Standardized Protocol for the Specialist Care of Victims of Human Trafficking and Smuggling is in the process of being adopted. Work on developing and updating the indicators on the right to a life free from trafficking and smuggling is under way.

156. With regard to procedures for the effective investigation of complaints relating to human trafficking and smuggling, such investigations are initiated by the Attorney General's Office and the Bolivian police. During investigations, all possible investigative measures are deployed in efforts to find the victims, perpetrators and participants and punish the offence in accordance with the Criminal Code and Act No. 263.¹⁰⁰

157. In order to provide victims with protection in comprehensive care centres, and free legal aid and redress, including rehabilitation, there are two shelters that provide specialist

⁹⁷ Bilateral agreement with Peru signed on 26 June 2015 and ratified by Act No. 765 of 11 December 2015.

⁹⁸ Bilateral agreement with Argentina signed and ratified by Act No. 791 of 28 March 2016.

⁹⁹ Article 45. (Managing International Cooperation). The Plurinational State of Bolivia, through the Ministries of Foreign Affairs and the Interior, will seek to establish and strengthen bilateral, multilateral and regional relations for the protection of victims of human trafficking and smuggling and related offences and the prosecution and punishment of those offences.

¹⁰⁰ Act No. 263 – article 34 (Amendments to the Criminal Code). Articles 178, 281 bis (...) are amended as follows: (...) Article 281 bis. (Human Trafficking). I. A sentence of 10 to 15 years' imprisonment shall be handed down to any person who, whether acting alone or through a third party, employs any form of deception, intimidation, use of power, abuse of force, coercion, threat, abuse of a victim's vulnerability or situation of dependency, or the giving or receiving of payments, even with the victim's consent, in order to carry out, cause or promote the capture, transfer, transport, deprivation of liberty, harbouring or reception of human beings, inside or outside the national territory. II. The penalty shall be increased by one third when: 1. The perpetrator or participant is the spouse, cohabitant or partner of the victim, is related to the victim to the fourth degree by blood or the second degree by marriage, or is responsible for his or her guardianship, custody, curatorship or education. 2. The perpetrator is a civil servant, enjoys diplomatic immunity, or is a medical or related professional. 3. Drugs, medication, or weapons are used. III. The penalty shall be from 15 to 20 years when the victim is a child or adolescent, a person with a physical disability, mental illness or learning difficulty or a pregnant woman, or the perpetrator is part of a criminal organization, a serious injury occurs, or the life, integrity or safety of the victim is endangered.

care for victims of human trafficking and smuggling, one in the municipality of Villazón in the department of Potosí and the other in the city of La Paz.

Recommendations contained in paragraph 18

158. The State has implemented the Transitional Interministerial Plan 2007–2008, which provided for the establishment of the Transitional Interministerial Council for the Eradication of Forced Labour. The Council’s objective was to create dignified living conditions for Guaraní families registered as living in the Bolivian Chaco, eradicating forced labour and promoting social, cultural and economic development as part of the territorial reconstitution of the Guaraní nation within the framework of the National Development Plan: “Bolivia: Dignity, Sovereignty, Productivity and Democracy for the Right Way of Living” and the historical demands of the Guaraní people. The activities envisaged under the Plan were undertaken in the indigenous Guaraní communities of the departments of Tarija, Chuquisaca and Santa Cruz.

159. The Transitional Interministerial Plan contains the following components:

Componentes	Actividades	Responsable
Componente 1,	Desarrollar jornadas de educación alternativa productiva	Ministerio de Justicia
	Establecer un equipo gubernamental interinstitucional	Ministerio de Justicia
	Creación de 6 Direcciones Regionales de Trabajo	Ministerio de Trabajo
	Certificados de nacimiento y CI	Ministerio de Justicia
	Fortalecimiento organizacional APG.	Ministerio de Justicia
	Programas productivos y capacitación de mujeres	Ministerio de Justicia
	Elaboración del Plan Integral de Desarrollo.	Ministerio de Trabajo – Viceministerio de Tierras
Componente 2,	Saneamiento, replanteo, titulación y dotación	Ministerio Desarrollo Rural, Viceministerio de tierras e INRA
	Certificaciones de Identidad Étnica (CIE) e Informe de Necesidades Espaciales (INE)	Ministerio Desarrollo Rural, Viceministerio de tierras e INRA
Componente 3,	Atención de emergencia a familias liberadas	Ministerio de Justicia
	Apoyo a familias liberadas en el proceso de asentamiento	Ministerio de Justicia
Componente 4.	Desarrollo de programas de educación y de salud.	Ministerio de Justicia
	Programas y proyectos de seguridad alimentaria	Ministerio de Producción y Microempresa
	Elaboración de programas y proyectos medio ambientales y de manejo de la biodiversidad.	Ministerio de Producción y Microempresa – Viceministerio de Medio Ambiente
	Conformación de microempresas comunitarias para el mantenimiento de caminos vecinales.	Ministerio de Producción y Microempresa
Componente 5,	Diseño e implementación de una estrategia de comunicación interna y externa.	Ministerio de Trabajo
Componente 6.	Directorio	Con base en la ciudad de Camiri
	Gerencia, administrador y secretaria	

Source: Ministry of Labour, Employment and Social Welfare.

160. In addition, the Ministry of Labour, Employment and Social Welfare has implemented programmes and projects for the benefit of the Guaraní people and the indigenous communities and families located in the Chaco, the Amazon region and the north of Santa Cruz, including: between 2010 and 2013, the Institutional Capacity Building Programme, within the framework of a specific subsidiary agreement concluded between the Plurinational State of Bolivia and the Government of Switzerland relating to section 3 of the Programme, signed on 20 December 2010; and the Plan for the Progressive Eradication of Forced Labour and Other Similar Practices, benefiting indigenous families in parts of the Chaco, the Amazon region and the area known as the Integrated North of Santa Cruz region, approved through Ministerial Decision No. 087/15 and the signing of Agreement No. 81026161 between Bolivia and the Government of Switzerland, which was in force until 31 December 2015. Within the framework of the first pillar of the 2025 Patriotic Agenda,¹⁰¹ this plan has three strategic aims: (1) establishing a State presence; (2) promoting fundamental human rights; and (3) institutional capacity-building in the Chaco, the Bolivian Amazon and the Integrated North of Santa Cruz.

¹⁰¹ Pillar 1 of the 2025 Patriotic Agenda: eradication of extreme poverty.

161. The presence of the State in remote regions of the country is currently ensured through integrated mobile offices, through which the regional labour headquarters of Camiri and Yacuiba can provide services to waged rural workers belonging to the Guaraní indigenous people in the departments of Tarija, Chuquisaca and Santa Cruz. The results obtained, broken down by activity, are shown below:

<i>Activity</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>Total</i>
Inspections of cattle ranches and farms in the Chaco, the Amazon region and the Integrated North	125	531	550	500	804	2 510
Hearings for the resolution of social and employment-related disputes concerning unpaid wages	63	161	611	556	679	2 070
Workers belonging to the indigenous native peoples who participate in events aimed at raising awareness of social and labour rights (number of trainees)	250	870	1 887	1 541	2 470	7 018
Workers who receive support in exercising their social and labour rights (number of complaints addressed)	2 736	434	1 241	1 612	3 973	9 996
Amounts agreed in favour of workers	1 079 558	1 949 558	2 438 545	2 082 866	3 453 787	10 974 314
Cases referred to the labour courts		145	57	83	89	374
Cases referred to the National Institute of Agrarian Reform		26	2	3	0	31
Agricultural and livestock companies registered with the Compulsory Register of Employers	17	15	29	46	76	183
Mobile offices installed and staffed					20	20

Source: Ministry of Labour, Employment and Social Welfare – Fundamental Rights Unit.

Recommendations contained in paragraph 19

162. The use of pretrial detention was addressed at the National Summit of Plural Justice.

163. In coordination with the Justice Studies Center of the Americas, and within the framework of the memorandum of understanding established with the United Nations Development Programme, the Supreme Court of Justice has drafted a protocol for

conducting hearings on precautionary measures¹⁰² with the aim of providing judicial officials with a methodological tool for the better application of precautionary measures and the reduction of the excessive use of pretrial detention.

164. In order to reduce levels of overcrowding in prisons, seven presidential decrees on amnesty and pardon have been issued: Supreme Decree No. 1445 of 19 December 2012; Supreme Decree No. 1723 of 18 September 2013 on Pardons and Amnesty; Supreme Decree No. 2131 of 1 October 2014 on the Granting of Pardons for Humanitarian Reasons; Supreme Decree No. 2437 of 7 July 2015 on Amnesty, Partial Pardon and the Extension of Pardon; Supreme Decree No. 3030 of 24 December 2016 on Amnesty, Total Pardon and Partial Pardon; Supreme Decree No. 3519 of 3 April 2018 on Amnesty, Partial Pardon and Total Pardon; and Supplementary Supreme Decree No. 3529 of 11 April 2018 on Amnesty, Partial Pardon and Total Pardon. As a result, 6,413 persons have been pardoned to date (1,549 women and 4,864 men).

165. The Plurinational Legislative Assembly is in the process of adopting the bill on summary criminal procedure mentioned in paragraph 27, which will amend the Code of Criminal Procedure to guarantee speedy access to justice and ensure that pretrial detention is used only in exceptional circumstances. In order to ensure that this objective is achieved, the bill provides, inter alia, that orders imposing pretrial detention must specify the precise duration of the measure and indicate the exact date on which the detention will end. If the use of pretrial detention is based on the need to carry out a specific action, the detention will cease once this action has been carried out. Furthermore, its duration must be established on the basis of objective and reasonable criteria and may be extended only when the complexity of the case so warrants. The bill also broadens the range of cases in which pretrial detention is inadmissible.

166. With regard to effective access to a lawyer, the right to free legal aid during detention¹⁰³ is guaranteed by the Code of Criminal Procedure. On this basis, the Plurinational Constitutional Court, through Constitutional Plurinational Decision No. 0045/2018¹⁰⁴ of 14 March, has ruled that: *“Every person has an inviolable right to a defence, This right is particularly critical in criminal proceedings because of the importance of the legal issues at stake and should therefore be interpreted in the light of the international human rights treaties and conventions ratified by the Bolivian State, in accordance with the provisions of the final part of article 13 (IV) of the Constitution. (...) Both the international instruments that form an integral part of the constitutional body of law pursuant to article 410 (II) of the Constitution clearly establish that one of the components of the right to a defence, and, more specifically, a professional defence, is the right of the accused to appoint a lawyer of his or her choice, which has been defined as: (...) the fundamental right of the accused to choose a legal expert to advise and defend him or her (discretion to choose) from the outset of the proceedings against him or her.”*

167. In this connection, article 8 of the Act on the Plurinational Public Defence Service (Act No. 463) of 19 December 2013 provides that: *“Public defence lawyers attached to the Plurinational Public Defence Service shall be available to provide their services without interruption, 24 hours a day, including on Sundays and public holidays, working on the basis of shifts, as established in relevant instructions and circulars. The table setting out the weekly and/or monthly shifts shall be made available to the departmental courts of justice, departmental prosecutor’s offices and other institutions that, by their nature, require access to the public defence service.”* Article 12 (I) stipulates that the service shall be free of charge: *“The Plurinational Public Defence Service shall be free of charge for any person who cannot afford to hire a private lawyer, and for older persons and persons under 18 years of age.”*

¹⁰² The protocol for conducting hearings on precautionary measures can be found at <http://tsj.bo/wp-content/uploads/2014/03/Protocolo-de-Direccio%CC%81n-de-Audiencias-EDITADO.pdf>

¹⁰³ Constitution, article 119 (II)

¹⁰⁴ Plurinational Constitutional Decision No. 0045/2018, issued by the Plurinational Constitutional Court, can be found at: https://buscador.tcpbolivia.bo/_buscador.

Recommendations contained in paragraph 20

168. The Bolivian State has been considering using electronic surveillance devices to facilitate the adoption of alternatives to deprivation of liberty. Specifically, there are plans to implement alternative measures in cases of unpaid family assistance or social benefits, to ensure protection for victims of violence and in the event of conditional suspension of proceedings or punishments and conditional release.

169. Since 2015, the Ministry of the Interior has been taking steps to ensure that, along the country's main axis (La Paz, Cochabamba and Santa Cruz), persons awaiting trial are gradually separated from convicted prisoners. At the same time, the Ministry has been gradually introducing its handbook for the classification and reclassification of persons deprived of their liberty in order to ensure their correct treatment. Plans are also in place to build three new prison complexes, one in La Paz (in the municipality of Viacha), one in Santa Cruz (in the municipality of Santa Cruz) and one in Cochabamba (in the municipality of Araní).

170. Working under the National Directorate of Prison Security, and with support from one internal and one external security expert, the directors of individual prison facilities report any unlawful act (including violence and extortion) of which they become aware to the Public Prosecution Service so that it may carry out an investigation.

171. Under Act No. 548, and in compliance with Act No. 2298, children are permitted only in women's prisons, and then only if they are under 6 years of age. In order to ensure effective compliance with this provision, and in the best interests of the child, inter-institutional departmental round tables have been set up with a view to ensuring, in coordination with the child protection services of the autonomous municipal governments and the social services of the autonomous departmental governments, that, where appropriate, children are placed with their extended families or referred to foster homes. In addition, comprehensive educational support centres for children under the age of 6 years old have been established, workshops have been held to raise awareness of the current regulations and thus prevent children from being admitted to prisons in La Paz, and steps have been taken to enable the Santa Cruz juvenile courts to take timely actions.

172. Since 2013, the number of children in the country's prisons has been declining gradually. As at February 2018 there were 615 children in prison, 65 fewer than in 2017.

Recommendations contained in paragraph 21

173. The Bolivian State, through the Ministry of Defence, is currently reviewing the military service bill, which envisages a social, non-military alternative to compulsory military service that complies with international standards on conscientious objection. The alternative social forms of service envisaged include working in protected areas, working on national highways, working to raise literacy levels and any other forms of service that might be required for the development of the country. This regulatory proposal has been submitted to the high command of the armed forces.¹⁰⁵

174. The armed forces have indicated that the Bolivian navy search and rescue service and the Bolivian air force search and rescue service could offer alternatives to compulsory military service.

Recommendations contained in paragraph 22

175. With reference to the actions mentioned in paragraph 57 of this report, and in line with the programme of work and objectives of the Commission for Follow-Up on the Conclusions of the National Summit on Plural Justice, members of the highest judicial authorities are appointed by election in order to guarantee the independence of the judiciary, enshrined in the Constitution, which is the guiding principle of system of justice

¹⁰⁵ Minutes of Meeting – Case No. 12.475, Alfredo Díaz Bustos; La Paz, 21 August 2018.

administration. Bolivia has held two such elections to date, the first on 16 October 2011 and the second on 3 December 2017.

176. The judges of the Supreme Court of Justice, the Agricultural and Environmental Court, the Plurinational Constitutional Court and the members of the Council of the Judiciary are elected by universal suffrage preceded by a shortlisting of candidates decided on by two thirds of the Plurinational Legislative Assembly. The process is managed by the Plurinational Electoral Bureau, which, within the framework of article 24 (5) of the Act on the Plurinational Electoral Bureau (Act No. 18) of 16 June 2010 (annex 38), has the power to organize, direct, supervise, administer and conduct the elections of the judges of the Supreme Court of Justice, the Agricultural and Environmental Court, the Plurinational Constitutional Court and the members of the Council of the Judiciary. In exercise of these powers, the Plurinational Electoral Bureau considered, decided on and administered the judicial elections, from the issuance of the official announcement to the delivery of the documents.¹⁰⁶

177. Under Transitional Act No. 960 of 23 June 2017 on the Process of Shortlisting and Electing the High Authorities of the Plurinational Constitutional Court, the Supreme Court of Justice, the Agricultural and Environmental Court and the Council of the Judiciary (annex 39), an exceptional and transitional arrangement was established for: (a) the process of shortlisting the judges of the Plurinational Constitutional Court and the Supreme Court of Justice in 2017; and (b) the process of electing the judges of the Plurinational Constitutional Court, the Supreme Court of Justice, the Agricultural and Environmental Court and the members of the Council of the Judiciary in 2017.¹⁰⁷

178. Article 3 of the aforementioned Act sets out the criteria relating to gender equality and plurinationality, in accordance with which the Plurinational Legislative Assembly must ensure that 50 per cent of the total number of persons shortlisted for the Plurinational Constitutional Court and the Supreme Court of Justice are women and that the shortlists include candidates who self-identify as native indigenous campesinos.

179. The Electoral Bureau has approved the regulations governing elections to the highest judicial authorities and the Plurinational Constitutional Court,¹⁰⁸ the regulations governing the dissemination of the candidates' campaign statements and information relating to the election to the highest judicial authorities and the Plurinational Constitutional Court,¹⁰⁹ and the regulations governing the drafting and dissemination of surveys on elections, referendums and the removal of officials.¹¹⁰

180. In 2013, the Council of the Judiciary conducted a study into the need for additional courts to compensate for the shortfall of 320 courts attributable to the backlog of cases. The judiciary subsequently optimized its resources and created 101 new public courts at the national level.

181. On 25 January 2014, the Plurinational Notaries Act (Act No. 483) (annex 40) was enacted. The concept of notarial divorce was incorporated in Section V, Chapter II of the Act with a view to reducing the backlog of cases and the judicial delays in public courts dealing with family matters. Thus, between 2015 and 2017, 133 divorce proceedings were concluded nationwide.

Recommendations contained in paragraph 23

182. Under the Constitution, all forms of violence against children and adolescents are prohibited and punished. Forced labour and the exploitation of children are also prohibited. For this reason, all activities carried out by children and adolescents should contribute to their comprehensive development as citizens and should have a formative function.

¹⁰⁶ Information provided by the Supreme Electoral Court through note TSE-PRES-SC No. 0039 of 15 February 2018.

¹⁰⁷ Article 1 of Act No. 960.

¹⁰⁸ Approved by Plenary Chamber Decision TSE-RSP-ADM No. 200/2017 of 24 May 2017.

¹⁰⁹ Adopted through Plenary Chamber Decision TSE-RSP-ADM No. 200/2017 of 24 May 2017.

¹¹⁰ Adopted through Plenary Chamber Decision TSE-RSP-ADM No. 340/2016 of 10 August 2016.

Accordingly, their right to protection and the institutional safeguards and mechanisms that ensure this protection are set out in special regulations.¹¹¹

183. The State has developed government policies, social programmes and other mechanisms for combating child labour, including a policy against child labour, which has a protective focus and is based on the best interests of the child. Some 13.6 per cent of the general national budget for 2015 was allocated to the policy through the Ministry of Economic Affairs and Public Finance.

184. The Ministry of Education has implemented the following policies, programmes and projects aimed at ensuring that students can gain access to, and remain in, the education system:

- The Juancito Pinto voucher scheme, which had a budget of over 464 million bolivianos in 2016
- The multigrade modular baccalaureate, the aim of which is to guarantee that students living in remote areas enjoy the right to education
- The academic excellence voucher scheme, through which grants and scholarships are awarded to encourage students in all parts of the plurinational education system to achieve academic excellence
- Programmes of border schools, riverside schools and liberation school, the aim of which is to prevent students from dropping out of school and migrating to other countries
- The programme for the care of child and adolescent workers, designed to prevent students from falling behind, ensuring that they complete their secondary education and have access to grants for higher education
- Higher education grants, which provide direct support to enable students from the most vulnerable communities to continue their higher education

185. The Bolivian State has continuously and effectively implemented institutional programmes developed by its labour inspectors on the basis of three strategies: (a) a prevention strategy that uses capacity-building in order to implement fundamental rights, aimed at children and adolescents in the education system and parents, teachers, workers and employers; (b) an inspection strategy, through which labour and comprehensive inspections of places where there are child and adolescent workers are carried out, either at the discretion of the inspectors or at the request of another party; and (c) a strategy of direct action to protect the safety of children and adolescents in the workplace, in accordance with which hearings are held to restore their fundamental and labour rights.

186. Constitutional Decision No. 0025/2017 of the Plurinational Constitutional Court declares article 129 (II) of the Children and Adolescents Code to be unconstitutional, leaving without effect the exceptions that the Code establishes in respect of the labour activity of children and adolescents who have been self-employed since the age of 10 years old or employed by another party since the age of 12 years old.¹¹² The Children and Adolescents Code stipulates that workers under the age of 18 years shall enjoy all the social and labour rights currently in force in addition to the specific rights applicable to children and adolescents.

187. Through the Ministry of Labour, Employment and Social Welfare, a system of temporary mobile offices has been established in remote areas with the aim of restoring workers' rights. Through these offices, complaints are received, inspections are carried out, hearings are set up and information and training on the application of labour rights is

¹¹¹ Constitution, Article 61. I. All forms of violence against children and adolescents in the family or in society are prohibited and penalized. II. Forced labour and the exploitation of children are also prohibited. The activities of children and adolescents within the family and in society shall be directed towards their full development as citizens and shall have a formative function. Special regulations shall govern their rights to, guarantees of and institutional mechanisms for protection.

¹¹² Constitutional Decision No. 025/17 is in accordance with the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138).

provided to adolescents, young people, parents and the general public. In 2016 and 2017, 26 temporary mobile offices were established in rural municipalities in the Oriente region and the Bolivian Chaco.

188. According to data generated by a survey of children and adolescents conducted by the National Institute of Statistics in 2016, the number of children and adolescents engaged in child labour in Bolivia fell by over 50 per cent, from 800,000 to 393,000, between 2008 and 2016.

Recommendations contained in paragraph 24

189. In Bolivia, the media work in accordance with the principles of truthfulness and responsibility enshrined in the Constitution, helping to promote the values of the country's different cultures. The Ministry of Communication operates in accordance with the principle that information and communication should be democratized.

190. The first Bolivian communications satellite, Tupak Katari, allows greater access to technology and expands telecommunications coverage in rural areas. It also enables remote learning and remote health services to be implemented, creating specialized employment and promoting the establishment of national software and hardware industries.

191. Media professionals are protected by private insurance covering loss of life and permanent disability caused by accidents, illnesses in general and other causes and a fund has been created for its implementation.¹¹³ The State media promote the different cultures of the country by producing and broadcasting multilingual educational programmes and programmes in an alternative language for persons with disabilities.

192. Steps are also taken to promote the establishment of indigenous and community radio stations that broadcast in the languages of the peoples and communities concerned, thereby strengthening access to information in rural areas.

193. To ensure that NGOs can operate in a free, independent and objective manner, the State, within the framework of article 298 (II) (14) and (15) of the Constitution, Act No. 351 and Supreme Decree No. 1597, has issued the resolutions shown in the table below.

Ministerial Decision No. 240 of 3 December 2012 of the Ministry of Development Planning	Establishing a unit for NGOs and consultancy within the Office of the Deputy Minister for Public Investment and External Financing.
Ministerial Decision No. 259 of May 2016 of the Ministry of Economic Affairs and Public Finance	Approving the regulations for the granting of legal personality to NGOs, foundations and institutions that carry out financial activities in more than one department
Ministerial Decision No. 244-2017 of 6 September 2017 of the Ministry of Foreign Affairs	Approving the regulations governing the signing of the basic cooperation framework agreement between the Plurinational State of Bolivia and foreign NGOs
Ministerial Decision No. 075/2013 of 17 June 2013 of the Ministry of the Presidency	Establishing, and stipulating the functions of, the unit responsible for granting and registering legal personality under the General Directorate of Legal Affairs of the Ministry of the Presidency
Ministerial Decision No. 103/2013	On the handbook of procedures
Ministerial Decision No. 081/2013 of 25 June 2016 of the Ministry of the Presidency	Approving the costs involved in procedures for obtaining legal personality, amending statutes and other related amounts
Ministerial Resolution Nos. 046/2015, 137/2015 and 035/2016	On the administrative cost of procedures
Ministerial Decision No. 095/2014	On the criteria for granting legal personality to coordination bodies

¹¹³ Act No. 554, 1 August 2014.

Administrative Decision No. 022/2017 of 14 December 2017 of the Ministry of Development Planning	Approving the requirements of the centralized national register of non-governmental organizations
Regulatory Decision of the Directorate No. 10-0030-2014 of 19 September 2014 on the national tax service	Incorporating and amending Regulatory Decision of the Directorate No. 10.0030.05 on procedures for formalizing exemption from business profit tax
Regulatory Decision of the Directorate No. 10-0027-15 of 22 October 2015 on the national tax service	Amending Regulatory Decision of the Directorate No. 10.0030.05 on procedures for formalizing exemption from business profit tax

Source: Ministry of the Presidency / Office of the Deputy Ministry for the Autonomous Entities.

194. Starting in 2017, within the framework of the debureaucratization plan, the Ministry of Development Planning, through the Office of the Deputy Minister for Public Investment and External Financing, implemented a new registration system that makes it easier for national and foreign NGOs to use a computer or mobile phone to register, renew or update their registration over the Internet. This system allows data from the personal identification and driving licence service, and the national tax service, to be immediately checked and used as a sworn statement.

195. Between 2013 and 2018, through the Office of the Deputy Ministry for the Autonomous Entities, legal personality was granted to a total of 88 NGOs, foundations, associations, organizations and other bodies.

Recommendations contained in paragraph 25

196. Under the Constitution, the indigenous peoples have the right to be consulted through appropriate procedures, and in particular through their institutions, whenever legislative or administrative measures likely to affect them are planned. Within this framework, the Plurinational State of Bolivia respects and guarantees the right to mandatory prior consultation, in good faith and in a consensual manner, regarding the exploitation of non-renewable natural resources in the territory that they inhabit.¹¹⁴

197. According to article 39 of Act No. 026, prior consultation is a constitutional mechanism for direct, participatory, community-based democracy that the Plurinational State of Bolivia must organize before any decisions are taken on the implementation of projects, work or activities related to the exploitation of natural resources. The population concerned shall participate in a free, prior and informed manner.

198. The Intercultural Service for Strengthening Democracy observes and monitors prior consultation processes in conjunction with the organizations and institutions involved.

199. Since the Bolivian State ratified and approved the International National Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), the right to consultation and mechanisms for organizing and carrying out consultations have been provided for in the Constitution and in various laws.¹¹⁵

200. Since 2013, 77 consultation and participation processes have been carried out in the hydrocarbon sector within the framework of Supreme Decree No. 29033 of 16 February 2007 (annex 43). Between 2015 and 2017, the Supreme Electoral Court observed and monitored a total of 590 prior consultation processes relating to the mining sector in the country's nine departments.

¹¹⁴ Constitution, article 30.II para. 15.

¹¹⁵ Act No. 3058 of 17 May 2005 on Hydrocarbons; Act No. 355 of 28 May 2014 on Mining and Metallurgy, Supreme Decree No. 29033 of 16 February 2007, Supreme Decree No. 29124 of 9 May 2007, Supreme Decree No. 29574 of 21 May 2008, Supreme Decree No. 2298 of 18 March 2015; the regulations on observation and monitoring in prior consultation processes, adopted through Plenary Chamber Decision TSE No. 118/2015 of 26 October 2015, and the regulations on the granting and termination of mining rights, Ministerial Decision 023/2015 of 30 January 2015.