



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### List of issues in relation to the third periodic report of the Plurinational State of Bolivia\*

#### I. General information

1. Please provide information on the measures taken by the State party to align the Migration Act (2013) and its implementing Decree No. 1923 (2014) with the provisions of the Convention, and, in particular, to include all categories of migrant workers listed in article 2 (2) of the Convention.
2. Please provide information on the measures taken to develop and adopt a comprehensive migration policy, as described in the 2016–2020 Economic and Social Development Plan. Please describe, in addition, the role and activities of the National Migration Board (CMW/C/BOL/3, para. 5 and paras. 203 to 206), specifying how frequently it meets and what impact its activities have achieved to date.
3. In light of the Committee's previous recommendation (CMR/C/BOL/CO/2, para. 19), please indicate whether measures have been taken to enable human rights institutions to access data related to migration, so that they can submit regularly compiled statistics for use in assessing progress or setbacks with respect to public policies on migration issues.
4. Please indicate whether the State party intends to make the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals. Please also indicate whether the State party plans to ratify the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Private Employment Agencies Convention, 1997 (No. 181).
5. In light of the Committee's previous recommendation (CMR/C/BOL/CO/2, para. 27) that sufficient resources should be allocated to the national human rights institution, and the concern expressed by the Global Alliance of National Human Rights Institutions in 2017 regarding the allocation of only a small portion of the budget for services and activities other than staffing, please provide information on the measures taken to ensure that the Ombudsman's Office has sufficient human, technical and financial resources for the effective fulfilment of its mandate, particularly with regard to the promotion and protection of the rights of migrant workers and their families (para. 176).

\* Adopted by the Committee at its thirtieth session (1–12 April 2019).



## **II. Information relating to the articles of the Convention**

### **A. General principles**

6. Please provide examples of cases in which national courts, administrative authorities and consular offices have implemented the Convention, indicating in particular:

(a) The judicial bodies and/or administrative structures that are authorized to examine complaints by migrant workers or their relatives, including those who are non-documented or in an irregular situation, who consider that their rights have been violated, the number and type of complaints examined by those bodies since 2013 and the decisions handed down;

(b) Legal assistance provided to migrant workers in a regular or irregular situation, including Bolivian nationals abroad, the number of cases received and handled, and the measures taken to inform them and their families of the resources available to them if their rights are violated;

(c) Full redress granted to the victims of such violations, including through compensation, the action taken, in the case of Bolivian migrants, to obtain such redress from other States, and the number of cases recorded each year, disaggregated, if possible, by sex.

7. Please also provide information on the number of cases in which the Plurinational Service for Assistance to Victims has provided assistance to migrant workers (para. 56), disaggregated by the victim's sex, age, nationality, ethnic origin, migratory status and disability, and specify the nature of the case in question and the type of assistance provided (legal assistance, social and psychological assistance, redress or compensation).

### **B. Part II of the Convention**

#### **Article 7**

8. Please provide information on the implementation of Supreme Decree No. 762 of 2011, which requires public officials to respect the principle of equality and non-discrimination (para. 163), and report on the consequences of non-compliance with this principle, citing pertinent examples of good practices or corrective measures taken to eliminate bad practices. Please also provide information on any assessment that has been undertaken of the results of the training activities for public officials (paras. 164 and 167), and indicate how such training has contributed to the implementation of the Committee's previous recommendation (CMW/C/BOL/CO/2, para. 23) to take immediate and effective measures to combat prejudice and social stigmatization of migrant workers. Please provide information also on measures taken to align the General Labour Act (1939) with the provisions of the Convention and to abolish the 15 per cent limit on foreign workers in Bolivian companies or institutions.

### **C. Part III of the Convention**

#### **Articles 10, 11, 16, 17 and 24**

9. Please provide information on the number of migrant workers in an irregular situation who are currently facing deportation in Bolivia and specify the periods of deprivation of liberty, the places and conditions of deprivation of liberty of the migrants (including airport facilities), and the measures taken to guarantee access to consular assistance and to legal assistance. Please provide information on the implementation of the Action Protocol of the Ombudsman's Office (annex 20), including information on the number of cases in which the Ombudsman has requested the presence of a diplomatic delegation from the country of nationality of a migrant worker (para. 72).

10. Please provide information on measures taken to prevent and monitor incidents of forced labour involving migrants.

#### **Articles 21 and 22**

11. In light of the Committee's previous recommendation (CMW/C/BOL/CO/2, para. 29), please provide information on the number of cases in which expulsion orders issued against migrant workers and members of their families have been examined by a competent authority in conformity with the law, including information on the result of the examination.

12. Please provide detailed information and data on the number of cases in which the provision of the Criminal Code that criminalizes the suppression, concealment or destruction of all or part of an identity document to the detriment of the holder of the document has been applied (para. 77).

#### **Articles 26 to 28, 30 and 32**

13. Please report the number of migrant worker associations or trade unions that are registered with the State party as migrant organizations. Please indicate also which entity is responsible for ensuring oversight and/or support, and the number of migrants registered in the trade unions. Please provide information, in addition, on the measures taken to ensure that migrant workers are aware of their right to join labour associations and trade unions.

14. Please provide information showing that migrant workers and their families in the State party have effective access to the social security system and all social security benefits, including retirement benefits, without distinction or discrimination with respect to Bolivian nationals (paras. 190 and 191). Please also provide information on the pension or retirement options available to Bolivian migrant workers once they have returned to their country of origin, and on whether there are bilateral or regional agreements in this regard. Please provide detailed information on the number of migrant workers and their families who have had access to basic health care and emergency medical care on the same conditions as Bolivian nationals (para. 188), in accordance with Bolivian law.

15. Please provide information on the number of students who are children of migrant workers in the basic, secondary and higher education systems, in accordance with the legal provisions guaranteeing access to education for the children of migrant workers in the State party, regardless of their migrant status or that of their parents. Please provide specific data relating to the implementation of Ministerial Decision No. 1/2018 (para. 87).

16. Please provide information, including available statistical data, on the implementation in practice of the right of migrant workers to transfer their earnings and savings to their country of origin, in accordance with the Migration Act (paras. 89 to 91). Please also provide statistical data concerning remittances, by cities of origin and destination, and concerning transfer rate controls imposed by the State party in order to prevent abuse by intermediary entities.

### **D. Part IV of the Convention**

#### **Articles 40, 41 and 44**

17. Please provide detailed information on the measures taken to increase the participation of Bolivian nationals living abroad in the 2019 general elections (para. 196), and information on the number of persons registered and the number of Bolivian nationals living abroad who have participated in the democratic process.

18. Please provide information on measures taken to protect the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or with persons who have a relationship with the migrant worker that, in accordance with the applicable legislation, produces effects equivalent to marriage, as well as with their minor dependent unmarried children. Please also indicate the number of migrant workers who submitted requests to the State party for reunification with their spouses, minor children or

other family members during the period covered by the report and the number of such requests that were accepted.

## **E. Part VI of the Convention**

### **Article 64**

19. Please provide information on the results of the implementation of bilateral and multilateral agreements aimed at providing favourable conditions for the migrant population, including through policies and programmes envisaged in the agreements or by other means. Please also indicate whether clear procedures have been established for the participation of civil society organizations working in the field of migration, in collaboration with the central Government or local governments (para. 204), as recommended by the Committee in its concluding observations (CMW/C/BOL/CO/2, para. 41).

### **Article 67**

20. Please provide information on the measures taken to develop an assistance and reintegration strategy for Bolivian migrant workers who return voluntarily or as a result of deportation from destination countries to their homes (para. 205). Please include relevant data and statistics. Please describe the State party's procedures for circulating information abroad concerning programmes and services for the return of Bolivians and clarify how the National Migration Board cooperates with Bolivian consulates in this regard (paras. 206 to 208).

### **Article 68**

21. Please provide information on the cases resolved by the Plurinational Council on Combating Human Trafficking, and on the implementation of the Multisectoral Comprehensive Development Plan on Combating Human Trafficking (para. 32).

22. Please provide information on the implementation of the amended Code on Children and Adolescents, adopted in 2018, which raises the minimum age for child labour from 10 to 14 years. Please describe procedures for monitoring compliance with the new minimum age and include information on cases of rape, disaggregated by the victim's sex, age, nationality, ethnic origin, migratory status and disability.

23. Please provide information on measures taken to develop standard operating procedures and protocols for migration and border officials with respect to the identification of persons in need of international protection. In light of the information received concerning difficulties encountered by Venezuelan citizens in submitting refugee and/or political asylum requests, and barriers encountered in accessing the interview and response mechanism through the established procedure, please provide information about these cases and the specific action taken to cater for this group. Please provide information also on any alternative measures that the State party has adopted to guarantee the continuous residence of Venezuelan migrants. Please also indicate whether requests for international protection have been received and, if so, how many such requests, disaggregated by nationality, have met with a positive or negative response.

24. Please provide data, disaggregated by the victim's sex, age, nationality, ethnic origin and disability, concerning the type of assistance provided by the Plurinational Service for Assistance to Victims to migrant workers and their families who are victims of human trafficking, as well as information about its funding. Please indicate whether victims of trafficking receive legal assistance, shelter, and psychological and medical care free of charge.

### **Article 69**

25. Please provide more detailed information on Supreme Decree No. 3676 of 2018 (para. 132) and assess the percentage of migrant workers in an irregular situation whose status has been regularized since the Decree was adopted, disaggregated by sex, age,

nationality, ethnic origin, disability and occupation, including those who are currently undergoing the process of regularization. Please indicate how the State party ensures that migrant workers have access to regularization procedures, particularly with respect to procedural costs, the administrative procedures applicable to irregular entry and stay, family reunification and humanitarian grounds. Please clarify whether the Decree also facilitates the access of migrant workers to temporary residence in the State party, particularly in relation to the growing number of migrant workers of Venezuelan nationality.

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