



**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**
Thirty-fourth session
Consideration of reports submitted by States parties
under article 73 of the Convention

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

[Date received: 2 March 2020]

* The present document is being issued without formal editing.
** The annexes to the present report are available on the Committee's web page.



I. Introduction

1. In 2018, the Plurinational State of Bolivia submitted its third periodic report (CMW/C/BOL/3) to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in accordance with article 73 (1) (b) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It received the list of issues in relation to the third periodic report (CMW/C/BOL/Q/3) in October 2020.

2. In the framework of the inter-agency human rights mechanism,¹ the present report was prepared by the Ministry of Justice and Institutional Transparency, with information provided by the relevant State institutions.

II. Replies to the list of issues (CMW/C/BOL/Q/3)

Reply to the issues raised in paragraph 1

3. As described in paragraphs 136 to 143 of the third periodic report, the State guarantees labour protection for all foreign migrant workers under Act No. 370, the Migration Act,² in keeping with the principle of non-discrimination.³ Article 48 of the Act provides that: “Foreign migrants admitted to and authorized to remain in the Plurinational State of Bolivia on a short-term, temporary or permanent basis may engage in any paid or profitable task or activity, as a self-employed worker or an employee, while enjoying the protection and rights enshrined in labour and social security legislation.”

4. This legal precept is based on the Constitution, which protects the right to work. Acts No. 997 of 13 November 2017 and No. 1067 of 28 May 2018 introduced amendments and additions to the Migration Act.

5. The amendments introduced by Act No. 997 relate to: principles; the granting of residence permits, nationality and identity cards to foreign nationals; classification of visas, authorization of admission for tourists or visitors and cancellation of said authorization for foreign migrants; the responsibilities of passenger transport operators, travel and tourism agencies and inbound tourism operators; and the exemption from immigration service fees for persons with disabilities who go abroad, persons who need to go abroad for medical treatment and their family members and foreign nationals who are invited to or accredited to attend international events authorized by the Ministry of Foreign Affairs.

6. The amendments introduced by Act No. 1067 are intended to expand the registration of persons born abroad to Bolivian mothers or fathers and to make registration more efficient and less bureaucratic.

Reply to the issues raised in paragraph 2

Comprehensive migration policy

7. The State guarantees to all persons and communities, without any discrimination whatsoever, the free and effective exercise of the rights laid down in the Constitution. Consequently, Bolivians and foreign nationals in the country enjoy all constitutional rights

¹ The mechanism comprises the Ministry of Justice and Institutional Transparency, the Counsel General’s Office and the Ministry of Foreign Affairs.

² Act No. 370 of 8 May 2013, the Migration Act.

³ Article 2 (2) of the Migration Act reads: “Non-Discrimination. The State guarantees, for Bolivian and foreign nationals, the enjoyment and exercise of all rights established by the Constitution without distinction, exclusion or preference based on sex, colour, age, origin, culture, nationality, language, religious creed, marital status, economic, social or political status, level of education, disability or any other factor that may be used to undermine their human rights and fundamental freedoms as recognized by the Constitution.”

and guarantees.⁴ Measures related to migration are based on the right to human mobility, moving beyond the concepts of immigration and emigration and tackling challenges through cooperation between countries of origin, transit and destination, while safeguarding humanitarian law.

8. To establish a comprehensive migration policy, the following regulatory instruments were adopted between 2015 and 2018:

- Supreme Decree No. 2359 of 13 May 2015, which provides for the free issuance, once only, of birth certificates and identity cards to persons deprived of their liberty in prisons; if they are foreign nationals, the Directorate General of Migration, in coordination with the Ministry of Foreign Affairs, must inform the relevant diplomatic or consular missions of their situation and, where appropriate, request the issuance of identity documents
- Supreme Decree No. 3676 of 3 October 2018, which provides, on an exceptional basis, for the regularization of the status of foreign nationals in an irregular situation on Bolivian territory, as well as the conditions and requirements for regularization
- Acts No. 997 and No. 1067, described in paragraphs 4 to 6 above

National Migration Board

9. As stated in the third periodic report, article 6 of the Migration Act provides that the National Migration Board is the body responsible for coordinating migration policies and actions and for cooperation, communication and information in that regard. The Board lays the groundwork and sets the criteria for public policy on the social integration and employment of migrants. By virtue of article 59 of the Act, it is the competent authority for formulating effective policies to protect, assist and connect Bolivians abroad and to facilitate their return and reintegration should they submit a request through the appropriate diplomatic and consular missions to return voluntarily to the country.

10. Within this framework, the Board has met to discuss issues related to the declaration issued at the World People's Conference: "Universal citizenship – for a world without walls"; the evaluation of the draft Andean Migration Statute; the treatment of persons holding Chinese public affairs ordinary passports; a report on the process of regularizing migration status and registering foreign nationals; the Specialized Forum on Migration of the Southern Common Market (MERCOSUR) and the findings of the International Organization for Migration study on the scope of the Agreement on Residence for Nationals of MERCOSUR States Parties, Bolivia and Chile.

11. Furthermore, in December 2019 and January 2020, the Board met to discuss issues including security, migration from Venezuela and other countries, governance, communications strategy and roads and fuel. As a result of these meetings, the Board issued Decision No. 148/2020, modifying the requirements for the regularization of stay in the country and accepting supplementary documents for Venezuelan families, with an emphasis on the protection of children.

Reply to the issues raised in paragraph 3

12. As described in paragraphs 147 to 151 of the third periodic report, databases are maintained that contain information which may be requested from the competent authorities in accordance with the right to petition established in the Constitution.⁵ The Directorate

⁴ Article 14.III and VI of the Constitution reads: "The State guarantees to all persons and communities, without any discrimination whatsoever, the free and effective exercise of the rights laid down in this Constitution, the laws and international human rights treaties ... Foreign nationals in Bolivia have the rights and must fulfil the duties established by the Constitution, subject to the restrictions contained therein."

⁵ Constitution, art. 24. "Everyone has the right to petition individually or collectively, orally or in writing, and to receive a formal and prompt reply. The exercise of this right shall be subject to no other requirement than the identification of the petitioner."

General of Migration thus facilitates and grants freedom of access to statistical information for natural and legal persons. Human rights institutions are also permitted to obtain this information for the purposes established by law.

13. Furthermore, the National Institute of Statistics, as the technical executive body of the national statistical information system, is competent to deal with requests from internal and external users for statistical information on international migration. This information is based on the 2012 population and housing census.

Reply to the issues raised in paragraph 4

14. As indicated in paragraph 144 of the third periodic report, the Government will examine at a later date the advisability of making the declarations provided for in articles 76 and 77 of the Convention.

15. Similarly, in paragraph 146, the Government reported that in recent years it has taken steps and measures for the benefit of foreign migrants in compliance with the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The Government will study the possibility of ratifying these conventions and the ILO Private Employment Agencies Convention, 1997 (No. 181).

Reply to the issues raised in paragraph 5

16. The State, through the National Treasury, allocates the necessary budget to the Ombudsman's Office for the effective fulfilment of its mandate, as established in the Constitution and Act No. 870 of 13 December 2016 on the Ombudsman, thus ensuring that it has sufficient human, technical and financial resources.

17. In 2019, the National Treasury allocated a budget of 36,565,286 bolivianos (Bs). In addition, the sum of Bs 2,003,431 was received in external donations, bringing the total budget of the Ombudsman's Office to Bs 38,567,717.

Reply to the issues raised in paragraph 6

18. Article 410 of the Constitution provides that the constitutional body of law includes international human rights treaties and conventions.

19. Thus, the Plurinational Constitutional Court, in Judgment No. 0572/2014 of 10 March 2014, stated that:

“The principle of constitutionality covers not just the formal text of the Constitution, but also the rules that form part of the constitutional body of law. Therefore, both the Constitution and the constitutional body of law – which, pursuant to the Court's Judgment No. 0110/2010-R of 10 May 2010 includes international human rights standards and the jurisprudence of the Inter-American Court of Human Rights – must be taken into account when interpreting legal provisions.

In this regard, mention should be made of articles 13 and 256 of the Constitution, which introduce two guiding principles for the interpretation of fundamental rights: the principle of interpretation *pro homine* and the principle of interpretation in conformity with the international human rights covenants. By virtue of the former, judges, courts and administrative authorities have the duty to apply the rule that is most favourable to the protection of the right in question, whether it is contained in the Constitution or in the rules of the constitutional body of law, and to adopt the broadest possible interpretation that is most favourable to the right in question; by virtue of the latter (the principle of interpretation in conformity with the international human rights covenants), they have a duty to monitor compliance with conventions and to interpret the right in accordance with the rules contained in the human rights treaties and instruments that the State has ratified or to which it has acceded, provided,

of course, that these establish rights that are more favourable than those contained in the Constitution. This obligation extends to contrasting the right with the interpretation given to it by the Inter-American Court of Human Rights.

It is thus evident that, when applying the law, judges and courts have an obligation not only to examine the compatibility of legal provisions with the Constitution, but also – as stated in articles 13 and 256 of the Constitution and in the jurisprudence of the Inter-American Court of Human Rights – to monitor their compliance with the international human rights conventions and covenants and with any interpretation thereof by the Inter-American Court. In both cases, judges and courts are obliged to interpret the legal provision in accordance with the rules laid down in the Constitution and in international human rights covenants and, when such an interpretation is not possible, to file, ex officio, an application for constitutional review.

...

In this sense, both the principle of constitutionality (art. 410 of the Constitution) and that of compliance with international conventions (arts. 13.IV and 256 of the Constitution) – which, by virtue of article 410, forms part of the principle of constitutionality – require the authorities to interpret the law in accordance with the Constitution and the constitutional body of law, ensuring respect for fundamental rights and constitutional guarantees, which, as has been seen, have a privileged position in the Bolivian constitutional system.

Accordingly, it is for judges and courts, by virtue of the characteristics of impartiality, independence and competence – elements of the guarantee constituted by the natural judge principle – to monitor actual compliance with the international conventions, guaranteeing the effective enjoyment of the rights and legal safeguards enshrined in the Constitution and the constitutional body of law, as the Inter-American Court noted in the aforementioned cases.”

20. Moreover, the Plurinational Constitutional Court, in Judgment No. 1038/2006-R of 19 October 2006, ruled that the migration system must respect and protect fundamental rights and constitutional guarantees, as follows: “the entry and stay of foreign nationals in the national territory is governed by several legal standards that afford States a wide margin of discretion in this regard. However, this discretion is constrained by fundamental rights, which all States have committed to respect. Under no circumstances may the administrative authorities disregard the validity and scope of fundamental rights or rights inherent in the human person, as guaranteed by the Constitution and international treaties, in respect of foreign nationals, even if they are in an irregular situation. Consequently, governmental discretion to regulate the entry and stay of foreign nationals is subject to the observance of fundamental constitutional rights and respect for human rights.”

Reply to the issues raised in paragraph 7

21. In the framework of Act No. 464 on the Plurinational Service for Assistance to Victims^{6 7} and its regulations as set forth in Supreme Decree No. 2095 of 5 September 2015,⁸

⁶ Act No. 464 of 19 December 2013 on the Plurinational Service for Assistance to Victims.

⁷ Ibid., art. 33: “Comprehensive care as a priority. I. The Service will give priority to those who have suffered serious physical, psychological and sexual harm. II. The Service will draw up the necessary psychosocial reports.” Art. 34: “General activities. The Service, as soon as it receives a complaint, will carry out the following activities: 1. Provide free information services, legal advice, psychological support and counselling and social assistance to the victim, so that he or she receives comprehensive care. 2. Provide services for the victim’s recovery, reparation and social and family reintegration. 3. Assist the victim in asserting his or her rights, facilitating participation in criminal proceedings and avoiding revictimization. 4. Help the victim deal with the emotional consequences of the offence committed. 5. Request the cooperation of public institutions in ensuring the personal security of the victim. 6. Provide technical support, in accordance with the procedure, for the restorative justice process, except in crimes against sexual freedom and gender violence.”

⁸ Supreme Decree No. 2095, art. 4: “Powers of the Plurinational Service for Assistance to Victims. The Plurinational Service for Assistance to Victims has the following powers: (a) to provide legal

in 2018 and 2019 the Service dealt with the following two cases of Bolivian migrant workers in Argentina who had fallen victim to trafficking in persons and people smuggling:

Case 1: A married couple

Sex	Female	Male
Age	30	30
Nationality	Bolivian	Bolivian
Ethnicity	Mestizo	Mestizo
Migratory situation in Argentina	Irregular	Irregular
Disability of the victim	None	None
Nature of the case	Victim of trafficking in persons and people smuggling in Argentina	Victim of trafficking in persons and people smuggling in Argentina
Type of assistance provided	Psychological assistance (two sessions of psychological counselling attended by both victims)	Psychological assistance (psychological counselling sessions attended by both victims)
Cost	Free	Free
Current status of assistance	Psychological assistance no longer provided, with the victim's agreement	Psychological assistance no longer provided, with the victim's agreement

Source: Plurinational Service for the Assistance of Victims.

Case 2

Sex	Female
Age	19
Nationality	Bolivian
Ethnicity	Mestizo
Migratory situation in Argentina	Irregular
Disability of the victim	None

assistance with a differentiated and differential approach to vulnerable population groups, including children, adolescents, persons with disabilities, older adults, women and members of indigenous original campesino nations and peoples; (b) to ensure the expert defence of victims who have suffered physical and/or psychological and/or sexual harm; (c) to support the victim in all court and out-of-court proceedings, from the initial investigation of the offence to the enforcement of the sentence; (d) to exhaust legal mechanisms to obtain effective reparations for violations of victims' individual and collective rights. If the victim belongs to an indigenous original campesino nation or people, consideration will be given to sociocultural aspects and the world view, norms and procedures of that nation or people, in accordance with international human rights instruments; (e) to take appropriate legal action to prevent revictimization in the ordinary and the indigenous original campesino jurisdictions; and (f) to provide legal assistance in bringing legal actions, where appropriate, for habeas corpus, *amparo*, action for the protection of privacy, procedure of *mandamus* and *actio popularis*, in order to ensure the victim's access to constitutional justice."

Case 2

Nature of the case	Victim of trafficking in persons, people smuggling and rape (all committed in Argentina)
Type of assistance	<p>Psychological assistance: three sessions of psychological counselling were provided and a preliminary psychological report was drawn up</p> <p>Social assistance: the Service coordinated with the Ombudsman's Office to make contact with the Oruro departmental labour headquarters with a view to providing the victim with employment</p> <p>Legal assistance: contact was made with the departmental prosecutor and the Director of the Crime Squad in order to coordinate the initial steps in the preliminary investigation</p>
Cost	Free
Current status of assistance	<p>Psychological assistance: psychological counselling has been postponed so that it does not affect the results of the forensic psychological assessment</p> <p>Social assistance: coordination with the Ombudsman's Office to make contact with the Oruro departmental labour headquarters, with a view to providing the victim with employment, is ongoing</p> <p>Legal assistance: the victim is currently receiving legal assistance in the context of the criminal prosecution and this is being monitored</p>

Source: Plurinational Service for the Assistance of Victims.

Reply to the issues raised in paragraph 8

Implementation of Supreme Decree No. 762 of 5 January 2011⁹

22. The National Committee against Racism and All Forms of Discrimination, established pursuant to Act No. 045 of 8 October 2010 on the Elimination of Racism and All Forms of Discrimination,^{10 11} issued two decisions concerning the principle of equality and non-discrimination and the consequences of non-compliance therewith:

- Decision No. 004/2016 of 9 September 2016, in which the National Committee decided that public and private institutions must activate protocols for dealing with complaints of racism and all forms of discrimination and establish time frames and procedures for registering and substantiating complaints and following up on all disciplinary administrative procedures until their conclusion, in coordination with the National Committee, and that, in the event of non-compliance and failure to respond to the National Committee's requests for reports, the chair of the National Committee will issue a public reprimand to the non-compliant institution (see annex 1).
- Decision No. 002/2016 of 7 December 2016, whereby the National Committee approved a protocol for receiving, prosecuting and punishing cases of racism and all forms of discrimination in the public administration, which serves as guidance for processing complaints of racism and discrimination. In addition, the decision provides for the protocol to be forwarded to the ministries and the autonomous departmental

⁹ Decree regulating Act No. 045 of 8 October 2010 on the Elimination of Racism and All Forms of Discrimination.

¹⁰ Act on the Elimination of Racism and All Forms of Discrimination.

¹¹ *Ibid.*, art. 7.

and municipal governments so that they can incorporate it into their internal regulations and implement it in all disciplinary administrative proceedings arising from complaints of racism and discrimination (see annex 2). This protocol is applied, in conformity with institutional procedures, by specialized public servants who have the authority to effectively impose administrative penalties.

Training

23. As described in paragraphs 163 to 167 of the third periodic report, the State, through the National Committee against Racism and All Forms of Discrimination, the Directorate General of Migration and the migration control police unit, organizes regular training activities to ensure that Bolivians and foreign nationals are well treated and their constitutional rights and guarantees are respected, while combating prejudice and social stigmatization.

Harmonization of the General Labour Act with the Convention

24. The Government has informed the Committee that the labour rights of foreign migrant workers are recognized, guaranteed and protected by the Constitution, the laws and international human rights instruments.

25. Foreign nationals are protected under the General Labour Act from the moment that they sign an employment contract endorsed by the Ministry of Labour, Employment and Social Welfare; this is to ensure that they have access to a source of employment.

26. Moreover, in accordance with the Convention, the Migration Act provides that foreign migrants enjoy, on an equal footing with nationals, the rights enshrined in the Constitution, the laws and international instruments, including the rights to work, to social security, to basic social services and benefits and to engage in gainful employment or self-employment.¹²

Reply to the issues raised in paragraph 9

Migrant workers in an irregular situation

27. Article 38 of the Migration Act¹³ provides that irregular migration status is in no way related to the right to work. A total of 4,967 persons were subjected to compulsory departure in 2019.

28. In this regard, the Plurinational Constitutional Court issued Judgment No. 0300/2018-S4 of 27 June 2018, which states that: “Compulsory departure is subject to the specific administrative procedure set forth in article 37 of the Migration Act, which establishes that it is for the Directorate General of Migration to decide upon the expulsion of the foreign migrant from the national territory – a mandate consistent with article 32.I of the Act’s implementing regulations (Supreme Decree No. 1923 of 12 March 2014). Article 38 of the Migration Act sets out the grounds on which the State may decide to expel a foreign national.”

29. Foreign migrants in Bolivia are not deprived of their liberty simply because they are in an irregular situation. Bolivian Aviation Regulation No. 997 establishes the following

¹² Migration Act, art. 12.II.4.

¹³ Migration Act, art. 38: “Grounds for compulsory departure. I. Compulsory departure may be ordered on the following grounds: 1. Having entered or exited the national territory irregularly and not having regularized one’s migration status, failing to comply with the warnings issued and delivered within the time limits prescribed by the migration authority, except in the case of citizens whose legal domicile lies in a border area and who have documentation accrediting their situation. 2. Having remained in the national territory irregularly without having regularized one’s migration status, failing to comply with the warnings issued and delivered within the time limits prescribed by the migration authority. 3. Having been convicted, without having undergone rehabilitation, of crimes against humanity, human trafficking and smuggling, arms trafficking, money-laundering, controlled substances, genocide, war crimes or terrorism, in accordance with international agreements and conventions. 4. Having been issued a mandatory departure order but failing to comply or having complied with the order but not respecting the time limit prescribed therein, if the order is temporary in nature. 5. Evading border migration control. 6. Presenting false or altered documents.”

provisions related to inadmissible persons and deportees: “(a) The airport operator shall establish, in the Facilitation Programme, a specific procedure for the arrival, transit or departure of inadmissible persons and deportees, extending full cooperation to the aircraft operator and the escort carrying out the transfer; (b) While at the airport, inadmissible persons and deportees shall be treated appropriately and provided with adequate space and conditions so as not to violate their personal dignity. The airport operator must provide comfortable spaces for that purpose within the international area; (c) The airport operator shall set out, in the Facilitation Programme, a procedure for the use of spaces and facilities intended for inadmissible persons and deportees, and the specific responsibilities of the aircraft operator and the escort.”

Protocol for Public Defenders

30. The Protocol for Public Defenders¹⁴ is implemented by the departmental directorates of the Plurinational Public Defence Service, which is competent, from the moment it becomes aware of a case, to provide free legal assistance to foreign nationals who have been arrested, charged, accused or convicted. Public defenders must request that the prosecutor inform, and request the presence of, the diplomatic representation of the country of origin, and the presence of an interpreter in court and while statements are taken. The national directorate of the Plurinational Public Defence Service also coordinates directly with embassies and consulates of countries of origin.

31. Between 2014 and 2018, the Service dealt with 754 cases involving migrants, as detailed below:

<i>Cases involving foreign nationals handled by the Plurinational Public Defence Service, 2014–2018</i>							
<i>No.</i>	<i>Country of origin</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>Total</i>
1	Germany	0	1	0	0	0	1
2	Argentina	19	34	30	28	23	134
3	Belgium	1	1	0	1	0	3
4	Brazil	3	0	2	0	0	5
5	Bulgaria	2	0	0	0	0	2
6	Cameroon	10	0	0	0	0	10
7	Chile	10	23	11	14	14	72
8	China	0	1	0	0	0	1
9	Colombia	17	39	49	37	36	178
10	Costa Rica	1	0	0	0	0	1
11	Ecuador	8	4	2	11	7	32
12	El Salvador	1	0	0	0	0	1
13	Spain	14	3	1	1	1	20
14	United States	0	0	0	1	0	1
15	Philippines	0	1	0	0	0	1
16	France	1	0	1	0	0	2
17	Netherlands	0	0	1	0	1	2
18	Honduras	0	1	1	0	0	2
19	Ireland	2	2	0	0	0	4
20	Morocco	0	1	0	0	0	1
21	Mexico	7	7	2	1	0	17
22	Nicaragua	0	1	1	0	0	2

¹⁴ Administrative Decision No. 039/2017 of 27 June 2017, issued by the National Director of the Public Defence Service.

<i>Cases involving foreign nationals handled by the Plurinational Public Defence Service, 2014–2018</i>							
<i>No.</i>	<i>Country of origin</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>Total</i>
23	Paraguay	3	11	0	2	7	23
24	Peru	41	46	42	39	33	201
25	Poland	1	0	0	0	0	1
26	Portugal	3	0	0	0	0	3
27	South Africa	2	0	0	0	0	2
28	Switzerland	0	0	1	0	0	1
29	Turkey	2	0	0	0	0	2
30	Ukraine	1	0	0	0	0	1
31	Ukraine	2	0	0	0	0	2
32	Uruguay	3	5	0	4	1	13
33	Venezuela	0	2	3	2	6	13
Total		154	183	147	141	129	754

Source: Plurinational Public Defence Service, based on data from the Integrated Case Monitoring System.

Reply to the issues raised in paragraph 10

32. As indicated in paragraphs 126 to 129 of the third periodic report, the Ministry of Labour, Employment and Social Welfare carries out inspections and operations to monitor compliance with labour regulations and protect workers' rights.

Reply to the issues raised in paragraph 11

33. Regarding cases in which expulsion orders against migrant workers and members of their families were examined by a competent authority, it should be noted that all such orders were issued on grounds set out in article 38 of the Migration Act.

Reply to the issues raised in paragraph 13

34. As stated in paragraphs 64, 65, 99 and 100 of the third periodic report, the Constitution¹⁵ ¹⁶ and current legislation recognize and guarantee, *inter alia*, the right of migrant workers to participate in labour associations and trade unions on an equal basis with nationals. Foreign nationals thus have the freedom to form and join unions and to acquire the obligations set forth in the labour laws.

35. The Ministry of Labour, Employment and Social Welfare is responsible, under article 86 (i) of Supreme Decree No. 29894 of 7 February 2009 on the organization of the executive branch, for guaranteeing workers' freedom to form and join unions and to organize for the defence of their interests and representation and the preservation of their heritage. For this reason, it organizes training workshops with different types of workers, without distinction as to their nationality, to raise awareness of the right to form trade unions.

36. The Ministry is also the institution responsible for the registration of trade unions. To date, migrant workers have not formed a single trade union, but some are members of the various existing unions.

¹⁵ Constitution, art. 14.V: "Bolivian law applies to all natural and legal persons, whether Bolivian or foreign, on Bolivian territory" and art. 14.VI: "Foreign nationals in Bolivia have the rights and must fulfil the duties established by the Constitution, subject to the restrictions contained therein."

¹⁶ *Ibid.*, art. 51.I: "All workers have the right to form a trade union in accordance with the law."

Reply to the issues raised in paragraph 14

Effective access to the social security system and social security benefits

37. Supreme Decree No. 0822 of 16 March 2011 and Act No. 65, the Pensions Act,¹⁷ provide that foreign insured persons and their legal successors can have access to benefits and entitlements in the Comprehensive Pension System without any discrimination whatsoever.

38. According to data from pension fund management companies and insurance companies¹⁸ and in accordance with Administrative Decision No. APS/233-2011 of 12 August 2011, as at May 2019 there were 563 insured persons registered with a foreign identity card who had had access to a benefit or entitlement in the Comprehensive Pension System, as detailed below:

<i>Company</i>	<i>Futuro de Bolivia A.F.P.-S.A.</i>	<i>BBVA Previsión AFP S.A.</i>	<i>La Vitalicia S.A.</i>	<i>Seguros PROVIDA</i>	<i>Total</i>
Contracts involving the monthly payment of contributions	17	31			46
Retirement contracts involving variable lifetime monthly payments	32	34			66
Minimum pension contracts		3			3
Non-contributory old-age pension retirement agreements	95	99	1	1	196
Old-age pension retirement agreements	80	180	1		189
Life insurance retirement contracts concluded with an insurance company			11	3	14
Disability pensions	4	10			14
Risk-related survivors' pensions	17	15		1	33
Total	245	300	13	5	563

Source: Pensions and Insurance Monitoring and Control Authority.

39. Regarding short-term social security benefits, article 12 of the Migration Act reaffirms that foreign migrants may exercise and enjoy the right to social security and to basic social services and benefits. For that reason, the Social Security Code and its regulations must be applied to all Bolivians and foreign nationals who work in the country and who provide remunerated services for a natural or legal person.

40. In addition, the Pensions Act¹⁹ establishes that employers have an obligation to act as withholding agent and to pay the insured person's obligatory and voluntary monthly contributions, obligatory contributions to the solidarity fund, a premium for common disability and survivors' insurance, administrative fees based on the insured person's total earnings, a further contribution to the solidarity fund that depends on the insured person's income, and third-party contributions in favour of their dependants.

Pension or retirement options available to migrant workers

41. Under the Ibero-American Multilateral Agreement on Social Security,²⁰ which entered into force in Bolivia on 1 May 2011, those who have worked in one or more States parties to the Agreement and who have contributed to a long-term social security scheme

¹⁷ Act No. 065 of 10 December 2010.

¹⁸ Futuro de Bolivia A.F.P.-S.A., BBVA Previsión AFP S.A., La Vitalicia S.A. and Seguros PROVIDA.

¹⁹ Act No. 065 of 10 December 2010.

²⁰ Concluded by Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Paraguay, Peru, Portugal, Spain and Uruguay for the coordination of national legislation on pensions. It does not amend the social security legislation of States parties.

may, when qualifying for a benefit in their place of residence, request recognition of contributions made and receive old-age, survivors' and disability benefits in accordance with the requirements set forth in each country's legislation.

Basic health care and emergency medical care

42. Act No. 1152, "Towards a Single Universal Free Health System", amending Act No. 475 of 30 December 2013 on the Provision of Comprehensive Health Care, as amended by Act No. 1069 of 28 May 2018,²¹ states under article 5.I that: "The public health sector shall provide free comprehensive health care to the following beneficiaries: (a) Bolivians who are not protected by short-term social security; (b) foreign nationals who are not protected by short-term social security, within the framework of international instruments, in keeping with the principle of reciprocity and under the same conditions as Bolivians ... (c) foreign nationals in the Plurinational State of Bolivia who are not covered by subparagraph (b) and who belong to one of the following groups:

1. Pregnant women
2. Women, in respect of sexual and reproductive health care
3. Children under 5 years of age
4. Women and men over 60 years of age, and
5. Persons with disabilities who are eligible under current legislation."

43. Consequently, migrant workers who fall into the categories described in article 5.I (b) and (c) above are protected by this legal provision.

44. Similarly, article 6 of the Social Security Code establishes that the Code must be applied to all nationals and foreigners who work in the country and who provide remunerated services for natural or legal persons, whether private or public, express or presumed.

Reply to the issues raised in paragraph 15

45. Regarding the implementation of Ministerial Decision No. 1/2018 of the Ministry of Education, in 2018 a total of 5,548 new foreign students were enrolled in the regular education system following late registrations. Of these, 30 were enrolled in preschool, 3,499 in primary education and 2,019 in secondary education. In 2019, some 7,522 foreign students were enrolled following late registrations – 35 in preschool, 4,812 in primary education and 2,675 in secondary education.

Reply to the issues raised in paragraph 16

46. Under Act No. 393, the Financial Services Act,²² financial intermediation and the provision of financial services are of public interest and may be carried out only by financial institutions authorized to make transfers and issue payment orders payable in the country or abroad, financial intermediation institutions and money transfer and remittance companies.²³

²¹ Act No. 1152 of 20 February 2019.

²² Act No. 393 of 21 August 2013.

²³ *Ibid.*, art. 6: "Activity of public interest. I. Financial intermediation and the provision of financial services are of public interest and may be carried out only by financial institutions authorized under this Act."

Art. 119: "Lending, contingent and service operations. I. Financial intermediation institutions are authorized to carry out the following lending, contingent and service operations, subject to the limitations of this Act: (a) granting credit and short-, medium- and long-term loans, with personal, mortgage, collateral or other non-conventional guarantees, or a combination thereof; (b) discounting and/or negotiating securities and commercial bonds, with or without recourse, with maturities not exceeding one year; (c) furnishing collateral, sureties and other guarantees payable on first demand; (d) opening, notifying, confirming and negotiating letters of credit; (e) receiving bills of exchange or other bills receivable and carrying out collection, payment and transfer operations; (f) making

47. The Act ensures universal equal access to financial services without discrimination on grounds of age, gender, race, religion or cultural identity, together with efficient means or channels of complaint if financial products and services are not provided equitably. Financial institutions responsible for any shortcomings that may restrict or limit access to financial services may be subjected to the penalty procedure of the Financial System Supervisory Authority.²⁴

48. In Circular Letter No. ASFI/DEP/CC-2227/2015 of 18 May 2015, the Financial System Supervisory Authority instructed full-service and SME banks and the State bank to submit daily information on all transfer operations to and from other countries, including family remittances, via a public data-collection system. This information is shown below:

<i>Institution</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Full-service and SME banks and the State bank	224 640 839	485 588 032	469 242 390	564 821 963

Source: Financial System Supervisory Authority.

49. The main countries of origin of family remittances are Spain and the United States; remittances from those countries accounted for 59 per cent of the value of remittances received in the period 2014–2018. The most important sender in the region is Argentina, the economy with the largest Bolivian emigrant population.

50. As for destination, about 87 per cent of all remittances were received in the departments of Cochabamba, La Paz and Santa Cruz.

transfers and issuing payment orders payable in the country or abroad; (g) carrying out sale and purchase transactions and currency exchange; (h) buying, holding and selling coins and bars of gold, silver and precious metals and certificates of ownership of such metals; (i) buying, holding and selling, on their own behalf, securities entered in the stock market register; (j) buying, holding and selling, on their own behalf, documents representing listed bonds issued by financial institutions; (k) buying and selling, on their own behalf, commercial documents; (l) leasing safe deposit boxes; (m) carrying out trust mandates and operations, including guarantee trusts, in accordance with the regulations of the Financial System Supervisory Authority; (n) operating with credit cards and traveller's cheques; (o) acting as originating agent in securitization processes; (p) serving as financial agent for foreign investments or loans in the country; (q) carrying out repo transactions; (r) carrying out movable property leasing operations up to an amount equivalent to 200,000 Housing Development Units and immovable property leasing operations for social housing, subject to limits that may be modified by Supreme Decree; (s) carrying out factoring operations with foreign currency invoices or any other type of commercial document authorized by regulation of the Financial System Supervisory Authority; (t) carrying out different types of derivative transactions, subject to regulations issued by Supreme Decree; (u) syndicating with other financial intermediation institutions to grant credits or guarantees, subject to the regulations of the Financial System Supervisory Authority, syndication which shall not be regarded as a joint venture nor entail joint and several liability among the syndicated institutions; (v) channelling resources to other financial institutions through loans, solely for the purposes of portfolio expansion in the productive sector by the borrowing institution; (w) channelling resources to other financial institutions temporarily for liquidity purposes, subject to regulation by the Financial System Supervisory Authority; (x) maintaining balances in correspondent banks abroad; (y) making money transfers and issuing payment orders payable in the country or abroad, physically or electronically; (z) channelling the financial products and services authorized by this Act through mobile devices. II. Financial intermediation institutions that issue guarantees payable on first demand shall comply with the beneficiary's demand for payment thereof without fail, the following business day, without claiming exceptions or defences derived from any other relationship, including the underlying relationship that is guaranteed, in order to abstain from doing so. The beneficiary's demand shall consist in the presentation of a written request for payment, accompanied by the document or documents required in the guarantee, stating under oath that the guaranteed obligation has not been fulfilled. III. Financial intermediation institutions authorized to carry out the activities mentioned in subparagraphs (i) and (p) may do so directly or through authorized companies."

²⁴ Ibid., art. 77: "Shortcomings in the provision of services. I. Financial institutions responsible for shortcomings in the provision of financial services that restrict or limit access thereto shall be subject to the penalty procedure of the Financial System Supervisory Authority."

Remittances received, by country of origin, 2014–2018

(Millions of dollars and percentages)

<i>Country of origin</i>	2014	%	2015	%	2016	%	2017	%	2018	%
Germany	5.91	0.51	11.36	0.96	5.65	0.46	5.87	0.42	7.16	0.52
Argentina	96.91	8.33	117.52	9.97	138.06	11.20	181.09	13.01	143.96	10.51
Brazil	88.33	7.59	102.31	8.68	82.44	6.69	138.30	9.93	116.24	8.48
Chile	85.57	7.35	68.06	5.78	95.74	7.76	119.76	8.60	134.57	9.82
Spain	518.65	44.57	491.85	41.74	537.97	43.63	565.43	40.61	579.51	42.30
United States	191.79	16.48	194.28	16.49	190.93	15.48	213.04	15.30	231.59	16.90
France	7.75	0.67	8.03	0.68	7.34	0.59	6.66	0.48	7.25	0.53
Italy	26.12	2.24	22.56	1.91	25.28	2.05	22.76	1.63	24.11	1.76
Paraguay	6.84	0.59	6.21	0.53	5.74	0.47	6.93	0.50	5.91	0.43
Peru	17.82	1.53	21.23	1.80	19.69	1.60	21.85	1.57	19.06	1.39
Switzerland	16.30	1.40	17.28	1.47	19.07	1.55	33.50	2.41	22.16	1.62
Other	101.57	8.73	117.71	9.99	105.12	8.53	77.07	5.54	78.51	5.73
Total	1 163.6	100.0	1 178.4	100.0	1 233.0	100.0	1 392.3	100.0	1 370.1	100.0

Source: Central Bank of Bolivia.**Remittances received, by destination, 2014–2018**

(Millions of dollars and percentages)

<i>Department</i>	2014	%	2015	%	2016	%	2017	%	2018	%
La Paz	190.46	16.37	187.00	15.87	194.34	15.76	196.27	14.10	183.69	13.41
Cochabamba	342.76	29.46	366.94	31.14	408.26	33.11	446.82	32.09	444.05	32.41
Santa Cruz	467.68	40.19	482.23	40.92	470.51	38.16	563.23	40.45	558.51	40.77
Tarija	20.85	1.79	24.21	2.05	23.97	1.94	29.83	2.14	30.95	2.26
Potosí	15.35	1.32	16.09	1.37	20.09	1.63	25.18	1.81	22 448	1.64
Oruro	20.80	1.79	22.80	1.94	33.38	2.71	26.97	1.94	28.37	2.07
Chuquisaca	67.24	5.78	46.50	3.95	47.42	3.85	56.42	4.05	57.57	4.20
El Beni	34.41	2.96	30.66	2.60	32.18	2.61	42.21	3.03	41.41	3.02
Pando	4.02	0.35	1.99	0.17	2.90	0.24	5.35	0.38	3.06	0.22
Total	1 163.6	100.0	1 178.4	100.0	1 233.0	100.0	1 392.3	100.0	1 370.1	100.0

Source: Central Bank of Bolivia.

51. Regarding transfer rate controls imposed by the State party in order to prevent abuse by intermediary entities, articles 60 and 61 of the Financial Services Act provide that the Financial System Supervisory Authority is responsible for determining the fees and other charges that financial institutions may apply for transactions and services rendered and for establishing operational mechanisms and procedures for the application and control of such fees. The Authority has been working to develop its regulations on these aspects.

52. Furthermore, under Act No. 3446 on the Financial Transactions Tax,²⁵ all transactions made in foreign currency and in the national currency with maintenance of value against any foreign currency are subject to the Financial Transactions Tax, while deposits and withdrawals from savings accounts in foreign currency or the national currency by individuals with balances less than or equal to US\$ 2,000 or equivalent are exempt. Debits

²⁵ Act No. 3446 of 21 July 2006.

from savings accounts in foreign currency or the national currency, by Bolivian and foreign individuals with larger balances, are subject to the Financial Transactions Tax.²⁶

Reply to the issues raised in paragraph 17

53. In accordance with article 27 (5) of Act No. 018 on the Plurinational Electoral Bureau,²⁷ the Supreme Electoral Court, through the Intercultural Service for Strengthening Democracy, devised “Vote Abroad” communication, information and education strategies for the 2019 general elections in order to inform Bolivians living abroad about the electoral process, the voting procedure and key dates in the electoral calendar. These strategies involved the production and dissemination of information and educational materials in the countries with the largest Bolivian communities, including Argentina, Brazil, Chile, Italy, Spain and the United States.²⁸

54. The communication campaign was conducted in five phases:

- From 11 February to 14 July 2019, production and dissemination of information to accompany the continuous large-scale voter registration that resulted in 350,180 Bolivians in 33 countries in the Americas, Europe and the rest of the world registering to exercise their right to elect the President and Vice President
- From 15 July 2019, dissemination of information on the nature of the electoral process abroad, the voting procedure and key dates in the electoral calendar
- Appointment and training of polling officers, focusing on the nature of the electoral process, the voting procedure and the responsibilities of the electoral authorities (polling officers and electoral officials), among other topics
- Dissemination, as a priority, of the list of polling officers, identification of election districts and polling stations, and requirements for exercising the right to vote

55. In the framework of the activities planned as part of the education strategy for the 2019 general elections, the Education and Training Section of the Plurinational Electoral Bureau sought to build knowledge of electoral processes among direct and indirect actors so as to ensure the informed participation of Bolivians living abroad, in accordance with the law.

56. Training has been provided through the Demodiversidad platform, which allows users anywhere in the world to connect to the following online courses:

- An informative course for participants in the electoral process (coordinators, representatives, communicators, administrative assistants, technical assistants, consular representatives)
- A course for electoral officials
- A course for polling officers

57. This training was delivered to 786 participants, resulting in the certification of 270 electoral officials and 150 polling officers outside of Bolivia.

58. Moreover, coordination between the Plurinational Electoral Bureau and the Ministry of Foreign Affairs to facilitate the addition of new voters to the electoral roll and guarantee the right to vote of citizens living abroad led to the creation in 2019 of 26 new electoral districts (see annex 3) in cities and/or localities where Bolivian nationals reside and where

²⁶ Financial institutions and funds transfer service providers report this information to the national tax system every two weeks. However, as withholding agents, they do not identify the nationalities of savings account holders or the cities of origin and destination of the transfers.

²⁷ Act No. 018 of 16 June 2010.

²⁸ A total of 97.28 per cent of Bolivians eligible to vote abroad are registered in six countries in the Americas and Europe. Some 47.41 per cent of these voters are registered in 11 cities in Argentina; 20.9 per cent are registered in Spain; 13.8 per cent in Brazil; 9 per cent in Chile, 4.2 per cent in the United States and 1.9 per cent in Italy. Voters registered in 27 other countries account for 2.68 per cent of the total.

the State has permanent diplomatic or consular representation. The necessary infrastructure and personnel were deployed for the registration of new voters.

59. Thus, for the October 2019 general elections, about 120 electoral districts were established abroad, giving 341,001 people in 33 countries the opportunity to cast their vote.²⁹

60. The number of Bolivian nationals living abroad who have participated in democratic processes is as follows:

No.	Electoral process	Votes cast	Persons eligible
1	2014 general elections	168 535	271 986
2	2016 constitutional referendum	81 081	258 990
3	2019 general elections	209 951	341 001

Source: Plurinational Electoral Bureau.

Reply to the issues raised in paragraph 18

61. The State guarantees the protection and reunification of the family unit for foreign migrants under article 4 (22) of the Migration Act: “Family unity. The guarantee provided by the State for the protection and reunification of the family unit, comprising a group of persons bound by family ties up to the first degree of consanguinity, filiation, adoption or legal guardianship.”

62. The residence permit for family reasons is defined under article 12 of Supreme Decree No. 1923 of 13 March 2014, the Migration Act’s implementing regulations, which states: “I. It is the authorization granted by the Directorate General of Migration to foreign nationals in Bolivian territory with the following validity and purposes: ... (e) Family. Intended for foreign nationals who have ties of kinship, civil or adoptive relationship, economic dependence or affinity, or who plan to marry, on Bolivian territory.”

63. From 2014 to 2018, 13,329 short-term and temporary residence permits were granted for family reasons, as detailed below:

	Year					Total
	2014	2015	2016	2017	2018	
Family	488	2 533	3 336	3 498	3 474	13 329

Source: Directorate General of Migration.

64. Family reunification is not a requirement for obtaining a residence permit for work purposes and nor is having such a permit a requirement for family reunification.

Reply to the issues raised in paragraph 19

65. Regarding bilateral and multilateral agreements, Bolivia applies the mechanisms established by the Andean Community in express decisions such as Decision No. 545, the Andean Labour Migration Instrument, and Decision No. 546, the Andean Social Security Instrument.

²⁹ There were 49 electoral districts in Argentina, 1 in Austria, 1 in Belgium, 12 in Brazil, 1 in Canada, 6 in Chile, 1 in China, 1 in Colombia, 1 in Costa Rica, 1 in Cuba, 1 in Ecuador, 1 in Egypt, 1 in France, 1 in Germany, 1 in India, 1 in Iran, 3 in Italy, 1 in Japan, 1 in Mexico, 1 in the Netherlands, 1 in Nicaragua, 1 in Panama, 1 in Paraguay, 5 in Peru, 1 in the Republic of Korea, 1 in Russia, 9 in Spain, 1 in Sweden, 1 in Switzerland, 1 in the United Kingdom, 10 in the United States, 1 in Uruguay and 1 in Venezuela.

66. Mechanisms established by MERCOSUR, such as Decision No. 01/15, the Agreement on Electronic Registration of Migrants, and Decision No. 02/15, the Agreement on Travel Documents and Arrangements for Returns, are also generally applied in migration matters.

67. Bilateral agreements include the Migration Agreement concluded with Argentina on 21 April 2004.

Reply to the issues raised in paragraph 20

68. With regard to arrangements for the voluntary return of Bolivians, article 61 of the Migration Act provides that those who wish to benefit from this measure may return once only and must comply with the following requirements:

1. Submit a request to a consulate stating that it is their wish and decision to return to Bolivia.

2. Have resided abroad for a verifiable period of at least two years immediately preceding the date of the submission of the request.

69. Those who return to take up permanent residence in the country will be exempted from the payment of all customs duties on the importation of their personal effects and household goods, which may include: clothing; furniture, appliances and accessories for the normal domestic use of a family unit; and work machines, equipment and tools.

Reply to the issues raised in paragraph 21

70. Under article 10 of Comprehensive Act No. 263 on Combating Human Trafficking,³⁰ the Plurinational Council on Combating Human Trafficking does not have the authority to hear or resolve cases of trafficking in persons or people smuggling.

71. In accordance with Act No. 777 on the Comprehensive State Planning System,³¹ the State is finalizing the implementation of the Multisectoral Comprehensive Development Plan on Combating Human Trafficking, the implementation period having run from 2016 to 2020.

Reply to the issues raised in paragraph 22

72. The Constitution expressly prohibits forced labour and child exploitation and provides that the activities carried out by children and adolescents within the family and in society should be directed towards their full development and should have a formative function. Accordingly, children's right to protection and the institutional safeguards and mechanisms that ensure this protection are set out in special regulations.

73. Therefore, in keeping with the commitments of Bolivia under article 1 of the ILO Minimum Age Convention, 1973 (No. 138), the Plurinational Constitutional Court, by decision No. SCP0025/2017 of 21 July, ruled on and declared unconstitutional the provisions of the Children and Adolescents Code establishing, in exceptional circumstances, 10 years of age as the minimum age for self-employment and 14 years of age as the minimum age for employment.

74. Since then, through the promulgation of Act No. 1139 of 1 December 2018, pursuant to which it is no longer possible for exceptions to be made to the minimum working age, the State has undertaken to ensure that children between the ages of 14 and 18 years old who are working, whether for themselves or for someone else, enjoy the same rights as adult workers.

75. The bodies responsible for protecting children and adolescents at the national, departmental and municipal levels³² have a duty to remove children and adolescents from

³⁰ Act No. 263 of 31 July 2012.

³¹ Act No. 777 of 25 January 2016.

³² The Ministry of Labour, Employment and Social Welfare, the Children's and Adolescents' Defence Offices, the departmental social services and other institutions working for children's and

work situations that are unsafe, unhealthy or detrimental to their dignity, to prevent them from returning to dangerous activities and to provide advice and temporary support in order to guide them towards an area of work in which their rights are protected.

76. The unit for the progressive eradication of child labour, which is attached to the Ministry of Labour, Employment and Social Welfare, in coordination with its departmental and regional offices, is responsible for enforcing labour rights by conducting inspections in urban and rural areas throughout the country, with a special focus on regions where child and adolescent labour may exist.

Reply to the issues raised in paragraph 23

77. Procedural handbooks on immigration control and foreign nationals explain how the migration laws should be applied to safeguard the rights enshrined in the Constitution, the Migration Act and all related regulations on the protection of migrants' rights, and the international mechanisms to which Bolivia is a signatory.

78. With regard to refugee and/or political asylum requests by Venezuelan citizens, article 32 of Act No. 251 on the Protection of Refugees³³ states: "I. Applications for refugee status shall be submitted in writing to the technical secretariat of the National Commission for Refugees within 90 calendar days of the applicant's entry into Bolivian territory."

79. Article 20 of Supreme Decree No. 1440 of 19 December 2012, regulating the Act on the Protection of Refugees, provides that: "the National Commission for Refugees has its headquarters in the city of La Paz, in the Ministry of Foreign Affairs".

80. The law therefore establishes that applications for refugee status must be submitted at the headquarters of the technical secretariat of the National Commission for Refugees, located at the Ministry of Foreign Affairs. Submission of an application leads to the opening of a procedure, consisting of:

- Registration of the applicant for refugee status and his or her family unit
- Issuance of a temporary document to the applicant and his or her family (this document regularizes their stay in Bolivian territory and allows them to exercise their rights temporarily)
- Interview with the applicant to identify the main points of the application (the technical secretariat of the National Commission for Refugees summons applicants by telephone, email and through the implementing agency of the Office of the United Nations High Commissioner for Refugees in Bolivia so that they appear at the scheduled date and time)
- Preparation by the technical secretariat of a non-binding expert legal opinion that includes an assessment of the applicant's compliance with article 29 of the Act on the Protection of Refugees and the case's conformity with that Act and the Convention relating to the Status of Refugees
- Issuance by the National Commission for Refugees of an express, duly substantiated decision signed by its members
- Notification of the Commission's decision

81. The Act on the Protection of Refugees guarantees the rights of applicants to be interviewed, to be assisted by a qualified interpreter, to receive a temporary document, to be informed of their rights and duties, to be notified of the decisions of the National Commission for Refugees, and to challenge the Commission's decisions.

82. The Commission, regardless of nationality of the applicant, handles all applications for refugee status in accordance with the Act on the Protection of Refugees, complying with the guidelines, deadlines and procedures set forth in the Act and its regulations.

adolescents' rights.

³³ Act No. 251 of 20 June 2012.

83. In February 2021, in application of article 15.I (b) of the Act,³⁴ the Commission decided to grant refugee status to 54 Venezuelan nationals.

84. Furthermore, in conformity with the Migration Act, the Government has adopted the following alternative measures to guarantee the continuous residence of Venezuelan migrants:

- Venezuelan citizens who do not have a travel document (passport) may present their national identity cards.
- Venezuelan citizens who apply to the Directorate General of Migration for a residence permit may present their travel document (passport), national identity card or a certificate of nationality issued by a consular representative of Venezuela in Bolivia.

85. Between 2014 and 2018, Bolivia registered a total of 281 requests for international protection. Refugee status was granted to 69 applicants and denied to 212, as detailed below:

2014

<i>Nationality</i>	<i>Refugee status granted</i>	<i>Refugee status denied</i>	<i>Total</i>
Kenyan	-	1	1
Syrian	2	-	2
Chilean	-	1	1
Colombian	10	1	11
Pakistani	3	-	3
Ukrainian	-	1	1
African	-	1	1
British-Ecuadorian	-	1	1
Nigerian	1	1	2
Ecuadorian	1	-	1
Total	17	7	24

Source: National Commission for Refugees.

2015

<i>Nationality</i>	<i>Refugee status granted</i>	<i>Refugee status denied</i>	<i>Total</i>
Peruvian	-	1	1
Ghanaian	3	-	3
Syrian	1	-	1
Malian	-	2	2
Colombian	6	2	8
Sierra Leonean	-	1	1
Lesotho	-	1	1
South African	-	1	1
Cameroonian	1	-	1
Italian	-	1	1
Nigerian	-	9	9
Total	11	18	29

Source: National Commission for Refugees.

³⁴ Ibid., art. 15: “Definition. I. The term ‘refugee’, as used herein, applies to all persons who: ... (b) Have fled from their country of nationality or who, not having a nationality, have fled from their country of habitual residence because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public order.”

2016

<i>Nationality</i>	<i>Refugee status granted</i>	<i>Refugee status denied</i>	<i>Total</i>
Cuban	-	2	2
Syrian	6	-	6
Ivorian	2	-	2
Colombian	2	2	4
Nigerian	-	1	1
Peruvian	-	1	1
Total	10	6	16

Source: National Commission for Refugees.

2017

<i>Nationality</i>	<i>Refugee status granted</i>	<i>Refugee status denied</i>	<i>Total</i>
Nigerian	-	1	1
Syrian	7	2	9
French	-	1	1
Colombian	7	-	7
Peruvian	-	1	1
Moroccan	-	1	1
British-Mexican	-	1	1
Venezuelan	-	1	1
Total	14	8	22

Source: National Commission for Refugees.

2018

<i>Nationality</i>	<i>Refugee status granted</i>	<i>Refugee status denied</i>	<i>Total</i>
Venezuelan	-	155	155
Cameroonian	3	-	3
Peruvian	-	1	1
Syrian	2	-	2
Yemeni	1	-	1
Lesotho	1	-	1
Chilean	1	-	1
Colombian	6	3	9
Nigerian	3	4	7
Cuban	-	6	6
South African	-	1	1
Greek	-	1	1
Mexican	-	1	1
Nicaraguan	-	1	1
Total	17	173	190

Source: National Commission for Refugees.

2019

<i>Nationality</i>	<i>No. of refugee requests</i>	<i>Granted</i>	<i>Denied</i>	<i>Abandoned and closed</i>	<i>Rejected</i>	<i>Withdrawn</i>	<i>Under consideration</i>
Venezuelan	401	-	240	92	2	7	60
Colombian	11	2	5	2	-	1	1
Argentine	3	-	3	-	-	-	-
Ecuadorian	2	1	-	1	-	-	-
Chilean	2	-	1	1	-	-	-
Dominican	1	-	1	-	-	-	-
British	1	-	1	-	-	-	-
Nigerian	1	-	1	-	-	-	-
Cameroon	1	-	1	-	-	-	-
Cuban	1	-	1	-	-	-	-
Mexican	1	-	-	-	-	-	1
Total	424	3	254	96	2	7	63

Source: National Commission for Refugees.

86. Decision No. 148/2020 of the National Migration Board facilitates the entry of Venezuelan citizens, especially those accompanied by minors, who benefit from measures such as recognition of their identity based on supplementary documents in addition to birth certificates.

Reply to the issues raised in paragraph 24

87. This issue is addressed in paragraph 21 above.

Reply to the issues raised in paragraph 25

88. The aim of Supreme Decree No. 3676 of 3 October 2018 is to provide for the exceptional regularization of the migration status of foreign nationals residing in the country in an irregular situation, so that the largest possible number of foreign migrants have documentation attesting to their residence in Bolivia. The Decree covers aspects relating to applications and the deadline for regularization and requirements for having access to the procedure.

89. Foreign nationals who avail themselves of the procedure under Supreme Decree No. 3676 are not punishable by fines but are required to pay a processing fee.

90. Regularization of migration status includes the possibility of granting temporary residence permits for the purpose of work. The State keeps records on the migration regularization of Venezuelan nationals, as shown below:

Migration regularization of Venezuelan nationals under Supreme Decree No. 3676, by procedure, 2018 and 2019

<i>Type of residence permit</i>	<i>2018</i>	<i>2019</i>	<i>Total</i>
Two-year temporary residence permit for family reasons	19	73	92
Two-year temporary residence permit for family reasons (issued to minors)	5	14	19
Two-year temporary residence permit for the purpose of work	21	79	100
Two-year temporary residence permit for the purpose of study	0	1	1
Total	45	167	212

Source: Directorate General of Migration.
