



**International Covenant on
Civil and Political Rights**

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Consideration of reports submitted by States parties under article 40 of the Covenant

**Replies of the Plurinational State of Bolivia to the
list of issues in relation to its fourth periodic
report***

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* The present document is being issued without formal editing.



I. Introduction

1. Bolivia ratified the International Covenant on Civil and Political Rights by Supreme Decree No. 18950 of 17 May 1982 and elevated it to the status of law by Act No. 2119 of 11 September 2000.
2. Under articles 13 (II) and (IV), 256 and 410 (II) of the Constitution, the Covenant and other international human rights instruments form part of the constitutional body of law and therefore take precedence over domestic legislation.
3. Pursuant to article 40 of the Covenant, the Plurinational State of Bolivia hereby submits its replies to the list of issues in relation to its fourth periodic report, in which it describes the legislative developments and the measures adopted in the country to comply with the Covenant and the Committee's recommendations in its concluding observations on the third periodic report of the Plurinational State of Bolivia (CCPR/C/BOL/CO/3), dated 22 September 2011.

II. Constitutional and legal framework within which the Covenant is implemented (arts. 1–2)

1. Replies to the issues raised in paragraph 1 of the list of issues (CCPR/C/BOL/Q/4)

4. Since the promulgation of the Constitution in 2009, the Government has set new standards to ensure that the national constitutional order is aligned with international provisions, on the basis of previous jurisprudence. Under article 410 (II) of the Constitution, international human rights treaties and conventions and rules of community law ratified by the country, including the International Covenant on Civil and Political Rights, form part of the constitutional body of law. Under articles 13 (IV) and 256 (I), international human rights instruments take precedence when they contain rights more favourable than those set out in the Constitution.

5. In Plurinational Constitutional Decision No. 110/2010-R of 10 May, the Constitutional Court found that regulatory elements and jurisdictional decisions of the inter-American human rights protection system are not separate from or independent of the domestic legal order, given that effective protection of fundamental rights is guaranteed insofar as the domestic order assumes, in terms of its content, the scope and effects of these regulations and decisions. The Court stated the following:

The doctrine of the constitutional order recognized by article 410 of the Constitution encompasses the international human rights treaties, which unequivocally include the Pact of San José, also known as the American Convention on Human Rights, which was ratified by Bolivia in Act No. 1.599 of 18 October 1994. That Convention, by virtue of its essence and subject matter, is protected by the principle of constitutional supremacy, which forms the basis of the hierarchy of norms in operation in the Plurinational State of Bolivia.

The Pact of San José, as a regulatory component of the constitutional order, is made up of three essential and closely interrelated parts, namely the preamble, the obligations and the organizational provisions. Chapter VIII of the Pact specifically regulates the Inter-American Court of Human Rights. It therefore follows, on the basis of a 'systemic' reading of constitutional interpretation, that the Court and, consequently, the decisions emanating from it, form part of the constitutional order.

6. The Constitutional Court concluded by stating in its decision that since the Inter-American Court of Human Rights is the supreme guarantor of respect for human rights at the supranational level, the subject of its jurisdiction and the decisions that it issues constitute the cornerstones that give effect to the legitimacy of the "constitutional State", which at the same time translates into the "social and democratic rule of law", the central elements of which include the protection of human rights and the existence of effective mechanisms to enforce them. For this reason, judgments issued by the Inter-American Court of Human Rights are now also part of the constitutional order. They form not only the basis for the actions of public officials, but also take precedence, in terms of their content, over all

regulations in force below the level of the Constitution. The Constitutional Court stated the following: “In the context of the foregoing, it is unequivocally inferred that the judgments issued by the Inter-American Court of Human Rights, by their nature and effects, do not sit below either the Constitution or the regulations in force below that level; on the contrary, they form part of constitutional law and, based on the scope of the principle of constitutional supremacy inherent to the regulations that make up such law, are fundamental to and inform the entire domestic legal order, which must be fully aligned with the content of constitutional law so as to enshrine the full legitimacy of the “constitutional State” within the operation of the inter-American human rights protection system.”

7. In Plurinational Constitutional Decision No. 0032/2019 of 9 July, the Constitutional Court established that all State authorities, within the framework of their competences, have a duty to assess whether their actions are compatible with treaties. This involves an examination of compatibility between national regulations and international human rights law, including international human rights treaties and the decisions issued by international bodies that interpret those treaties. Consequently, in establishing the content of the duty to assess compatibility with treaties, the Court recognized the binding nature of the decisions and guidance of the human rights treaty bodies, including the Human Rights Committee, as contained in their general comments and individual communications.

8. Consequently, in the exercise of its jurisdiction over regulatory monitoring and oversight, the Plurinational Constitutional Court made use of the Views issued by the Human Rights Committee both as a fundamental basis for the resolution of specific cases and as a source of reference. Below are some meaningful examples of instances in which the Committee’s Views have informed the work of the Plurinational Constitutional Court:

- Views issued by the Committee used in the resolution of specific cases:
 - Due process – Plurinational Constitutional Decisions No. 0480/2019-S2 of 9 July 2019, No. 2055/2012 of 16 October and No. 0432/2015-S2 of 29 April
 - Freedom of residence – Plurinational Constitutional Decision No. 0024/2018 of 27 June
 - Political rights – Plurinational Constitutional Decision No. 0021/2019-S3 of 1 March
 - Indigenous peoples in voluntary isolation – Plurinational Constitutional Decision No. 0014/2013-L of 20 February
 - Judicial independence – Plurinational Constitutional Decision No. 0034/2020 of 25 November
- Views issued by the Committee repeatedly cited for reference purposes:
 - Right to equality and non-discrimination – Plurinational Constitutional Decision No. 1250/2012 of 20 September
 - Minimum standard of treatment of persons deprived of their liberty – Plurinational Constitutional Decision No. 0662/2013 of 31 May
 - Due process – Plurinational Constitutional Decisions No. 0028/2014 of 3 January,¹ No. 0165/2019-S2 of 24 April² (procedural fairness) and No. 1512/2012 of 24 September
 - Personal liberty and freedom of movement – Plurinational Constitutional Decisions No. 0162/2018-S4 of 30 April³ and No. 0514/2018-S4 of 12 September

¹ Reference was made to the Committee’s jurisprudence concerning the elements of due process.

² Reference was made to general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial.

³ Reference was made to general comment No. 27 (1999) on freedom of movement. The Plurinational Constitutional Court pointed out that when imposing detention, it is not sufficient simply to invoke pursuit of a legitimate aim; the use of the measure must also be necessary and proportionate with

- In addition, the Plurinational School of Constitutional Studies, which was created by the Code of Constitutional Procedure and is run by the Plurinational Constitutional Court, organized a number of internal and external training opportunities on human rights and related matters. Below is a list of the events held between 2018 and 2021.

- 2018:
 - Lecture on concepts in the theory of law and an in-depth review of respect for human rights
 - Workshop on the powers of the Plurinational Constitutional Court, fundamental rights and constitutional guarantees
 - Information sessions on the Plurinational Constitutional Court, fundamental rights, constitutional guarantees and indigenous and aboriginal campesino jurisdiction
 - Information sessions on the Plurinational Constitutional Court, fundamental rights, constitutional guarantees and indigenous and aboriginal campesino jurisdiction
 - First conference series on the shift from the rule of law to a constitutional State and subsumption versus weighting, judicial guaranismo and fundamental rights
- 2019:
 - Lecture on Bartolomé de las Casas and the origin of human rights
 - Lecture on fundamental rights and constitutional case law of the Constitutional Court concerning older persons
- 2020:
 - Lecture on the culture of neoconstitutionalism and legal argumentation
 - International seminar on human rights during pandemics
 - Fourth National Conference on Evidentiary Reasoning, Fundamental Rights and Constitutional Interpretation
- 2021:
 - Free online course on principles, rights and constitutional guarantees in the protection of persons deprived of liberty
 - Free online seminar on case law and constitutional legal instruments in the protection of the rights of children and adolescents
 - Specialized Course on constitutional interpretation and judicial reasoning: Ibero-American Congress on criminal law and criminal procedure from a constitutional perspective
 - Online course on habeas corpus remedies in Ibero-America: Comparative studies in commemoration of the forty-ninth anniversary of the filing of a habeas corpus petition written on toilet paper by Dr. Reynaldo Peters Arzabe

9. The Training and Specialization Unit of the State Judicial Academy has incorporated the subject of civil and political rights as a central cross-cutting element in academic programmes, including in various modules and learning units of the curriculum of the first ordinary judicial training and specialization course, which was taught from 2015 to 2017 and completed by 171 individuals who have been appointed to judicial posts by the Council of the Judiciary, and the second ordinary judicial training and specialization course, which was completed by 140 individuals who have been appointed to judicial posts.

respect to the interest being protected, a principle that must be applied by both judicial and administrative authorities.

Public emergencies (art. 4)

2. Replies to the issues raised in paragraph 2 of the list of issues

10. The State has adopted legislation that clearly prohibits any derogation from the rights set forth in article 4 (2) of the Covenant during a state of emergency. 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 in all or part of the territory as necessary. The declaration of a state of emergency shall not, under any circumstances, give rise to the suspension of human rights guarantees, fundamental rights, the right to due process, the right to information or the rights of persons deprived of their liberty.”

Human rights violations during the dictatorship era (arts. 2 and 6–7)

3. Replies to the issues raised in paragraph 3 of the list of issues

11. The State, through the Counsel General’s Office, regularly convenes inter-agency expert meetings between the Attorney General’s Office and the Forensic Investigation Institute. The two bodies have worked together since 2018 in the following areas: (a) investigating enforced disappearances; (b) locating disappeared persons; and (c) identifying human remains.

12. After the Constitutional Government was re-established in November 2020, the internal work of the Counsel General’s Office was restructured. Inter-agency expert meetings were subsequently held on 29 January and 11 June 2021 and were attended by representatives of the Ministry of Justice and Institutional Transparency, the Attorney General’s Office, the Office of the Attorney General of the Department of La Paz, the Forensic Investigation Institute, the Service for the Prevention of Torture and the Counsel General’s Office. The meetings resulted in the design of a new workplan, which is currently being implemented and includes the following activities: (1) preparation and presentation of a legislative proposal to amend the Criminal Code to remove the statute of limitations for the prosecution of acts of enforced disappearance; (2) follow-up and coordination work on the case of the disappearance of Félix Melgar by the Service for the Prevention of Torture (currently the national preventive mechanism); (3) promotion, led by the Counsel General’s Office, of the feasibility of upgrading the Forensic Investigation Institute; and (4) follow-up of the case concerning samples from Gladys Solón, the mother of José Carlos Trujillo Oroza – the Counsel General’s Office will file an official request for the Ministry of Foreign Affairs to follow up on the samples and return them.

13. In summary, the Counsel General’s Office has engaged in coordination efforts through inter-agency expert meetings on enforced disappearances in Bolivia since 2018, with a particular focus on promoting concrete actions related to international procedures regarding the clarification of the whereabouts of individuals who disappeared between 1964 and 1982 and the search for their remains.

14. The Public Prosecution Service has initiated three ex officio proceedings, in conjunction with the Counsel General’s Office and the former Service for the Prevention of Torture, to investigate the perpetrators of enforced disappearances and bring to justice individuals who committed human rights violations under the unconstitutional regimes that held power between 1964 and 1982.

15. The Truth Commission was established pursuant to Act No. 879 of 23 December 2016. At the end of its mandate, it issued a final report on the investigations into serious politically and ideologically motivated human rights violations, including murder, enforced disappearances, torture, arbitrary detentions and sexual violence, that occurred in Bolivia between 4 November 1964 and 10 October 1982. The report consists of 11 volumes; the Commission’s conclusions and recommendations are set out in Volume V.

16. The Truth Commission’s final report was submitted to the Office of the President of the Plurinational Legislative Assembly, the Attorney General’s Office, the Counsel General’s Office and the Ombudsman’s Office and was ultimately presented to the President of the

Plurinational State on 22 March 2021 at a public event held at his official residence, Casa Grande del Pueblo.

17. Once the Truth Commission had been established pursuant to the relevant legislation and had been converted into a decentralized body within the Ministry of Justice and Institutional Transparency through Ministerial Decision No. 044/2021 of 22 April 2021, the Ministry's Fundamental Rights Unit was designated as the body responsible for monitoring compliance with the recommendations set out in the Commission's final report.

18. In compliance with the aforementioned Ministerial Decision, a review has been conducted of the conclusions and recommendations in the final report. They are set out in more than 100 sections containing suggestions for concrete action and 50 general and 19 specific recommendations, grouped by theme, that identify the institutions responsible for implementing them and the corresponding regulatory basis. All relevant public bodies are currently engaged in the appropriate follow-up action.

19. With regard to the declassification of files, on 19 May 2009, the Ministry of Defence issued Ministerial Decision No. 31G, authorizing the Commander-in-Chief of the Armed Forces to facilitate access to archives, public records and existing documents by relatives and victims of regimes imposed by military dictatorships when such persons request such access and can demonstrate their legitimate interest.

20. Pursuant to Supreme Decision No. 125/2010 of 1 April of the Supreme Court of Justice, the Commander-General of the Armed Forces and a representative of the Public Prosecution Service were instructed to declassify the files in the Second Department of General Staff covering the period from June 1979 to December 1980 and the record of arrivals and departures at the General Staff of the Army between 10 and 20 July 1980 and to send notarized photocopies to the Supreme Court in order to clarify the facts.

21. The Truth Commission's technical team was given access to the archive of the Second Department of the General Staff of the Army. In addition, the Ministry of Foreign Affairs, the library and historical archives of the Plurinational Legislative Assembly, the Supreme Court of Justice and the Ministry of Justice and Institutional Transparency conveyed information and documentation on human rights violations to the Commission that have served to shed light on events.

4. Replies to the issues raised in paragraph 4 of the list of issues

22. Pursuant to Act No. 2640 and related regulations, the applications were assessed and beneficiaries were screened. The rules permit a review procedure.

23. Through Supreme Decree No. 1211 of 1 May 2012, the official list was approved, and 1,714 beneficiaries were confirmed as having been victims of political violence between 4 November 1964 and 10 October 1982. Through Ministerial Decision No. 083/2012 of 16 May 2012, the then Ministry of Justice approved individual amounts corresponding to only 20 per cent of the total amount of compensation owed to the 1,714 beneficiaries on the official definitive list who had been declared eligible by the former Technical Certification Commission.

24. The Social Services Support Unit of the Ministry of the Presidency paid that 20 per cent to 1,567 of the beneficiaries. The Unit will settle the remaining 147 payments. The payment of the remaining 80 per cent of the total approved amount is pending, and the relevant ministries are coordinating the arrangements. Legal regulations are currently being drafted to enable the payments to be made.

25. With regard to medical care, following the adoption of the Universal Health System Act, the Plurinational State of Bolivia has taken steps to provide the population with a free and universal public health system. It is estimated that the universal health system will initially benefit the approximately 51 per cent of the population (5.8 million people) without any type of health insurance.

26. In practice, the creation of the universal health system has involved a reorganization of the health system. Patients enter the system at the first level of care, with each case assessed through the referral and counter-referral mechanisms according to each facility's capacities.

During the pandemic, the System has provided persons who do not have health insurance with access to timely diagnosis and free treatment, including intensive care and medication.

Non-discrimination (arts. 2–3, 17 and 26–27)

5. Replies to the issues raised in paragraph 5 of the list of issues

27. With respect to the Multisectoral Plan of the Plurinational State of Bolivia to Combat Racism, in line with the principle of equal pay, the State promotes women's participation in the workforce, with equal pay for women and men for work of equal value. Checks are made on women's working conditions to ensure that this principle is adhered to.

28. Checks are also made with a view to eradicating forced labour and progressively eradicating child labour, with support from the Gender Equality and Racism and Discrimination Units. Labour inspections are conducted to ensure that the inalienable fundamental rights of female workers are respected.

29. The purpose of Supreme Decree No. 4401 of 26 November 2020 is to promote measures for equal opportunities in access to employment, remuneration and equal treatment at work for women and men and contribute to eliminating the wage gap between women and men.

30. The Racism and Discrimination Unit in the Fundamental Human Rights Section of the Ministry of Labour, Employment and Social Welfare takes action to raise awareness of labour rights and improve adherence to the principle of non-discrimination among salaried employees in both rural and urban areas, with a view to reducing the gap in access to violence-free employment.

31. The Ministry also issued Ministerial Decision No. 196/2021, which establishes the procedure for reporting workplace harassment, and conducts regular labour inspections and addresses complaints of unjustified dismissal and non-payment of salaries, Christmas bonuses and final settlements.

32. The Ministry of Labour, Employment and Social Welfare has set up a system of temporary mobile offices 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 provided to adolescents, young people, parents and the general public.

33. With regard to complaints of gender-based discrimination, the table below shows the number of complaints recorded for each department by the Office of the Deputy Minister for Equal Opportunities in relation to the murder or homicide of lesbian, gay, bisexual, transgender and intersex persons.

Department of Cochabamba

<i>No.</i>	<i>Victim</i>	<i>Date</i>	<i>Details</i>	<i>Case No.</i>	<i>Offence</i>	<i>Stage</i>	<i>Status</i>	<i>Comments</i>
1.	Alessandra Ferreti	6 February 2021	Transgender woman suffocated by a client	3011020000 0000	Murder, art. 252	Preliminary	Open	Scope of proceedings broadened 22 February 2021 (60 days)
2.	Three transgender women	10 May 2013	Assaulted by a taxi driver	Int. 79/2013	Serious and minor bodily harm, aggravated robbery, arts. 271 and 332, Criminal Code	Summary proceedings concluded	Closed	Completed

Department of Santa Cruz

<i>No.</i>	<i>Victim</i>	<i>Date</i>	<i>Details</i>	<i>Case No.</i>	<i>Offence</i>	<i>Stage</i>	<i>Status</i>	<i>Comments</i>
1.	Carla Suarez	24 March 2016	Transgender woman tortured on the bank of Buena Vista lake	Case No. 122/2016 FELCC Prov. Ichilo	Homicide, art. 251	Dismissal order	Dismissed	
2.	Dayana Zarate	1 April 2016	Transgender woman found dead in a nightclub with hands and feet bound	FISSCZ1602422	Murder, art. 252	30-year prison sentence without right to pardon	Sentence enforced	
3.	Luisa Durán	6 October 2012	Transgender woman stabbed 52 times	SCZ TUS1200001	Murder, art. 252	Dismissal order	Dismissed	

El Alto

<i>No.</i>	<i>Victim</i>	<i>Date</i>	<i>Details</i>	<i>Case No.</i>	<i>Offence</i>	<i>Stage</i>	<i>Status</i>	<i>Comments</i>
1.	Litzy Hurtado	23 December 2018	Transgender woman attacked and stabbed in the chest with a screwdriver	EAL1811787	Homicide, art. 251	Formal charges laid	Oral proceedings	
2.	Gabriela Ramírez	22 October 2020	Transgender woman stabbed 18 times in Villa Adela hostel, El Alto	2015020220042 12	Murder, art. 252	Formal indictment filed	Preparatory stage	

Equality between men and women (arts. 2–3 and 25–26)
6. Replies to the issues raised in paragraph 6 of the list of issues

34. The Multisectoral Plan to Dismantle the Patriarchal System and Promote Women's Well-being entered into force following its adoption by the Sectoral and Intersectoral Council for a Life Free from Violence, at its fifth ordinary session, in Decision No. 001/2017 of 27 July 2017. The Plan was in place until 2020 and is currently being evaluated with a view to ascertaining the results and lessons learned in order to shape a new five-year plan and improve the results, in partnership with all the relevant actors. The results of the Plan to date are concentrated in the areas accorded the highest priority by women's rights campaigners.

35. The Plurinational Electoral Bureau reports on the measures taken to increase the representation of women, especially indigenous and Afro-Bolivian women. Act No. 1096 on Political Organizations establishes that all political organizations must set out in their statutes rules intended to tackle the patriarchal system, including guaranteeing equivalence and equal opportunities by ensuring that there is gender balance at all levels of the organization and in all discussion and decision-making structures, and by instituting mechanisms to promote the effective participation of women, young persons and indigenous and aboriginal campesino nations and peoples.

36. Other rules in place include the regulations setting out the criteria for parity and alternation in the registration of candidates for the 2020 and 2021 general elections, the regulations on electoral offences and sanctions relating to harassment and political violence,

and the regulations on the processing of complaints and resignations relating to harassment and political violence against female candidates, female elected representatives and women holding public office.

37. As part of the communication measures and actions adopted in 2018, five research projects were conducted on topics relating to democratic parity and complementarity between women and men from indigenous and aboriginal campesino backgrounds. In 2019, communication materials were developed to promote women's political participation.

38. In 2020, the Democratic Parity Observatory ran a communications campaign to promote women's political rights in the context of the 2020 general elections and the 2021 departmental, regional and municipal elections.

39. It also conducted awareness-raising activities designed to increase the exercise of women's political rights.

40. In 2018, 91 complaints of harassment and political violence against women were recorded; 21 were recorded in 2019; 20 were recorded in 2020; and 22 were recorded in 2021. Between 2016 and October 2021, 360 resignations were recorded, 43 of which were due to harassment and political violence.

41. The Directorate General for the Prevention of All Forms of Gender-based and Generational Violence has been made aware of seven cases of political harassment in 2021. In accordance with the provisions of article 9 of Supreme Decree No. 2935 of 5 October 2016, setting out the regulations on Act No. 243 on Political Harassment and Violence against Women, every complaint is followed up.

Violence against women, including domestic violence (arts. 2–3, 6–7, 14 and 24–26)

7. Replies to the issues raised in paragraph 7 of the list of issues

42. In accordance with the guidelines on budget preparation adopted in Biministerial Decision No. 07 of 24 June 2016 by the Ministry of Development Planning and the Ministry of Economy and Public Finance, the budget allocated over the past three years by departmental autonomous and municipal autonomous governments to item 25, on promotion and policies for vulnerable groups and women, was analysed to identify investments that comply with Act No. 348 and Supreme Decree No. 2145.

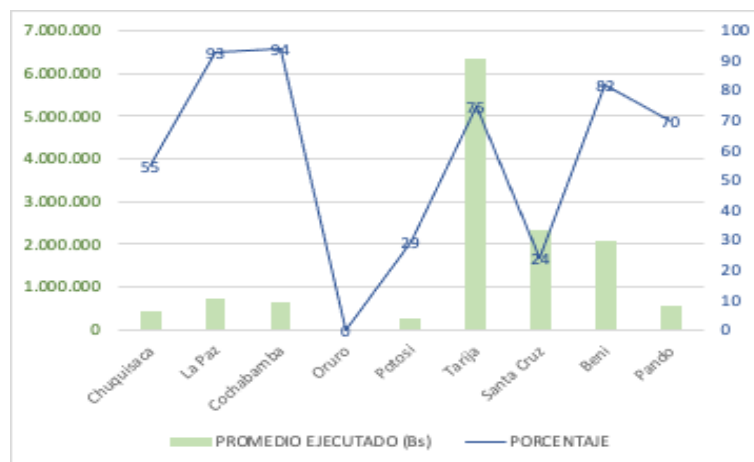
Table 1

Budget of the departmental autonomous governments for item 25, on promotion and policies for vulnerable groups and women, 2018–2020 (bolivianos)

Department	2018			2019			2020			Average expenditure
	Budgeted	Spent	%	Budgeted	Spent	%	Budgeted	Spent	%	
Chuquisaca	717 020	191 205	26.67	728 488	390 043	53.54	881 341	741 151	84.09	440 799
La Paz	717 020	615 690	85.87	728 488	706 023	96.92	881 341	836 912	94.96	719 542
Cochabamba	717 020	668 430	93.22	728 488	700 207	96.12	587 561	547 238	93.14	638 625
Oruro	684 478	0	0.00	2 847 100	0	0.00	2 544 000	0	0.00	0
Potosí	1 185 919	240 410	20.27	864 744	159 443	18.44	787 561	391 754	49.74	263 869
Tarija	6 695 669	5 116 621	76.42	7 551 829	4 773 863	63.21	10 814 962	9 194 299	85.01	6 361 594
Santa Cruz	8 523 650	1 984 771	23.29	10 688 969	2 834 349	26.52	10 242 071	2 239 549	21.87	2 352 890
Beni	3 500 760	3 327 566	95.05	2 416 883	2 085 161	86.27	1 387 560	891 330	64.24	2 101 353
Pando	896 955	692 067	77.16	728 488	620 664	85.20	881 341	422 542	47.94	578 424
Total	22 888 491	12 836 760	56.08	27 283 477	12 269 753	44.97	29 007 738	15 264 775	52.62	13 457 096

Source: Own compilation based on data from the Ministry of Economy and Public Finance.

Figure 1
Average amounts and percentages of budget expenditure by departmental autonomous governments for item 25 (2018–2020)



Source: Own compilation based on data from the Ministry of Economy and Public Finance.

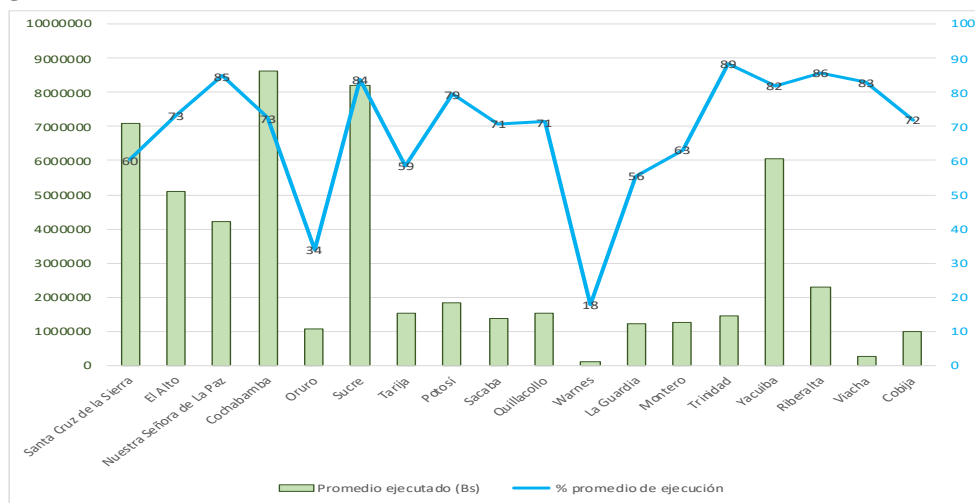
Table 2
Budget of category D autonomous municipal governments (locations with more than 50,000 inhabitants) for item 25, promotion and policies for vulnerable groups and women, 2018–2020

Municipality	2018			2019			2020			Average	
	2018 budget (bolivianos)	2018 expenditure (bolivianos)	%	2019 budget (bolivianos)	2019 expenditure (bolivianos)	%	2020 budget (bolivianos)	2020 expenditure (bolivianos)	%	Average expenditure (bolivianos)	Average %
Santa Cruz de la Sierra	10 315 028	6 966 576	67.5	13 016 708	9 355 471	71.9	11 999 190	4 992 497	41.6	7 104 848	60.3
El Alto	3 283 387	2 771 413	84.4	9 977 150	5 691 148	57.0	8 736 820	6 820 607	78.1	5 094 390	73.2
Nuestra Señora de La Paz	2 597 968	2 042 737	78.6	6 332 152	5 964 185	94.2	5 628 163	4 599 642	81.7	4 202 188	84.8
Cochabamba	8 230 451	6 098 358	74.1	13 815 650	10 688 940	77.4	13 725 724	9 116 387	66.4	8 634 561	72.6
Oruro	1 948 107	780 122	40.0	4 020 827	1 851 619	46.1	3 950 249	617 407	15.6	1 083 049	33.9
Sucre	1 987 313	1 720 099	86.6	9 283 131	8 716 514	93.9	19 943 464	14 167 638	71.0	8 201 417	83.8
Tarija	1 982 397	1 310 949	66.1	2 917 675	2 009 093	68.9	3 104 454	1 266 792	40.8	1 528 945	58.6
Potosí	754 943	581 009	77.0	2 391 796	1 957 005	81.8	3 728 827	2 966 263	79.5	1 834 759	79.4
Sacaba	486 440	339 325	69.8	2 384 629	2 122 582	89.0	3 170 063	1 700 141	53.6	1 387 350	70.8
Quillacollo	1 368 752	1 206 347	88.1	2 827 763	2 150 864	76.1	2 535 241	1 271 429	50.2	1 542 880	71.4
Warnes	216 436	30 000	13.9	413 579	65 300	15.8	905 542	219 644	24.3	104 981	18.0
La Guardia	343 636	230 939	67.2	3 281 639	1 702 262	51.9	3 535 843	1 680 100	47.5	1 204 434	55.5
Montero	120 752	101 195	83.8	3 531 469	3 181 056	90.1	2 954 104	465 853	15.8	1 249 368	63.2
Trinidad	1 401 463	1 269 049	90.6	1 942 801	1 819 888	93.7	1 598 455	1 300 639	81.4	1 463 192	88.5
Yacuiba	-	-	-	8 061 672	7 416 846	92.0	6 494 663	4 657 518	71.7	6 037 182	81.9
Riberalta	-	-	-	2 468 172	2 216 463	89.8	2 938 029	2 403 670	81.8	2 310 066	85.8
Viacha	93 461	74 501	79.7	455 655	436 021	95.7	417 706	305 811	73.2	272 111	82.9
Cobija	841 528	829 439	98.6	2 060 825	1 608 390	78.0	1 394 249	551 294	39.5	996 374	72.0
Total cat. D	35 972 062	26 352 056	73.3	89 183 291	68 953 647	77.3	96 760 787	59 103 332	61.1	54 252 095	70.6

Source: Own compilation based on data from the Ministry of Economy and Public Finance.

Figure 2

Average amounts and percentages of budget expenditure by municipal autonomous governments (2018–2020)



Source: Own compilation based on data from the Ministry of Economy and Public Finance.

43. (b) Human rights indicators are tools designed to measure and reflect the degree of realization of a human, civil, cultural, economic, political and/or social right on the basis of quantitative and qualitative variables that can be monitored or observed. In 2012, the right of women to a life free from violence was included in the first group of rights prioritized by the Government. A Thematic Technical Committee on the right of women to a life free from violence was formed, and it developed the relevant indicators using the methodology put forward by the Office of the United Nations High Commissioner for Human Rights.

44. The Thematic Technical Committee on the right of women to a life free from violence is made up of professionals and technicians from more than 10 institutions. They participated actively in meetings and workshops to develop the indicators and establish the degree to which they are achieved. Information taken from the page on Bolivian human rights indicators.

45. (c) Since its launch in 2014, the Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence has developed specialized instruments and an information system 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.

46. It developed a software information system, consisting of three modules and three links, for recording details of incidents of gender-based violence.

47. One of the modules is the Central Register of Gender-Based Violence, which is intended to be used by personnel working in comprehensive municipal legal services. These administrative units are responsible, within municipal autonomous governments, for dealing with gender-based violence. They provide psychological, legal and social services with the aim of promoting the prevention of gender-based violence, providing protection and support when cases do occur and seeking to ensure that gender-based violence is punished, by reporting it and assisting with prosecutions. As part of the information requested, the reports for 2018, 2019, 2020 and 2021 are attached.

48. The Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence is currently upgrading this information system.

49. With reference to the number of complaints received and their outcome (investigations, prosecutions, convictions and penalties handed down), the Attorney General's Office has reported that between 2013 and 2020, 215,975 complaints and investigations were recorded in relation to offences set out in Act No. 348. In the same period, 17,180 cases have reached the prosecution stage, and 5,978 convictions have been handed down.

50. (d) According to reports by the Directorate General for the Prevention of All Forms of Gender-based and Generational Violence in 2018, there are 12 shelters and refuge nationwide.

<i>Department</i>	<i>Details</i>
La Paz	Refugio Dignidad temporary shelter for victims, run by the departmental social services. It can accommodate up to 50 women with children. In 2018, a temporary centre for victims of violence, trafficking and smuggling was launched to help people from all 20 provinces.
Potosí	The Government of Potosí has a temporary shelter for victims of violence in Cantamarca, in the city of Potosí. It opened in November 2017 and can accommodate 32 people.
Beni	The Municipal Government of Trinidad has a temporary refuge run by the municipal public security services, with the aim of promoting equal opportunities by providing legal, psychological and social support, as well as food and lodging for vulnerable groups.
Oruro	The municipal autonomous government runs a shelter. The departmental autonomous government is planning to build a temporary shelter or refuge for victims of violence.
Cochabamba	The departmental autonomous government of Cochabamba runs a shelter as part of Programa Esperanza (the Hope Programme).
Santa Cruz	The departmental autonomous government of Santa Cruz has a shelter and temporary refuge, as well as four centres providing comprehensive support for women and families.
Tarija	The departmental autonomous government of Tarija has two temporary shelters in Cercado Province: the RENACER temporary shelter and the Vida Digna Centre. It also runs a centre specializing in prevention and therapy and the Bermejo Therapy Centre.
Pando	There is a temporary shelter for women in the community of Loma Alto.
Chuquisaca	There is one shelter with capacity for 60 people.

51. (e) Spousal rape is explicitly criminalized in national legislation. Article 308 of the Penal Code establishes that the criminal offence of rape is punishable by a prison sentence of 15 to 20 years. Article 310 (f), as modified by the fourth additional provision of Act No. 1173, on aggravating circumstances for the offence of rape, states that the penalty is increased by five years when the perpetrator is the spouse or live-in partner of the victim or is or has been in a similar intimate relationship with the victim.

Voluntary termination of pregnancy and reproductive rights (arts. 2–3, 6–7, 17 and 24–26)

8. Replies to the issues raised in paragraph 8 of the list of issues

52. (a) According to Constitutional Decision No. 0206/2014, a woman can obtain a legal and safe abortion in cases where the pregnancy is the result of rape, incest or statutory rape, or if the pregnancy endangers her life or health. The relevant part of the Decision states that the filing of a complaint or the existence of a formal accusation and/or indictment is not required. If a woman's pregnancy has resulted from the commission of a criminal offence, it is sufficient for her to attend a public or private health centre, where she can obtain an abortion, and to inform the competent public authority of her situation. The doctor who performs the abortion will thus have a record of the justification for it. According to the interpretation of the Plurinational Constitutional Court in the Constitutional Decision mentioned above, rape victims do NOT require any prior judicial authorization, nor do they have to comply with any rule or regulation in order to obtain an abortion.

53. (b) As mentioned in the previous paragraph, NO prior judicial authorization is required to obtain a legal termination, nor are there any particular rules or regulations in that regard.

54. (c) In relation to criminal prosecutions brought in cases of terminations, in Plurinational Constitutional Decision No. 0206/2014 of 5 February 2014, part of article 266 of the Criminal Code, on permissible abortion, was declared unconstitutional, namely with respect to the requirement to make a formal criminal complaint and provide evidence of judicial authorization as necessary. Consequently, the State has not launched any criminal prosecutions relating to abortion in the last five years.

55. Article 266 of the Criminal Code, on permissible abortion, states that if the abortion results from an offence of rape, abduction not followed by marriage, statutory rape or incest, no penalty is applied. Article 266 further states that an abortion is permissible if it is performed because the mother's life or health is at risk and if the risk cannot be avoided by other means, and that, in both situations, the procedure must be performed by a doctor, with the mother's consent. The deleted text was declared unconstitutional in Plurinational Constitutional Decision No. 0206/2014 of 5 February 2014, and the State has not launched any criminal prosecutions relating to abortion in the last five years.

56. (d) According to Constitutional Decision No. 0206/2014, a woman can obtain a legal and safe abortion in cases where the pregnancy is the result of rape, incest or statutory rape, or if the pregnancy endangers her life or health. Similarly, article 8 (e) of the technical procedure for the provision of health services in the framework of Plurinational Constitutional Decision No. 0206/2014, as approved by Ministerial Decision No. 0027, states that health service providers have an obligation to terminate a pregnancy if the life or health of the woman is at risk or if there are fatal congenital malformations, as documented in a medical report, provided that the woman voluntarily signs to indicate free and informed consent, without any other prerequisites.

57. (e) The Plurinational Plan for the Prevention of Pregnancy among Adolescents and Young Persons is composed of the following components, each of which have been allocated the budget indicated.

<i>Component</i>	<i>Budget (in bolivianos)</i>
Economic, productive and employment component	1 750 000
Education component	2 380 000
Health component	6 678 000
Gender-based violence component	1 800 000
Citizenship and political participation component	1 020 000
Institution-building component	760 000
Total five-year budget	12 638 000

Source: Plurinational Plan for the Prevention of Pregnancy among Adolescents and Young Persons 2015–2020.

58. (f) Pursuant to Act No. 348, training on comprehensive care for victims of sexual violence is being offered to health-care providers. To reflect the fact that anyone can be a victim of violence, the training covers how to support a range of victims, including girls, boys, teenagers, men, women, older persons, persons with disabilities and persons of diverse sexual orientation and gender identity.

59. In this context, the Lifelong Care Department of the Ministry of Health and Sports has a contraception technology training plan. The training offered in the last four years on contraception technology and awareness of sexual and reproductive rights has helped to ensure that the population receives high-quality health care.

Contraceptive technology training for primary health-care personnel

60. In 2016, in order to improve the capacities of health-care workers, the Lifelong Care Department worked with the United Nations Population Fund (UNFPA) to plan training programmes. In that year, 288 doctors and 166 nurses received training in contraceptive technology, and health-care workers' awareness of sexual and reproductive rights was improved.

61. In 2017, 240 health-care workers nationwide received theoretical and practical training on the topic of contraception, and 531 received training on sexual and reproductive rights and the importance of contraception for women and men, in accordance with the regulations in force.

62. In 2018, 259 health-care workers received training on contraception, in compliance with regulations on the right to sexual and reproductive health.

63. In 2019, as part of the Annual Workplan, 111 health-care workers received training on contraception and the regulations on sexual and reproductive rights, with an emphasis on the right of women to choose and obtain methods of contraception.

64. In 2020, the continuity of sexual and reproductive health services was disrupted, and there was a shortage of personal protective equipment material for health-care workers. In that context, the following achievements were recorded:

- Personal protective equipment was donated by UNFPA and the Embassy of Sweden in June, July, August and September to 55 category I, II and III maternity hospitals and birth facilities.
- 10 contraceptive campaigns were conducted in the nine departments; 1,552 subdermal implants and 167 intra-uterine devices were inserted, and 10,314 condoms were distributed with the support of UNFPA and Marie Stopes.
- 172 health-care workers received online training on the regulations on comprehensive sexual and reproductive health care for persons with disabilities.
- A number of seminars were held in July and August 2020 on the following topics: mental health for health-care workers during the coronavirus disease (COVID-19) pandemic; dealing with cases of violence during the pandemic; prevention and control of COVID-19 infections; and psychological challenges such as emotional regulation support during online consultations and mental health for health-care workers while working from home.

65. In 2021, the Ministry of Health and Sports undertook regulatory activities that will help to guide the actions of health-care workers, including:

- Action Plan for the Continuity of Sexual and Reproductive Health Services during and after the COVID-19 Pandemic
- Standard for Comprehensive Care of the LGBTIQ+ Population in Health Facilities
- Sexual and Reproductive Health Guidelines 2021–2025
- National standards, rules, protocols and procedures relating to contraception, 2021 edition
- Procedural Chart for Comprehensive Lifelong Care 2021

66. The following activities were carried out in 2021 to improve access to sexual and reproductive health services:

- Health fairs were held in Potosí, Sucre, Irupana, El Alto and La Paz; 100 women received subdermal implants and 800 were given sexual and reproductive health advice; contraception campaigns were held in Cochabamba and Beni.
- Personal protective equipment, medication to treat COVID-19 and life-saving medicines were received and distributed to 138 category I, II and III maternity and birth facilities.

67. The Lifelong Care Department, which is part of the unit that oversees the network of high-quality health-care services, ensures that ongoing improvements are made to the

services provided by health-care facilities and that the population has access to high-quality care. It also conducts training and awareness-raising activities on aspects of sexual and reproductive rights so that women, men and adolescents can make informed choices about contraception.

68. In response to Constitutional Decision No. 0206/2014 on the legal termination of pregnancy, the Ministry of Health and Sports prepared and applied procedural and technical regulations for the provision of health services in the framework of the Decision. The regulations set out specific procedures for performing legal terminations at the different levels of health-care services. In addition, a care model for victims of sexual violence was developed and implemented to ensure that such victims receive care in safe conditions.

69. In 2018 and 2019, the use of mifepristone in combination with misoprostol was introduced to ensure safe terminations. Training was also provided on safer techniques such as manual vacuum aspiration, depending on gestational age. In addition, a range of post-obstetric event contraception methods are available, including oral contraceptives, intra-uterine devices, subdermal implants, injections, condoms and sterilization.

70. The following achievements have been made in 2021 to date:

- Supervision of health facilities in eight departments to ensure adherence to the comprehensive care model for victims of sexual violence and the procedural and technical regulations relating to Constitutional Decision No. 0206/2014 and the use of misoprostol in obstetric gynaecology
- Reinstatement of the National Inter-Agency Committee on Violence in the Health Sector
- Testing of the digital platform for the Single Medical Certificate issued in cases of violence
- Training, education, promotion and ongoing awareness-raising activities for the personnel of the national health system on preventing violence and ensuring that women in situations of violence receive comprehensive and timely care

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 7, 9, 14 and 24)

9. Replies to the issues raised in paragraph 9 of the list of issues

Replies to the issues raised in paragraph 9 (a) of the list of issues

71. The Bolivian State has worked toward amending the criminal definition of torture and bringing it into line with international standards. The definition is enshrined in article 87 of Act No. 1005, the Criminal Code, of 20 December 2017. However, as a result of protests and a strike by opposition legislators, the provision was abrogated by Act No. 1027 of 25 January 2018.

72. Since then, efforts have been made to implement this amendment by means of several initiatives, which have been blocked as a result of the breakdown of the constitutional order. All proposals have been dismissed by the interim Government. In that context, on 12 December 2019 the Inter-American Commission on Human Rights and the Plurinational State of Bolivia signed an agreement establishing an Interdisciplinary Group of Independent Experts to support the investigation into the acts of violence and human rights violations that occurred in the country between 1 September and 31 December 2019.

73. On 23 July, the Group issued a report in which it made a series of recommendations to the Government in relation to its findings in connection with the events that occurred between 1 September and 31 December 2019. One of the recommendations is to amend the definition of the criminal offence of torture to ensure that it includes all the forms of conduct set out in international standards and that punishments for the offence reflect the seriousness of the facts, in accordance with those standards.

74. Therefore, with a view to formulating a proposal that is aligned with international standards, the Ministry of Justice and Institutional Transparency intends to amend the current definition of the criminal offence of torture and ill-treatment to include all the forms of conduct set out in international standards and to ensure that punishments for the offence reflect the seriousness of the facts, in accordance with those standards.

Replies to the issues raised in paragraphs 9 (b), (c) and (d) of the list of issues

75. The Bolivian State ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Act No. 1939 of 10 February 1999 and the Optional Protocol to the Convention by Act No. 3298 of 12 December 2005.

Replies to the issues raised in paragraphs 9 (e) and (f) of the list of issues

76. In compliance with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Bolivian State issued Act No. 1397 of 29 September 2021, amending Act No. 870 of 13 December 2016 on the Ombudsman and abrogating Act No. 474 of 30 December 2013 and Supreme Decree No. 2082 of 20 August 2014. Act No. 1397 designates the Ombudsman's Office as the national preventive mechanism of the Plurinational State of Bolivia.

77. Under the third transitional provision of the Act, the Ombudsman's Office assumes responsibility for administrative, judicial and other proceedings, as well as other administrative matters to which the Service for the Prevention of Torture is a party, and will issue the necessary regulations in that connection. The transition process is under way, and the relevant regulations are being drafted.

10. Replies to the issues raised in paragraph 10 of the list of issues

78. The Directorate General for Combating Trafficking in Persons, which is part of the Office of the Deputy Minister for Public Safety, reports that although the Bolivian Criminal Code does not define lynching as a specific offence, its consequences fall under the definitions of other offences such as serious or very serious bodily harm or murder. As a result, there are no official statistics on lynching. The Bolivian Observatory for Citizen Security and the Fight against Drugs, which is the body that compiles and disseminates information on citizen security, reports the following data.

No.	Department	Year				Total
		2018	2019	2020	2021	
1	Cochabamba	3	3	1	11	18
2	La Paz	0	0	0	7	7
3	Santa Cruz	1	0	1	0	2
4	Beni	0	0	0	1	1
5	Chuquisaca	0	0	0	0	0
6	Oruro	0	0	0	0	0
7	Potosí	0	0	0	0	0
8	Tarija	0	0	0	0	0
9	Pando	0	0	0	0	0
Subtotal		4	3	2	19	28

79. These incidents are mainly the result of citizen insecurity, criminality and cases that have not been resolved by the judiciary. To put a stop to these and other such acts that endanger citizen security, the "My Safe Neighbourhood" Plan has been implemented in a number of areas throughout the country. Plans are tailored to identified risk areas and their specific characteristics, and georeferencing is performed. Workshops and awareness-raising campaigns are also conducted on domestic violence, gender-based violence, trafficking in persons and lynching.

80. The Plan has been implemented in the Senkata, La Ceja and Camino a Laja areas of the city of El Alto and the Plan 3000, G77, Los Lotes and Villa Primero de Mayo areas in the city of Santa Cruz. It will be implemented this year in the Departments of Pando, Tarija and Cochabamba.

81. The Statistics Division of the National Police Planning Department, which is part of the National Crime Squad Directorate, reports that 28 lynching incidents were recorded nationwide between 2017 and July 2021.

82. Within the results-based model of prosecution management, the Office of the Special Prosecutor for Offences against Life is the most important investigative unit and the one that receives the greatest institutional attention. Its main aim is to pursue public criminal prosecutions in cases that involve the taking or endangering of life.

83. With respect to the measures adopted, the Public Prosecution Service, in line with the functions entrusted to it, prosecutes criminal conduct in public criminal proceedings, in accordance with article 225 of the Constitution and the laws and international treaties and conventions in force. It conducts the corresponding investigations and undertakes all necessary investigative work to ensure that due diligence is applied in uncovering the truth about cases of lynching.

11. Replies to the issues raised in paragraph 11 of the list of issues

84. Articles 117 and 120 of the Constitution are clear on the matter of military jurisdiction. In addition, article 48 of the Code of Criminal Procedure stipulates that in case of doubt, ordinary justice takes precedence over military justice. Article 180 (III) of the Constitution establishes that military courts try offences of a military nature regulated by law.

85. The military courts are competent to try offences committed in the line of duty and subject to the following requirements: (1) under article 10 of the Military Justice Organization Act, Bolivian and foreign nationals are subject to military jurisdiction for offences that concern military matters, by which it is understood that only those acts that are defined as criminal offences in the Military Criminal Code and that violate military legal rights are subject to military jurisdiction; and (2) article 1 (1) of the Military Criminal Code specifies that the Code applies, inter alia, to all offences committed by members of the armed forces in the line of duty, or in connection therewith, inside or outside barracks, camps or military zones, and throughout the national territory in the context of war either inside or outside the country; consequently, for the Code and military jurisdiction to apply to members of the armed forces, the relevant offence must be committed in the line of duty, or in connection therewith, inside or outside a military zone.

86. Only offences that affect military legal rights can be considered military offences, such rights being understood as those protected by criminal legislation, based on the constitutional mission of the armed forces, the means allocated to the fulfilment of that mission and their organization, hierarchy and discipline. It follows that the jurisdiction of military courts must be restricted to military affairs and specifically to the duties performed by military staff.

87. Consequently, it is clear that the military courts are not competent to try offences that are not committed in the line of duty. To interpret the rules otherwise would be to remove the effective protection of ordinary criminal law, and even that of ordinary criminal jurisdiction, from legal rights considered to be fundamental values, interests and expectations without which social life would be rendered impossible, precarious or unworthy, and that are recognized as rights in article 7 of the Constitution and in international human rights covenants and standards.

88. Under article 26 of the Organic Act on the Armed Forces, articles 9 to 12 of the Military Justice Organization Act and article 1 of the Military Criminal Code, military jurisdiction is not triggered purely on the basis that the perpetrator is a member of the armed forces. The criminal conduct must also arise in the context of fulfilment of one of the missions of the armed forces, namely the preservation of the security, stability and sovereignty of the nation, as set out in article 224 of the Constitution.

89. In Plurinational Constitutional Decision No. 0872/2018-S4 of 20 December 2018, the Constitutional Court concluded that ordinary jurisdiction is the rule and military jurisdiction is the exception and that, in general, military jurisdiction can only be triggered when an alleged criminal offence is committed by a member of the armed forces in the line of duty, or in connection therewith, inside or outside a military zone. It further concluded that if the act infringes a military legal right and is specifically defined in criminal legislation as an offence and arises in the context of fulfilment of the constitutional mission of the armed forces, and if it in no way infringes fundamental rights and guarantees, it can be investigated by the relevant military criminal jurisdiction.

12. Replies to the issues raised in paragraph 12 of the list of issues

90. The Children and Adolescents Code establishes that children and adolescents have the right to integrity of the person and protection against all forms of violence affecting their physical, psychological and sexual integrity. In that regard, the Code specifies that all children and adolescents have the right to “good treatment”, including a non-violent upbringing and education; the Code therefore prohibits any type of physical, violent or humiliating punishment.

91. In order to protect the right to integrity of the person, the Office for the Defence of Children and Adolescents is empowered, without the need for a specific mandate, to submit requests, complaints and appeals to the competent authorities in relation to acts of violence and minor or major offences committed against children and adolescents, including in rural areas and those inhabited by indigenous and aboriginal campesino peoples.

92. Within the framework of these regulations, the Ministry of Education has drafted internal rules designed to guarantee an education free of violence, as described below:

- Ministerial Decision No. 001/2016-2020 sets out specific mandates on the prohibition of all forms of violence, ill-treatment or abuse and establishes the duty to take preventive action.
- In 2021, the zero-tolerance policy on bullying and violence will continue to be applied in classrooms, hallways and other areas of school premises, as well as on social networks within and beyond educational facilities. Teachers must develop materials to combat all forms of school violence, based on the overarching theme of learning social and community values.
- Any member of the educational community, including teachers, administrative staff, parents and students, who become aware of a situation of violence have a duty to report it to the appropriate authorities.
- The Ministry of Education has hired professional defence lawyers to work in departmental directorates of education and provide legal assistance to students who are victims of sexual violence.
- Guidelines were prepared for the design of the Peaceful and Harmonious Coexistence Plan approved by Ministerial Decision No. 0208/2021.

Excessive use of force (arts. 2, 6–7 and 14)

13. Replies to the issues raised in paragraph 13 of the list of issues

93. In relation to the incidents that occurred in Pando and Sucre in 2008, the Office of the Attorney General of the Department of La Paz provided the following information on Case No. LPZ0806950, which was filed on 17 September 2008:

- Complainant: ex officio
- Victim: Ramiro Tiñini Alvarado
- Defendants: Leopoldo Fernández Ferreira, Juan Marcelo Mejido Flores and others, for offences including terrorism, murder, homicide, serious and minor bodily harm and criminal association. Current status: in August 2021, a guilty verdict was handed down in respect of Leopoldo Fernández Ferreira (sentenced to 15 years’ imprisonment

for homicide), Hernán Justiniano Negrete (sentenced to 8 years' imprisonment for accessory to homicide), Ivin Ventura Vogoth (sentenced to 9 years' imprisonment for accessory to homicide) and Juan Marcelo Mejido Flores (sentenced to 5 years' imprisonment for serious and minor bodily harm). The decision was appealed by both the Public Prosecution Service and the defendants, and a resolution is currently pending.

94. Also in relation to the incidents that occurred in Pando and Sucre in 2008, the Office of the Attorney General of Chuquisaca filed Case No. FIS0801076 in May 2008 and provided the following information:

- Complainant: Ángel Vallejos, in his capacity as victim.
- Defendants: Jaime Barrón Poveda, Aydee Nava Andrade, Fidel Herrera Ressini, Jhon Caba, Sabina Cuellar Leños and others, for the offences of serious and minor bodily harm, sedition, ill-treatment and torture, coercion, threats, deprivation of liberty, manufacture, trade or possession of explosive or asphyxiating substances, public disorder or disturbance and public incitement to commit an offence.
- Current status: defendants filed for the criminal proceedings to be discontinued owing to the statute of limitations. In response, the Public Prosecution Service filed a complaint based on crimes against humanity; however, the First Criminal Chamber I of Chuquisaca Departmental Court of Justice ordered the discontinuance of the proceedings.

95. In addition, the trial court of the City of Padilla issued Judgment No. 04/2016 of 2 February 2016 against Jaime Barrón, Jhon Cava, Sabina Cuellar, Fidel Herrera, Aydee Nava, Epifania Terrazas, Jamil Pileo, Juan Antonio, Jesús Mendoza, Juan Carlos Zambrana, Cristian Jaime Flores Vedia, Franz Quispe Fernández, Juan Carlos Zambrana, Iván Álvaro Ríos and Flavio Huallpa Flores and found them to be jointly responsible for the offence of aggravated coercion.

96. In relation to compensation for the victims, the then Ministry of Justice provided an official list of the names of the persons who died in the events that took place on 24 and 25 November 2007 in the Department of Chuquisaca. In coordination with the Social Services Support Unit of the Ministry of the Presidency, a single humanitarian social assistance payment of Bs 50,000 was paid to the relatives of the deceased. The payments were authorized by Supreme Decree No. 29759 of 24 October 2008, which provided for humanitarian social assistance to be extended to the relatives of the victims of the conflict in order to alleviate their situation.

97. With regard to the investigations into acts of violence that occurred in the context of the elections of October 2019, the Attorney General's Office reports the following information on the activities of the Offices of the Departmental Attorneys General:

- The Office of the Attorney General of the Department of La Paz reported that 10 sets of criminal proceedings were launched. Of those, 7 cases relating to offences of ill-treatment and torture were dismissed. A further 2 cases relating to offences of ill-treatment and torture are at the preliminary stage, and 1 case, relating to offences of serious and minor bodily harm and homicide, and known as the Senkata case, is currently at the preparatory stage.
- The Office of the Attorney General of the Department of Cochabamba reported 9 cases, of which 5 relating to serious and minor bodily harm were dismissed. Another 2 cases relating to serious and minor bodily harm, manufacture, trade or possession of explosive or asphyxiating substances, homicide in an altercation or as a consequence of assault and public incitement to commit an offence, and 1 case relating to serious and minor bodily harm is at the preliminary stage. Lastly, a case known as the Sacaba case and relating to serious and minor bodily harm, homicide, very serious bodily harm and murder is currently at the preparatory stage.
- The Office of the Attorney General of the Department of Potosí reported that 1 case, relating to homicide and attempted homicide, is at the preparatory stage.

98. The Ministry of the Interior was a party to the proceedings in the judicial districts of La Paz and Cochabamba against the defendants Luis Fernando López Julio, Arturo Carlos

Murillo Prijic, Víctor Hugo Zamora Castedo, Luis Fernando Valverde Ferrufino, Franko Orlando Suarez Gonzales, Sergio Carlos Orellana Centellas, Rodolfo Antonio Montero Torricos, Jaime Zurita Trujillo, Juan Carlos Juchani Sacaico and Alfredo Cuellar for the offences of homicide, serious and minor bodily harm and murder.

99. In relation to the measures taken to prevent and eliminate excessive use of force by law enforcement officers, in 2021 the National Department for Human Resources, Training and Dissemination, which is part of the Ministry of the Interior, issued general memorandums to the Departmental Directorates of Human Rights with a view to planning, organizing and providing training on issues related to the use of force and firearms.

100. Between 1 January and 31 December 2020, 163 in-person and online training sessions were held on the use of force and firearms, covering topics including international standards on the use of force and firearms in maintaining public order and the restoration of public order. A total of 852 police officers (125 women and 754 men) participated.

101. Between 1 January and 31 July 2021, 135 in-person and online training sessions were held on the use of force and firearms, covering topics including international standards on the use of force and firearms in maintaining public order and the restoration of public order. A total of 833 police officers (132 women and 701 men) participated.

102. In 2020, 21 in-person and online training sessions on a human rights-based approach to persons deprived of their liberty were delivered in the cities of La Paz, Cochabamba and Santa Cruz. A total of 347 police officers (94 women and 253 men) participated. In 2021, 28 training sessions were attended by 173 police officers (56 women and 117 men).

103. With regard to complaints of excessive use of force and the outcome of those complaints, the crime squads of seven departments reported that, as of August 2021, they had no record of complaints filed or cases opened in connection with excessive use of force by police officers in any circumstances.

104. Within the armed forces, excessive use of force is regulated by the Manual on the Use of Force in Internal Conflicts, which was approved by Supreme Decree No. 27977 of 14 January 2005 and which regulates the use of military forces and weapons in internal conflicts.

105. With regard to complaints of human rights violations by the armed forces, monitoring centres have been set up to cover the following thematic areas: gender, violence, racism and discrimination. The centres promote training on human rights and international humanitarian law for military and civilian personnel, in the form of workshops and seminars, with a view to advancing respect for human rights.

106. Among the measures taken to combat excessive use of force by the armed forces, the Ministry of Defence continued to update academic programmes and curricula, with a particular focus on increasing the number of hours dedicated to teaching human rights and international humanitarian law at military training institutes.

Persons deprived of their liberty and conditions of detention (arts. 6–7, 9–10, 14 and 26)

14. Replies to the issues raised in paragraph 14 of the list of issues

107. Act No. 1173 on Summary Criminal Procedure and Strengthening Measures to Combat Violence against Children, Adolescents and Women was promulgated with the aim of, inter alia, achieving the prompt and timely resolution of criminal cases, providing protection to women, child and adolescent victims of violence, avoiding re-victimization, reducing recourse to pretrial detention and guaranteeing favourable treatment to pregnant women, nursing mothers with children under 1 year of age, children with disabilities under 6 years of age who are in the care of the accused person, and older persons, as well as upholding the right to technology.

108. Regarding alternatives to pretrial detention, the Prisons Directorate has signed agreements with universities and non-governmental organizations (NGOs) on the provision of relevant legal advice for procedural mechanisms. Mobile phones, laptops and other

computer equipment and Internet connections have been provided in connection with virtual hearings set up for prisoners. In total, 9,535 virtual hearings were held in 2020, and 3,296 virtual hearings (in 37 prisons in the nine departments of the country) were held in 2021. As a result of these hearings, prisoners were offered access to house arrest, conditional release or other alternatives to pretrial detention.

109. Lists of prisoners belonging to vulnerable groups were drawn up and, at the request of prisoners, the departmental courts of justice and the Plurinational Public Defender Service decided whether to grant an alternative penalty or house arrest.

110. Workshops on easing the burden on the legal system have been held with a view to registering applications for amnesty and pardon. At these workshops, persons deprived of their liberty are identified by type of offence, length of stay or other information so that hearings may be held and such persons may opt for an alternative outcome and obtain immediate release or some other prison privilege.

111. In the juvenile justice system, referral centres use socioeducational measures as non-custodial alternatives, in compliance with the Children and Adolescents Code. To date, 639 children and adolescents have benefited from such alternatives.

112. Regarding the use of monitoring bracelets, Act No. 1226 of 23 September 2019, amending Act No. 1173 of 3 May 2019 on Summary Criminal Procedure and Strengthening Measures to Combat Violence against Children, Adolescents and Women, provides for the use of electronic devices to monitor or track the physical location of a person, as a personal protective measure. A pilot project involving the use of 500 monitoring bracelets was carried out in application of that Act. The main objective when recommending the use of these devices is to ensure public safety, and also to humanize the prison system.

113. The decrees of pardons and amnesty were implemented according to the requirements set out in each decree. Thus, if an amnesty decree established that a sentence must be executed, then it was executed.

114. Legal aid offices, which provide legal counselling services within prisons, guarantee access to legal aid for a material and expert defence. These offices work with the Plurinational Public Defender Service to assign lawyers (public defenders) to provide an expert defence in criminal proceedings. Legal counselling services were provided to 8,371 people, and 546 requests for public defender services were processed.

115. On 7 December 2020, the Directorate General of Prisons signed an agreement with the Plurinational Public Defender Service on the provision of consultation services in the San Pedro and El Abra penitentiaries and Santa Cruz Palmasola rehabilitation centre. These services will allow prisoners to track developments in the case monitoring system, specifically with regard to actions taken by public defenders.

116. Mechanisms available to prisoners for reporting violations of their rights include hearings, books of requests and complaints, and prison complaint boxes.

15. Replies to the issues raised in paragraph 15 of the list of issues

117. A number of State-led measures were adopted in order to reduce overcrowding in prisons and humanize the prison system, including granting amnesties and pardons, holding virtual hearings, running workshops on how to ease the burden on the legal system and building new prison complexes. In addition, a new presidential decree is being drafted that would grant amnesties and pardons in order to safeguard the fundamental rights of persons deprived of their liberty, ensure compliance with due process and guarantee access to effective and timely justice, given that Presidential Decree No. 4461 has been repealed.

118. The Palmasola prison complex in Santa Cruz and the Qalahuma men's and women's prisons in Viacha/La Paz have been upgraded and fitted with new equipment. In addition, the following facilities have been expanded: the Cantamarca prison complex in Potosí and the CERPROM rehabilitation centre in Montero (Santa Cruz), which meets all the humanitarian needs of the persons deprived of their liberty there, including a sufficient water supply and hygienic conditions, and houses two medical offices, a dental office, an infirmary and two courtrooms. The Riberalta prison complex in Beni was built recently. In addition,

construction is planned with regard to the Chonchocoro (La Paz), Palmasola (Santa Cruz) and Araní (Cochabamba) prison complexes. As a result, there was 50 per cent less overcrowding in 2021 as compared to 2017. Specifically, overcrowding has gone down by 50 per cent in the Palmasola men's prison, and there is no overcrowding in the Palmasola women's prison.

119. In order to speed up proceedings and avoid delays in the justice system, equipment was provided to allow virtual hearings to be held in prisons. A total of 9,535 hearings were held in 2020 and 22,177 hearings were held in 2021.

120. With respect to systems of inmate self-government in prisons, a number of measures were adopted to guarantee peaceful coexistence in prisons, including training for prison staff so as to improve security in prisons where violent incidents occur, and the gradual increase of prison staff in coordination with the Directorate of Personnel of the National Police Command.

121. To prevent prison violence, the National Prison Directorate has issued instructions, through General Memorandum Fax No. 11/2020, "to prevent the death of persons in police custody and to punish those responsible for any such deaths, as well as to show zero tolerance for acts of torture or other types of cruel and inhuman treatment, and to identify and refer alleged perpetrators of such acts to the authorities".

122. General Memorandum Fax No. 001/2021, also issued by the National Prison Directorate, refers to the "application of heightened oversight measures by internal and external security services in prisons".

16. Replies to the issues raised in paragraph 16 of the list of issues

123. On alternative care systems for children living in prison with their parents:

- The State does not permit the presence of children in places of deprivation of liberty. Article 106 of Act No. 508 of the Children and Adolescents Code establishes rights and safeguards for children and adolescents whose mother or father is deprived of liberty as follows: "(a) children and adolescents whose mother or father is deprived of liberty are to remain with the mother or father who is not deprived of liberty; (b) in cases where both parents are deprived of their liberty, the children shall be given over to the care of relatives or a foster family, in accordance with the provisions of this Code or, if this is not possible, the children shall be cared for under specific programmes or in foster care centres for the duration of the parents' deprivation of liberty, while ensuring that they remain in the same geographical area as where their parents are serving time; (c) an exception is made for children under the age of 6 years, who may live with their mother in prison; under no circumstances are they permitted to live in a men's prison; child development centres or day-care centres should be set up next to women's prisons; (d) children and adolescents must have access to care and support programmes for their comprehensive development, based on their particular situation; and (e) children and adolescents must be able to maintain emotional ties with their mother, father or both, for which reason the extended or foster family or the foster care centre shall facilitate regular visits with them". The Ministry of the Interior, through the authorities of the Directorate General of Prisons, where appropriate, is responsible for enforcing these aspects of the Children and Adolescents Code, as well as for implementing public policies for children, providing for social investment in children and introducing mechanisms for the protection of the rights of children whose parent or parents is/are deprived of liberty, if there are no other true and safe alternatives for such children.

124. Regarding the number of children living in prison, measures have been adopted for the release of children and adolescents living in prison with their parents, while ensuring their comprehensive development, in coordination with the Office for the Defence of Children and Adolescents. Upon turning 6 years of age, plus 1 day, children are released and turned over to the care of relatives; the number of children and adolescents in prisons has gone down by 30% since 2017.

125. As for the situation regarding adolescent offenders, the State promulgated Act No. 548 of 17 July 2014, the Children and Adolescents Code, with a view to recognizing,

developing and regulating the exercise of the rights of children and adolescents through the introduction of a comprehensive plurinational system, the responsibility of which is shared by the State at all levels, families and society. This system comprises both the comprehensive plurinational system for the protection of children and adolescents and the juvenile justice system.

126. Nationwide, there are 17 social reintegration centres housing 394 adolescents, of which 19 are female and 375 are male, and 9 referral centres that house adolescent offenders. There are 783 adolescent offenders, of whom 132 are in pretrial detention.

127. Among the advances made in the juvenile justice system, the following are noteworthy:

- The use of pretrial detention dropped from 92 per cent in 2012 to 48 per cent in 2018.
- Restorative justice mechanisms were introduced that allow for meetings between adolescents and victims.
- Departmental juvenile justice committees were formed, bringing together the various actors of the juvenile justice system.
- Guidelines, protocols, manuals and guides were developed to guide the work of the institutions involved in the juvenile justice system.

128. In the light of the health emergency caused by the COVID-19 pandemic, the Office of the Deputy Minister for Equal Opportunity has requested all the referral and social reintegration centres under the authority of the departmental expert bodies for social management to report on the situation of adolescent offenders, with a view to developing strategies to protect this vulnerable population.

Elimination of forced labour and trafficking in persons (arts. 7–8, 14 and 24)

17. Replies to the issues raised in paragraph 17 of the list of issues

129. A State-led plan for the progressive eradication of forced labour and other similar practices, specifically targeted at indigenous families in parts of the Chaco, the Amazon region and the area known as the Integrated North of Santa Cruz region, was approved on 7 May 2014, the date on which Agreement No. 81026161 was signed by the Plurinational State of Bolivia and the Government of Switzerland.

130. The plan had three strategic aims: (1) establish a State presence; (2) promote fundamental human rights; and (3) introduce institutional capacity-building in the Chaco, the Bolivian Amazon and the Integrated North of Santa Cruz region. These strategic aims are all reflected in the 2025 Patriotic Agenda, the first pillar of which is eradication of extreme poverty with a view to reaching highly vulnerable groups through the regional labour headquarters of Camiri, Montero, Trinidad and Riberalta and expanding activities to Guayaramerín and the Integrated North of Santa Cruz region. Forced labour inspectors who report to the Fundamental Rights Section of the Ministry of Labour, Employment and Social Welfare work with social actors who are active among indigenous workers (harvesters, cattle ranchers, chestnut sellers). It is worth noting that the work of the social and labour rights inspectorates involves the participation of social actors, trade unions and the local authorities.

131. One of the goals set for 2014 was that “at least 5,011 workers (2 per cent) in situations of forced labour or similar forms of labour in the Chaco and the Bolivian Amazon know their rights thanks to multipronged initiatives aimed at upholding basic social and labour rights”.

132. The Fundamental Rights Section of the Ministry of Labour, Employment and Social Welfare carries out inspections and monitoring activities regarding compliance with the social and labour regulations in force in the country. Specialized or general inspectorates thus ensure a State presence in remote regions of the country. Their technical and operational activities, which are carried out in various types of labour establishments (e.g. agribusinesses, cattle ranches, sawmills and timber companies), help to restore basic social and labour rights,

so that rural wage earners can exercise their rights, including access to the national minimum wage established by law.

133. The national minimum wage is established in Supreme Decree No. 4501 of 1 May 2021. Working with specialized or general inspectorates in rural areas, employers are gradually aligning their practices with the social and labour rights of their employees, including the provision of work clothes, short- and long-term insurance and social and other benefits, as appropriate. This supports the State's efforts to effectively protect fundamental labour rights.

134. Regarding complaints of forced or bonded labour and the outcome of such complaints, and the action that the National Institute of Agrarian Reform takes when cases are referred to it, article 15 (V) of the Constitution establishes that no person may be subjected to servitude or slavery. Furthermore, article 397 (I) provides that work is the fundamental reason for the acquisition and conservation of agricultural land, and therefore landowners must ensure that their land fulfils a social function or social and economic function to safeguard their rights in accordance with the type of land.

135. Act No. 1715 of 18 October 1996, on the National Service for Agrarian Reform, as amended by Act No. 3545 of 28 November 2006, on Community-based Agrarian Reform Renewal, establishes that the economic and social function fulfilled by agricultural land must benefit society, the collective interest and the owner. In addition, article 157 of Supreme Decree No. 29215 of 2 August 2007 provides that the existence of a system of servitude, forced labour, bonded labour or slavery of captive families in a rural area does not benefit society or the collective interest and therefore implies non-fulfilment of the economic and social function of land.

136. Supreme Decree No. 29802 of 19 November 2008 establishes what should be understood, in the agricultural context, by systems of servitude, forced labour, bonded labour, slavery of captive families and other, similar systems. The National Institute of Agrarian Reform has the authority to verify and establish the existence of systems of servitude, forced labour or similar systems during its monitoring activities regarding the land's fulfilment of an economic and social function.

137. The National Institute of Agrarian Reform has not registered any complaints of forced or bonded labour.

18. Replies to the issues raised in paragraph 18 of the list of issues

138. The Bolivian State upholds principles, values and constitutional mandates to ensure the full, effective and preferential exercise by children and adolescents of their rights, and it has introduced public mechanisms and instruments to prevent, protect and defend them. The legally established minimum working age is 14 years old; self-employment, employment and salaried work in the home is also regulated. Labour and economic exploitation of children and adolescents is prohibited; work that by its very nature or the circumstances in which it is performed is hazardous, unhealthy or offensive to the dignity of the child or adolescent, and work that may cause them to drop out of school, are expressly prohibited.

139. In accordance with the Constitution, the State promulgated the Children and Adolescents Code, with a view to recognizing, developing and regulating the exercise of the rights of children and adolescents through the introduction of a comprehensive plurinational system, the responsibility of which is shared by the State at all levels, families and society. This system comprises both the comprehensive plurinational system for the protection of children and adolescents and the juvenile justice system.

140. The comprehensive plurinational system for the protection of children and adolescents is managed by a coordinated group of institutions, organizations and other entities responsible for executing the plurinational plan for children and adolescents, the aim of which is to ensure that all levels of government guarantee the full enjoyment by children and adolescents of their rights. As the governing body and head of sector, the Ministry of Justice and Institutional Transparency issued Ministerial Decision No. 040/2021 of 12 April 2021, establishing as an institutional priority the guidelines for the comprehensive care and protection of girls and boys under six (6) years of age in early childhood, in the following

thematic areas: (a) prevention of all forms of violence in early childhood; (b) promotion and dissemination of information on early childhood rights; (c) development of information systems on the rights of children under six (6) years of age; and (d) formulation of guidelines for the operation and reopening of early childhood centres.

141. In addition, the plenary of the Council for Sectoral and Intersectoral Coordination in Children's and Adolescents' Affairs adopted decision No. 001/2015 of 9 April 2015 on public policies for children and adolescents, in which it established as a priority for the Plurinational State of Bolivia the creation of conditions that allow children and adolescents to exercise their rights and that promote their comprehensive development, participation and active involvement, as well as the eradication of violence and other situations in which their rights are violated. Related initiatives should be carried out in collaboration with social movements, families, civil society institutions and society as a whole.

142. On 24 September 2015, in accordance with article 15 of the twelfth provision of the Children and Adolescents Code, the Ministry of Justice and Institutional Transparency, in coordination with the Ministry of the Interior, the Ministry of Health, the Supreme Court and the Attorney General's Office, met in order to develop a Comprehensive Programme to Combat Sexual Violence, focusing on prevention, support and protection, its general objective being to guarantee the exercise by children and adolescents of their right to sexual integrity.

143. The implementation of the Comprehensive Programme to Combat Sexual Violence in turn led to the development of a specialized programme involving the setting up of prevention and therapeutic care centres in several departments. These centres, which are public and charge no fees, provide targeted primary and secondary prevention services through workshops for children and adolescents, parents, teachers and school authorities in the municipalities of the La Paz department, as well as for high-risk groups, to build a culture of respect for the rights of children and adolescents. They also provide tertiary prevention in the form of short-term therapeutic care in cases of sexual violence involving child and adolescent victims and their families using Gesell chamber sessions, mobile therapy and online therapy.

144. Other initiatives introduced to provide support victims of violence include comprehensive municipal legal services, prevention and support for victims of violence in municipalities and therapeutic and comprehensive care for children and adolescents who are victims of any kind of violence.

145. The National Institute of Statistics was authorized by Supreme Decree No. 2944 of 12 October 2016 to increase the funds allocated to subheading 25220, "Individual Line Consultants", in order to conduct a household survey and a survey of children and adolescents who perform a labour activity or who work. It was thus found that, in 2016, some 739,000 children and adolescents were engaged in a work activity; that number dropped to 724,000 in 2019.

146. The number of children and adolescents engaged in hazardous work went down from 393,000 (13 per cent) in 2016 to 297,000 people (9.7 per cent) in 2019.

147. During inspections carried out by the Ministry of Labour, Employment and Social Welfare during the sugarcane harvest in the region of Bermejo, Tarija, it was ascertained that child labour is no longer used in that sector. Support is offered through initiatives undertaken in cooperation with the United Nations Children's Fund (UNICEF), such as the "Triple Seal" programme, through which sugar mills may obtain "child-labour-free" certification. According to other recent inspections carried out by the Ministry of Labour, Employment and Social Welfare, child labour is also non-existent in mining centres. Working in mines and sugarcane harvesting are both considered hazardous work, as it is defined in current Bolivian legislation. Lastly, it should be noted that, in 2019, 175 inspections were conducted with a focus on child and adolescent labour, whereas in 2020, during the period of the interim Government, the number of such inspections was just 43.

148. Regarding updated data on complaints of child labour and sexual exploitation, between 2017 and 31 July 2021, there were 15 cases of child labour and 35 cases of sexual exploitation nationwide, as shown in the following table:

	<i>Preliminary phase</i>	<i>Preparatory phase</i>	<i>Oral proceedings</i>	<i>Closed</i>	<i>Total</i>
Child labour	1	7	6	1	15
Sexual exploitation	8	17	9	1	35

Source: Public Prosecution Service – Attorney General’s Office – Office of the Special Prosecutor for Violent Offences.

149. The Public Prosecutor’s Office, in accordance with the Constitution and Act No. 260, provides protection measures for direct and indirect victims, as appropriate, and thus safeguards the right to life and physical, emotional, sexual, property, economic and labour integrity, as well as dignity. It provides support and protection to victims who have suffered violence as a result of child labour and/or sexual exploitation and seeks to prevent the continuation of such acts. The Office also exercises its right to bring a criminal action when it becomes aware of an act of violence by means of a written or oral complaint.

19. Replies to the issues raised in paragraph 18 of the list of issues

150. (a) The Plurinational State of Bolivia promoted the signing of bilateral agreements with Peru and Argentina on the protection of victims of human trafficking and smuggling and related offences, pursuant to article 45 of Act No. 263 on human trafficking and smuggling.

151. The agreement signed with Peru was ratified by Act No. 765 of 11 December 2015 and is currently in force.

152. In connection with the agreement signed with Argentina, an experts’ meeting was held in June 2021 to determine what actions would be carried out by the two countries in the areas of prevention, support, protection, reintegration, punishment and criminal prosecution of trafficking and smuggling offences.

153. In addition, the technical secretariat of the Plurinational Council on Human Trafficking and Smuggling has worked on eight international instruments on human trafficking and smuggling with Paraguay, Uruguay, Brazil and Chile, as well as with Spain, the Bolivarian Republic of Venezuela and the United States of America. Among these instruments is the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol of 2014 to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29).

154. These instruments are in the process of being negotiated, ratified or signed.

155. (b) Execution of the National Plan to Combat Human Trafficking and Smuggling 2015–2019, from which the Comprehensive Multisectoral Development Plan to Combat Human Trafficking and Smuggling 2016–2020 was derived. The latter was used as a reference to prepare reports on the implementation of the Plurinational Policy on Combating Human Trafficking and Smuggling and Related Offences, as well as the annual plan of activities issued each year by the Plurinational Council on Human Trafficking and Smuggling. In preparation for the 2021–2025 plan, on 16 December 2020, an inter-institutional agreement between the Ministry of Justice and Institutional Transparency and the International Organization for Migration (IOM) was signed, as was the charter for the expert committee for project PX 0.205 on strengthening the Bolivian Government’s capacity to effectively combat human trafficking and smuggling of migrants. Project PX 0205 will involve developing (1) a comprehensive policy proposal; (2) a multisectoral plan; and (3) a departmental plan template.

156. (c) Launch of a workforce reinsertion programme for victims of trafficking and smuggling, under Act No. 263, by the Ministry of Labour, Employment and Social Welfare.

157. (d) The Standardized Protocol for the Specialist Care of Victims of Human Trafficking and Smuggling 2012 was introduced and is currently being further developed by

the Ministry of Justice and Institutional Transparency in coordination with the Public Prosecution Service, under Acts No. 263 and No. 1173.

158. (e) Development of the 2015 Guide for the Formulation of Departmental Plans against Human Trafficking and Smuggling, by the Plurinational Council against Human Trafficking and Smuggling, in application of article 10 (4) and article 15 of Act No. 263, to enhance the process of developing departmental plans to combat human trafficking and smuggling. This document covers the lessons learned in the process of developing the Plurinational Policy and the National Plan to Combat Human Trafficking and Smuggling and Related Offences 2013–2017 and proposes priority actions for the departmental governments and municipal governments of capital, intermediate and border cities, so that they can in turn elaborate and adopt departmental plans. The governments are to indicate four major stages of elaboration for their departmental plans and must propose actions to be carried out at each stage, indicating those responsible for its execution and the expected outcome. On 16 December 2020, an inter-institutional agreement between the Ministry of Justice and Institutional Transparency and IOM was signed, with the aim of promoting the elaboration and implementation of a multisectoral plan. A template will also be developed for departmental plans to combat human trafficking and human smuggling.

159. (f) Development of the Protocol for the Repatriation of Bolivian Victims of Trafficking and Smuggling Abroad, which establishes the procedures to be followed by consulates or consular sections, directorates of the Ministry of Foreign Affairs, the General Directorate to Combat Trafficking and Smuggling of Persons of the Ministry of Foreign Affairs, and the Directorate General for Combatting Human Trafficking and Smuggling of the Ministry of the Interior, in order to repatriate Bolivian citizens who are victims of trafficking in persons and smuggling of migrants.

160. In terms of prevention, several campaigns against trafficking in persons and smuggling of migrants were carried out between 2013 and 2020.

161. Nine human trafficking and smuggling divisions have been created at the national level; they report to the Bolivian Police Crime Squad, which is in charge of preventing, investigating and suppressing criminal acts such as pimping, trafficking in persons, people smuggling and pornography.

162. The Ministry of Justice, to which the Plurinational Council against Human Trafficking and Smuggling reports, issued, jointly with the Public Prosecution Service, an update of the Standardized Protocol for the Specialist Care of Victims of Human Trafficking and Smuggling. The Standardized Protocol was approved by decision No. FGE/JLP/DAJ/2017/2020 of 27 November 2020, pursuant to Act No. 263 and Act No. 1173.

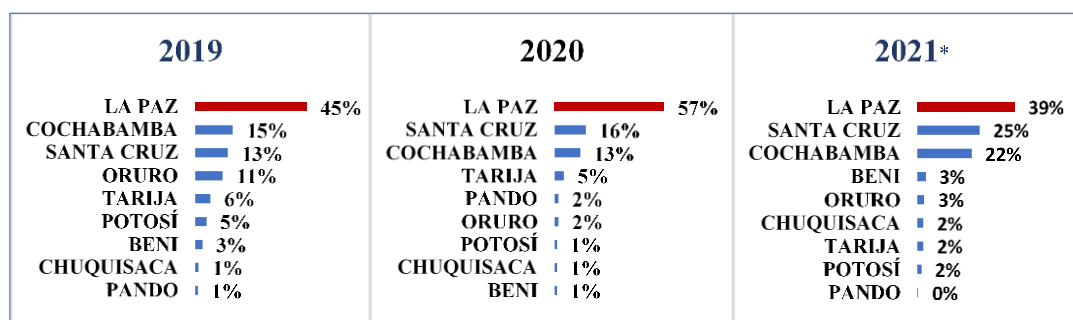
163. Regarding the number of reports of human trafficking and smuggling and related crimes, the available data are captured in the table below.

Number of reported cases of trafficking in persons, 2019–2021

<i>Department</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
La Paz	167	175	114
Santa Cruz	49	50	73
Cochabamba	56	41	64
Beni	11	4	10
Oruro	41	6	8
Tarija	23	15	7
Chuquisaca	5	4	7
Potosí	17	4	5
Pando	4	6	1
Total	373	305	289

Source: Prepared by OBSCD, based on information provided by the Bolivian Police, August 2021.

Number of reported cases of trafficking in persons 2019–2021 (Expressed in percentage)

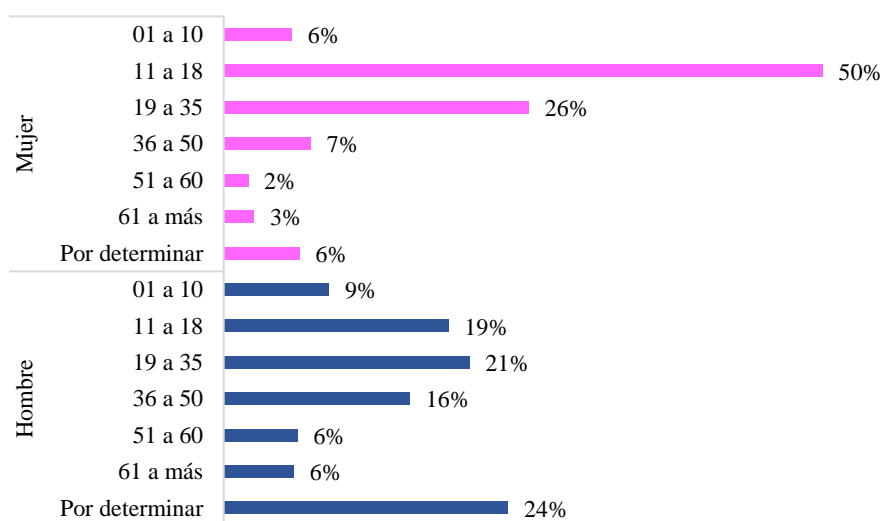


Source: Prepared by OBSCD, based on information provided by the Bolivian Police, August 2021.

Reported cases of trafficking in persons, by sex and age group, 2019–2021

Sex and age group	2019	2020	2021*	Total
Total	373	305	289	967
Male	125	105	109	339
1–10	13	14	3	30
11–18	24	18	22	64
19–35	22	25	23	70
36–50	12	23	18	53
51–60	6	8	7	21
61 or older	3	8	9	20
Unknown	45	9	27	81
Female	248	200	180	628
1–10	8	21	7	36
11–18	131	98	87	316
19–35	56	54	51	161
36–50	11	14	21	46
51–60	2	1	10	13
61 or older	2	10	4	16
Unknown	38	2	0	40

Source: Prepared by OBSCD, based on information provided by the Bolivian Police, August 2021.

Reported cases of trafficking in persons, by sex and age, 2019–2021 (Percentage)

Source: Prepared by OBSCD, based on information provided by the Bolivian Police, 2021.

164. With regard to protection, assistance, including free legal assistance, and rehabilitation measures, six shelters have been set up for victims of human trafficking, four of which are State-run and two of which are managed by NGOs. These shelters provide mental health services. They have trained professionals who can provide emotional and psychological support, analysis and supervision in order to facilitate family and social reintegration. In addition, the Ministry of Health provides support and laboratory services for the medical evaluation of victims.

165. The Telecommunications and Transport Regulatory and Supervisory Authority re-established the “122” toll-free hotline for reporting and seeking support in relation to cases of human trafficking and smuggling. The hotline is currently available in the municipalities of La Paz, El Alto, Oruro, Cochabamba and Santa Cruz de la Sierra.

166. Legal services are being provided through the coordination of the Ministry of Justice and Institutional Transparency, through the Plurinational Comprehensive Judicial Services and the Plurinational Victim Assistance Service; the Ministry of Foreign Affairs; the Ministry of the Interior, through the Directorate General for Combatting Human Trafficking and Smuggling and the Directorate General of Migration; and other lower-level government authorities. Repatriation is also carried out in a coordinated manner, thus guaranteeing victims’ safety and basic rights.

Independence of the judiciary and administration of justice (arts. 2 and 14)

20. Replies to the issues raised in paragraph 20 of the list of issues

167. The State has introduced training for judges, prosecutors and police officers to help ensure that public servants are committed to their work and will avoid corruption and political interference in the performance of their duties. The leadership of the Ministry of Justice and Institutional Transparency is working on reforms to the judicial system, specifically regarding the independence of its bodies.

168. Regarding the implementation of Act No. 898 and its results, on 6 September 2021, the Commission for Follow-Up on the Conclusions of the Summit on Justice held its fifth meeting, in accordance with article 3 of Act No. 898. At the meeting, the Commission discussed the main aspects of the judicial system reform, which is now under way; the subcommission on the interoperability of Act No. 1173, which has been working on

interoperability issues; and the subcommission on judicial careers, specifically regarding the election of judges and members of the court.

169. Likewise, the subcommittee assigned to prepare a preliminary draft of the agro-environmental code of procedure has concluded its work and submitted its draft to the technical secretariat of the Social and Economic Policy Analysis Unit.

170. One of the key issues identified by the Commission for Follow-Up on the Conclusions of the Summit on Justice is how to make progress in the reform of the judicial system. Six priority areas have been defined and awareness-raising campaigns have begun so as to gather concerns, observations and suggestions from the judicial bodies throughout the country. In parallel, suggestions will be invited from the most representative sectors of society, including social sectors, bar associations and universities. The priority areas are: conflict management, judicial independence, access to justice, information and communications technology, regulatory development and transparency.

171. Act No. 929 amended Act No. 025 of 24 June 2010 (arts. 20, 34, 134–135, 166, 174 and 182); Act No. 027 of 6 July 2010 (arts. 13, 19–20 and 26); and Act No. 026, the Electoral Act (arts. 50, 76–77, 79–82, 84, 94 and 139).

172. A number of courts specializing in cases of violence against women were established pursuant to Act No. 348, within the judicial resources available. These include 18 courts of investigation, 2 trial courts for less serious offences and 1 tribunal for more serious offences. Subsequently, in 2019, an additional six publicly funded courts were established with funds from the National Treasury. To date, there are a total of 27 courts and tribunals specializing in cases involving violence and corruption.

173. In 2018, 27 courts of first instance were established with the judicial branch's own resources and 25 with additional resources from the National Treasury; in 2019, a regional court specializing in labour and social welfare cases was established and, under Act No. 1173, 41 trial courts for less serious offences were established with additional resources from the National Treasury. In total, 94 courts were established in 2018 and 2019.

174. Act No. 1173 on Summary Criminal Procedure and Strengthening Measures to Combat Violence against Children, Adolescents and Women was promulgated with the aim of, inter alia, achieving the prompt and timely resolution of criminal cases, providing protection to women, child and adolescent victims of violence, avoiding re-victimization, reducing recourse to pretrial detention and guaranteeing favourable treatment to pregnant women, nursing mothers with children under 1 year of age, children with disabilities under 6 years of age who are in the care of the accused person, and older persons, as well as upholding the right to technology.

175. Act No. 586 of 30 October 2014 on Streamlining and Reducing the Workload in the Criminal Justice System was promulgated. The Act 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. The Act also establishes timeliness principles and a maximum duration for proceedings in compliance with the relevant treaties and partially amends the Code of Criminal Procedure, introducing a requirement that tribunals for more serious offences 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 one – for three lay judges – provided for in article 60 of 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; when 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; or when the person deprived of liberty certifies that he or she has a terminal illness.

Freedom of expression and violence against human rights defenders and journalists (arts. 6–7, 9, 17, 19 and 22)

21. Replies to the issues raised in paragraph 21 of the list of issues

176. On the protection of journalists, the Bolivian Police issued General Memorandum Fax No. 196/2019 of 4 November 2019, which provides for “taking the precautions necessary to provide constitutional guarantees to members of the press in their journalistic coverage and protect the public’s right to information”.

177. In relation to human rights defenders, it should be noted that, on 9 December 2020, the Ministry of Justice and Institutional Transparency issued Ministerial Decision No. 143/2020, in compliance with the precepts set out in the Constitution, providing for the promotion and dissemination of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted at the fifty-third session of the United Nations General Assembly by resolution 53/144 of 8 March 1999, by the Office of the Deputy Minister of Justice and Fundamental Rights, under the authority of the Ministry of Justice and Institutional Transparency.

178. Between March and May 2020, the interim Government issued supreme decrees that limited freedom of expression, causing alarm among members of the press. On 14 May 2021, the Ombudsman’s Office filed an application for the constitutional review of Supreme Decree No. 4231 of 7 May 2020 and related norms that seriously deny freedom of expression. The single supplementary provision of Supreme Decree No. 4231, the scope of which was considered unconstitutional, contained the following language: “SINGLE SUPPLEMENTARY PROVISION: Article 7 (II) of Supreme Decree No. 4199 of 21 March 2020 and article 13 (II) of Supreme Decree No. 4200 of 25 March 2020 are to be replaced with the following: II. Persons who encourage non-compliance with this Supreme Decree or who disseminate information of any kind, whether in written, printed, artistic or any other form, that endangers or affects public health and gives rise to uncertainty among the public, shall be liable to prosecution for the commission of offences under the Criminal Code”.

179. The requirements for granting legal status to NGOs are established in Act No. 351 on the Granting of Legal Status of 19 March 2013 and Supreme Decree No. 1987 of 30 April 2014, setting out partial implementing regulations of Act No. 351.

Rights of the child and birth certificates (arts. 16 and 23–24)

22. Replies to the issues raised in paragraph 22 of the list of issues

180. Under article 142 of the Constitution, Bolivian nationality is automatically granted to persons born in the Plurinational State of Bolivia, with the exception of children born to foreign personnel on diplomatic missions; the same article provides for the possibility of acquiring Bolivian nationality by naturalization. With Bolivian citizenship comes recognition of the rights and duties established in the Constitution and the domestic legal order as a whole.

181. Furthermore, article 108 of the Children and Adolescents Code establishes that “children and adolescents born in Bolivian territory and children born abroad to a Bolivian mother or father acquire Bolivian nationality from birth, in accordance with the provisions of the Constitution, without any other prerequisites”.

182. As for the registration of births, article 113 states that “the civil registration official, at the time of registration, may help the mother, father, guardian or tutor to choose a name for their child that will not be cause for discrimination”. It further states that “the civil registration officer must respect the original names and surnames chosen by the mother, father or authority of an indigenous or aboriginal campesino nation or people”. Article 5 of the Civil Registry regulations governing the registration of births establishes that civil registration officials, when registering the births of persons belonging to an indigenous or aboriginal people, must record their names and surnames, while respecting their cultural identity, in accordance with the current legal regulations in force. Thus, the right to identity is guaranteed, and cultural identity is respected.

183. Article 114 of the Children and Adolescents Code provides for registration in the Civil Registry, as well as the right to receive a child's birth certificate, free of charge.

184. Article 120 of the Code provides that children and adolescents have the right to the recognition of, respect for and promotion of the knowledge and experience of the culture to which they belong or with which they identify; they also have the right to participate freely and fully in cultural and artistic life in accordance with their identity and community.

185. In that connection, the following measures have been taken:

1. The registration and the first birth certificate for children and adolescents are free of charge;
2. The deadline for birth registration is 12 years;
3. The following documents are accepted as proof of the birth of a child: a certificate of live birth, a school record book or any document where the child's name appears, or the affidavit of two witnesses of legal age, together with their identity documents;
4. Applications may be submitted by parents or guardians or, in their absence, blood relatives up to the third degree of kinship or, in their absence, municipal, religious, administrative or judicial authorities, community-based organizations, or directors of public or private foster homes in the case of abandoned children;
5. Once the deadline for registration has expired, a birth may be registered by means of an administrative procedure;
6. Registration of the cultural identity of an indigenous or aboriginal campesino nation or people became possible with the adoption of decision No. TSE-RSP-ADM No. 055/2019 of 23 January 2019;
7. The Civil Registry covers the entire national territory.

Migrants, asylum seekers and refugees (arts. 2, 9–10, 12–13 and 26)

23. Replies to the issues raised in paragraph 23 of the list of issues

Statistical data on the number of refugees

<i>Year</i>	<i>Asylum seekers</i>	<i>Refugees</i>
2014	29	18
2015	47	7
2016	17	9
2017	22	16
2018	544	22
2019	908	4
2020	926	253
January–October 2021	40	2
Total	2 533	327

Source: National Refugee Commission – 2021.

Number of asylum seekers by sex

<i>Year</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
2018	208	336	544
2019	390	518	908
2020	435	491	926

<i>Year</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
January–June 2021	11	4	15
Total	1 044	1 349	2 393

Source: National Refugee Commission – 2021.

Number of refugees by age

<i>Year</i>	<i>0–13 years</i>	<i>14–17 years</i>	<i>18–30 years</i>	<i>31–60 years</i>	<i>Over 60 years</i>	<i>Total</i>
2018	1	-	2	8	-	11
2019	-	-	-	4	-	4
2020	10	4	152	87	-	253
January–June 2021	-	-	-	-	1	1
Total	11	4	154	99	1	269

Source: National Refugee Commission – 2021.

Number of refugees by sex

<i>Year</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
2018	9	2	11
2019	2	2	4
2020	134	119	253
January–June 2021	-	1	1
Total	145	124	269

Source: National Refugee Commission – 2021.

186. The Inspections and Preventive Custody Section of the Directorate General of Migration has been working on a proposal for a supreme decree on regularization, which would ease requirements and streamline costs.

24. Replies to the issues raised in paragraph 24 of the list of issues

187. (a) No complaints have been received and/or registered regarding alleged unlawful actions on the part of the migration control police unit.

188. (b) When people approach migration control services and express a desire to avail themselves of their right to asylum, they are admitted into the country, upon presentation of a passport or other identity document, and they are then instructed to formally submit their application for asylum to the National Refugee Commission, within a reasonable period of time. Therefore, it is not true that asylum seekers have been denied access to the country while democratic Governments were in power; that being said, it cannot be confirmed or denied that, under the interim Government, the authorities having seized power in Bolivia recognized the right to asylum, as it is enshrined in Act No. 251, the Refugee Act.

189. (c) There are no requirements other than the presentation of a passport or other identity document for asylum seekers to be granted entry into the country, whereupon they are requested to formally submit their application to the National Refugee Commission within a reasonable period of time.

190. (d) The Directorate General of Migration complies with all the provisions of Act No. 370, the Migration Act, and issues mandatory departure orders in strict compliance with the grounds for issuing such orders as described in the aforementioned Act.

191. Venezuelan nationals in an irregular situation, unlike other non-Bolivian nationals who were found in March 2019, if they were asylum seekers, expressed their consent with

the mandatory departure orders and requested to be transported to the border given their situation of vulnerability and precariousness.

Indigenous peoples (arts. 2 and 25–27)

25. Replies to the issues raised in paragraph 25 of the list of issues

192. The Constitution guarantees the right to prior consultation of indigenous and aboriginal campesino nations and peoples, as do the Electoral Act, the Hydrocarbons Act and the Mining and Metallurgy Act. Furthermore, Supreme Decrees No. 29033, No. 29124 and No. 29574 lay down procedures for the consultation and participation of indigenous and aboriginal campesino nations and peoples prior to the launch of any hydrocarbon-related activity, initiative or project.

193. The Ministry of Mining and Metallurgy, acting under the Mining and Metallurgy Act, issued 90 final administrative decisions on prior consultation and decisions on applications for reconsideration between 2016 and 2019.

194. The Supreme Electoral Court adopted rules for observing and monitoring prior consultation processes to facilitate the verification of documents and information collected during the deliberative meetings that are part of the prior consultation process. The measures introduced under the Electoral Act concern the implementation of projects, initiatives and activities related to the exploitation of natural mineral resources. Between October 2015 and December 2019, the Supreme Electoral Court was notified of and approved 1,236 prior consultation processes, subject to observation and monitoring, initiated by the Administrative Jurisdictional Authority for the Mining Sector.

195. The Supreme Electoral Court, in accordance with the rules in force, including on observation and monitoring, registered 753 processes that resulted in a plenary chamber decision and 36 dismissals, for a total of 447 processes during the period from 2015 to 2019.

196. When it comes to extractive activities, the relevant sectoral legislation establishes, with respect to environmental policies and their effect on the area of influence or implementation of the project, initiative or activity, the deferred effect of the prior consultation, making specific reference to the presence of a number of environmental components, including, at the very least, the vegetation of the territory in which these projects, initiatives or activities are to be carried out.
