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Summary record of the 3853rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 10 March 2022, at 3 p.m.

Chair: Ms. Pazartzis

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The meeting was called to order 3 p.m.

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

Fourth periodic report of the Plurinational State of Bolivia (continued)
([CCPR/C/BOL/4](#); [CCPR/C/BOL/Q/4](#); [CCPR/C/BOL/RQ/4](#))

1. *At the invitation of the Chair, the delegation of the Plurinational State of Bolivia joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by the Committee members at the previous meeting.
3. **Mr. Lima Magne** (Plurinational State of Bolivia), speaking via video link, said that the Ministry of Labour, Employment and Social Welfare had deployed mobile teams to rural areas to conduct labour inspections and monitor adherence to labour standards. All forms of servitude, including bonded and forced labour, were prohibited. The National Institute of Agrarian Reform had the power to revoke the land titles of any employer found to be engaging in such practices. Since 2018, just over 8 million bolivianos had been paid in compensation to victims of servitude in indigenous campesino areas, including to Guaraní workers. Between 2014 and 2016, 31 cases of servitude had been referred to the National Institute of Agrarian Reform; following final investigations, the Institute had revoked the land titles of the perpetrators.
4. The Plurinational Public Defender Service was underresourced, with insufficient budgetary and human resources to provide equal access to its services throughout the country. For 2022, its budget was 10.9 million bolivianos and there were only 75 public defenders. However, as part of the reform of the justice system, a programme to improve access to justice had been launched under which the Plurinational Comprehensive Judicial Services and the Plurinational Victim Assistance Service provided legal aid in cases where the Public Defender Service was unable to do so. Moreover, under the Ministry's supervision and in coordination with the Public Registry of Lawyers, practising lawyers provided pro bono services to indigent defendants.
5. Public defenders and departmental prison directors regularly reviewed all complaints and reports submitted by persons deprived of their liberty and took appropriate action to ensure legal proceedings were initiated where necessary. The national mechanism for the prevention of torture and the Public Prosecution Service were informed of all reports of torture, and forensic medical assessments of alleged victims were promptly conducted. The follow-up given to all reports and complaints was duly recorded in writing, and the case files were fully auditable.
6. There were currently only 66 children living in prisons, all of whom were under the age of 6 and lived with their mothers. Children between the ages of 3 and 6 who lived in prisons attended learning support centres. All children living in prisons had access to health care and were taken to medical consultations outside the prison grounds and for check-ups in local hospitals. The Office of the Ombudsman for Children and Young Persons carried out regular monitoring activities to ensure that the rights of all children living in prisons were upheld.
7. According to the 2012 population census, there were around 25 million Afro-Bolivians in the Plurinational State of Bolivia. In the context of the International Decade for People of African Descent, the Government, through the National Committee against Racism and All Forms of Discrimination, was implementing various programmes, plans and policies to prevent and address racial discrimination and promote the rights of the Afro-Bolivian population. Under the Avelino Siñani-Elizardo Pérez Education Act, regional curricula had been developed that incorporated the histories, knowledge and languages of the Afro-Bolivian people. Under a scholarship programme exclusively for Afro-Bolivians, 110 university scholarships and 60 scholarships for technical training schools had been awarded since 2015. Traditional and ancestral medicine was being incorporated into the medical services offered in areas with large Afro-Bolivian communities, and support was provided to Afro-Bolivian artists, entrepreneurs and business owners.

8. The Observatory for Citizen Security and the Fight against Drugs had reported that, since 2017, it had registered 28 complaints of cases of lynching or other forms of mob justice, of which 18 had been reported in Cochabamba, 7 in La Paz, 2 in Santa Cruz and 1 in Beni. All of those complaints had been referred to the Public Prosecution Service, which had initiated proceedings to prosecute each of those cases. Those proceedings were currently in the investigatory phase.

9. **Mr. El Haiba** said that he would welcome further information on the role and structure of the Ombudsman's Office, in particular with regard to its membership and staff. He would also welcome clarification as to whether the law governing the Office's mandate had been amended to reflect its new function as the national preventive mechanism.

10. He would be grateful for additional information on the implementation of the Comprehensive Programme to Combat Sexual Violence referred to in paragraphs 142 and 143 of the State party's replies to the list of issues (CCPR/C/BOL/RQ/4), as well as on any other measures taken to protect minors against sexual abuse and exploitation and prosecute the persons responsible for such offences. He also wished to know whether any steps had been taken to amend article 309 of the Criminal Code on statutory rape.

11. With regard to child labour, it would be useful to learn more about the measures envisaged by the State party in order to further reduce the number of child workers. He would also appreciate additional information on the outcome of the complaints of child labour and sexual exploitation referred to in paragraph 148 of the State party's replies to the list of issues. He wondered whether the delegation could provide detailed information on the resources allocated for the implementation of child protection measures, as well as on the steps taken to raise awareness of such measures among the general public and ensure access to protection and support services for victims and their families.

12. According to information received by the Committee, in August 2021 the State party had adopted Supreme Decree No. 4576 establishing an exceptional procedure for the regularization of migration status. He wished to know how many requests for regularization had been received under that procedure, how many requests had had favourable outcomes and how many requests had been submitted by Venezuelan nationals. He wondered what measures had been taken to allow refugees and asylum seekers to submit an asylum application if they lacked the material resources to travel to the headquarters of the National Commission for Refugees in La Paz or had no identity documents. Lastly, he would welcome information on the follow-up given to reports that a number of migrants had been abused by police officers; specific information on any investigations and/or prosecutions undertaken and any sanctions imposed in such cases would be appreciated.

13. **Mr. Santos Pais** said that he wished to know whether the State party had assessed the impact of the National Plan to Combat Human Trafficking and Smuggling 2015–2019 and, if so, what the results of that assessment had been; what primary objectives had been established under the new plan for the period 2021–2025; and whether civil society had been consulted during the preparation of the new plan. He wondered whether the State party had continued the public service announcements, workshops and training courses on human trafficking and smuggling referred to in paragraph 155 of its periodic report (CCPR/C/BOL/4). He would be grateful if the delegation could comment on reports that only 1.7 per cent of the cases of trafficking in persons reported between 2012 and 2016 had resulted in convictions. What measures was the State party taking to ensure that cases of trafficking in persons were properly investigated and that suspected perpetrators were prosecuted and, if found guilty, sanctioned with appropriate penalties? He would be interested to learn more about the steps taken to investigate acts of corruption committed by officials of the agencies responsible for addressing human trafficking. It would also be useful to learn how many victims of trafficking had received support from the State party and how many had received medical and psychological assistance during the identification and investigation process; what steps the State party had taken to ensure the early identification of possible trafficking victims at border crossings; and what measures had been taken to ensure that all victims received full reparations, including appropriate compensation and rehabilitation services. In that connection, he wondered how many victims had been housed in temporary shelters; how many complaints of trafficking had been made through the "122" toll-free hotline; whether the hotline was accessible throughout the entire country; and

whether there were plans to establish local inter-agency networks to provide immediate care to victims or to take steps to ensure a sufficient number of temporary shelters, especially in border areas.

14. With regard to the independence of the judiciary and the administration of justice, he wished to learn more about the State party's plans to reform the justice system, in particular with regard to any measures intended to guarantee its independence and respect for due process. He would welcome information on any plans to adopt new laws concerning the judicial and prosecution services, revise the procedures for the selection, evaluation and removal of judges and prosecutors in order to ensure that they were informed by publicly available, objective, merit-based criteria, and ensure security of tenure for judges and prosecutors. It would be useful to learn what measures were being taken to improve access to justice for members of the public and to ensure that they were properly informed about the progress of proceedings concerning them. Had the State party taken steps to enhance the training of prosecutors and judges with a view to ensuring that due process was followed and expediting the resolution of proceedings? More information on the steps taken to ensure that the judicial authorities had access to adequate resources would be welcome. In that connection, he would appreciate information on the budgetary resources allocated to the justice sector over the previous five years.

15. He wished to know how the State party ensured that any improper interference in the work of judicial officials was promptly reported and that threats made against judicial officials were investigated and those responsible punished. Details of the cases of judicial corruption that had been investigated and the penalties that had been imposed as a result would be helpful. He would like to learn more about any plans to expand the Public Defender Service and the Plurinational Victim Assistance Service and to bring their employees' salaries into line with salaries at comparable State agencies. In the light of reports of recent budget cuts, he wished to know whether there were plans to allocate the necessary financial and human resources for the Public Defender Service. Information on government plans to improve access to justice, especially for persons in situations of vulnerability, would be welcome. It would also be helpful to know whether indigenous original campesino courts worked in coordination with the ordinary court system and observed procedural safeguards.

16. **Ms. Tigroudja** said that she wished to know whether the lands seized from abusive employers by the National Institute of Agrarian Reform were redistributed to the workers whose rights had been violated.

17. It would be useful for the Committee to know how many reports the Government had received of harassment or reprisals against journalists, opinion leaders, trade unionists and human rights defenders; how the Government had responded to those reports; and what steps it was taking to protect journalists and their reputations. It would be helpful to know how the Criminal Code provisions on slander, libel and defamation were applied in practice, particularly in the case of journalists. She wished to know whether, as had been reported to the Committee, non-profit organizations sometimes lost their status as associations if they engaged in activities outside the scope of their by-laws.

18. She wished to know how many refugees and asylum seekers were present on Bolivian soil and what steps the State party was taking to reduce the processing time for asylum applications, stop the refoulement of individuals arriving at the country's border or at its airports and ensure that individuals were informed of the procedures for applying for international protection. She wished to learn about any measures in place for regularizing the status of persons arriving in the country illegally, particularly from Venezuela; any steps being taken to address the obstacles reportedly faced by individuals seeking to regularize their status under Supreme Decree No. 4576; and any measures adopted to enable asylum seekers and refugees to obtain identity documents or renew existing ones.

19. **Ms. Bassim** said that she wished to know what action the State party was taking to remove obstacles to the registration of births of children born outside hospitals or to refugees, members of indigenous communities, asylum seekers, stateless persons and migrant workers.

20. **Ms. Abdo Rocholl** said that she wished to know what the time frame was for establishing the country's autonomous indigenous original campesino communities, as apparently only one such community had been created in the past 12 years. She wished to

find out whether the State party planned to amend Jurisdiction Demarcation Act No. 073, which limited the competence of indigenous courts, and how the State party planned to strengthen the indigenous justice system. She would welcome information on any mechanisms in place for consulting members of indigenous communities and Bolivians of African descent on legislative or administrative measures that might affect them and for obtaining their consent regarding such measures. Details would be appreciated on mining concessions and a highway construction project that had reportedly been approved without the consent of affected communities. New mining projects under the 2021–2025 Economic and Social Development Plan were a source of concern for the Committee. Had the State party taken steps to protect indigenous communities from the devastating effects of the mercury being used by nearby mining operations? She also wished to know whether the communities' consent was required for the use of that chemical.

21. She would like to know whether Act No. 450 of 2013, on the protection of highly vulnerable indigenous original nations and peoples, and its associated regulations had been implemented and whether the Directorate General for the Protection of Indigenous Original Nations and Peoples provided for under the Act had been set up. She would be keen to learn whether the Government planned to revisit its policy on the clearing of forests, which had sparked fires in many indigenous territories in recent years, and repeal Acts No. 741 of 2015 and No. 1171 of 2019 on forest clearing and on the use of fire to clear forested land, respectively. She also wished to know what the findings had been of the investigations into those fires. She wished to learn about any measures to demarcate and protect areas used as transit corridors and to block projects that could affect the lands of communities in voluntary isolation. An update would be appreciated on the complaints filed against employees of Yacimientos Petrolíferos Fiscales Bolivianos for harassing communities that had opposed that oil company's activities.

The meeting was suspended at 3.55 p.m. and resumed at 4.15 p.m.

22. **Mr. Lima Magne** (Plurinational State of Bolivia) said that Act No. 1397 had been amended to ensure the independence of the national mechanism for the prevention of torture.

23. **Mr. Siles Bazán** (Plurinational State of Bolivia), speaking via video link, said that the Plurinational Council against Human Trafficking and Smuggling had been established under Comprehensive Act No. 263 and comprised representatives of executive branch agencies, the Public Prosecution Service, the Office of the Ombudsman and civil society organizations. A bill to amend the Act had been drafted on the basis of input from those representatives. The Council was tasked with formulating a plurinational policy for combating human trafficking and smuggling and a related multisectoral plan, both of which had been drafted and were awaiting the Council's final approval. Nationwide workshops had been held on the main themes of the policy to provide input for the development of departmental plans. The Government was also taking steps to address human trafficking and smuggling through bilateral agreements with countries from which or to which there were significant flows of migrants.

24. **Mr. Ríos Sanjinés** (Plurinational State of Bolivia), speaking via video link, said that the Government was also working to put an end to trafficking in persons under agreements with the International and Ibero-American Foundation for Administration and Public Policies and the United Nations Office on Drugs and Crime; in addition, letters of intent had been signed with the bordering Brazilian states of Acre, Rondônia and Mato Grosso that provided for improved monitoring of border crossings and facilitate the exchange of information. Police and immigration officers received regular training on how to identify and investigate cases of trafficking in persons at the border. The police and the Attorney General's Office had received 451 reports of human trafficking and smuggling and related offences in 2020 and 591 such reports in 2021. Disaggregated data being compiled on such offences would be used to develop targeted government policies. Of the six shelters that were in place, two were run directly by autonomous departmental governments; the operation of the remaining shelters had been delegated to other entities. The hours of operation of border crossings depended on the amount of traffic they received; the busiest ones remained open 24 hours a day and those with the least traffic were open 8 hours a day. The hotline for reports of trafficking in persons, which was also used to provide guidance, counselling and support to

victims and their families, was available in the departments of La Paz, Cochabamba, Santa Cruz and Oruro and would be made available in the country's remaining departments in 2022.

25. **Mr. Siles Bazán** (Plurinational State of Bolivia) said that refugees were guaranteed protection under article 29 of the Constitution. Act No. 251 on the protection of refugees and Supreme Decree No. 1440 established the procedure for the recognition of refugee status and served as the framework for the Government's policy on the integration of refugees and asylum seekers. The principle of non-refoulement was clearly enshrined in Act No. 251 in line with the State party's international obligations in that regard. Asylum applications could be submitted not only to the central office of the National Refugee Commission but also to the offices of the Directorate General of Migration and to migration offices at land borders and in airports. The staff of the Directorate General received regular training on how to process asylum applications. Applicants were granted a 90-day residence permit that could be extended on a case-by-case basis. If their applications were rejected, they were given the opportunity to regularize their migration status under Supreme Decree No. 4576, or they could choose to leave the country. A large proportion of Venezuelan applicants had had their applications rejected because they fell into the category of economic migrants and were not facing persecution. In such cases, the initial decision tended to be upheld on appeal and the persons concerned were encouraged to regularize their migration status. Persons who had been recognized as refugees were granted permanent residency. Steps were taken to facilitate their integration and to enable them to exercise their rights on an equal basis with Bolivians.

26. **Mr. Ríos Sanjinés** (Plurinational State of Bolivia) said that Supreme Decree No. 4576 stated that migrants in an irregular situation who had entered the country prior to the promulgation of that decree on 25 August 2021 could apply for a two-year residence permit for the purpose of regularization. Those who had entered the country after that date must regularize their status in accordance with the migration regulations currently in force. The authorities had received 1,898 applications for regularization under the provisions of that decree, of which 605 had been submitted by Venezuelan migrants. However, in many cases, migrants in an irregular situation consented to expulsion and requested to be transported to the border because they viewed the Plurinational State of Bolivia as a country of transit and their aim was to reach another country.

27. In order to raise awareness of trafficking in persons, over 50 public workshops had been organized and a communication campaign called "Giving Victims a Voice" had been carried out. Trafficking prevention operations had been conducted in particular neighbourhoods, and 17 victims of trafficking had been repatriated. In addition, training on human rights and the prevention of violence had been provided to around 400 police officers. The "My Safe Neighbourhood" Plan had been implemented in five departments thus far. The aim of the plan was to involve local communities in the development of policies on crime prevention by taking into account their experiences and giving them the opportunity to propose solutions. Under the plan, a series of workshops had been organized with a view to identifying and tackling the main problems facing each community.

28. **Mr. Lima Magne** (Plurinational State of Bolivia) said that there were no obstacles preventing refugees, stateless persons or indigenous persons from registering the birth of their children. All children born in the country were entitled to a birth certificate, and all pregnant women had access to free health care and food under the Juana Azurduy voucher scheme. There were policies in place to protect the right to health of women and children and the right to birth registration.

29. There was a specific plan governing the allocation by the National Agrarian Reform Institute of State-owned land. Priority was given to local families who had been exploited or subjected to servitude in the past. The Government hoped that the reassignment of the land in question would be completed within the next few years.

30. The rights of journalists were enshrined in the Press Act and were protected by the police, in accordance with a memorandum issued on 4 November 2019. Several journalists had lost their lives or had been subjected to torture under the previous Government, including Sebastián Moro, whose death was currently being investigated. The previous Government had sought to restrict freedom of expression by issuing Supreme Decree No. 4231. That piece of legislation had since been declared unconstitutional and had been rescinded.

31. The members of the highest judicial bodies were elected through a two-stage process. Candidates were elected by a two-thirds majority vote of the Plurinational Legislative Assembly, following an interview process and an assessment of their credentials. The appointments were then approved by popular vote. The process was more rigorous than in many other countries. Unfortunately, voter turnout was not 100 per cent, even though voting was compulsory. Nevertheless, the Government remained convinced that the popular vote model was the best way to democratize the process of appointing judges. It would take steps to further improve the model ahead of the next judicial elections in March 2023.

32. The Government had demonstrated its commitment to ensuring the independence of the judiciary by inviting the Special Rapporteur on the independence of judges and lawyers to visit the country in order to examine the judicial system. The Special Rapporteur's report would be presented to the Human Rights Council in June 2023. As part of the reform of the justice system, steps were being taken to increase the resources available to the judiciary in order to improve access to justice for all Bolivians. However, the problems in the justice system did not stem solely from a lack of budgetary resources. In fact, the judiciary did not even make full use of the budget that it was allocated. Two members of the Council of the Judiciary who had fallen short of the applicable standards of conduct had recently been removed. The Government was committed to ensuring that all judges were properly trained and enjoyed security of tenure. To that end, measures were being taken to strengthen the institutional structure of the Judicial Academy and to improve the quality of the training that it provided.

33. His delegation was surprised to hear of allegations of executive interference in the judicial system and would be grateful if the Committee could pass on the information that it had received in that regard. He could assure the Committee that there was no such interference, since all members of the executive branch were bound by the Constitution and were committed to the democratic values enshrined therein. The various branches of the State cooperated with one another in accordance with the law with a view to preserving the independence of the judiciary. Eighteen judges had recently been removed from office because they had been found guilty of such acts of corruption as, for example, accepting bribes to release prisoners who had committed serious offences against vulnerable persons. The decision to remove those judges from office had been taken by the Council of the Judiciary, not the executive branch.

34. Not just one but rather five autonomous indigenous communities had been established, and all of them had been represented at the meeting of the National Council of Autonomous Entities held in late 2021. Development projects were undertaken with due respect for human rights and the preservation of Mother Earth. The Agricultural and Environmental Court was the first institution of its kind in the world. A number of cases were pending before the Court, and an agro-environmental code of procedure was being developed. The State did not protect persons or entities that violated the rights of indigenous persons. On the contrary, it worked to bring the perpetrators of such violations to justice and to further the sustainable development of the country in cooperation with the indigenous communities. His Government had its roots in social and indigenous movements that wished to build on the progress made by the indigenous former President Juan Evo Morales Ayma. It represented the indigenous communities and held regular meetings with them. They were therefore an integral part of the governmental mechanism.

35. By way of conclusion, he wished to emphasize that the Plurinational State of Bolivia was fully committed to ensuring the protection of human rights in cooperation with the international community and was ready to make any policy changes or other adjustments that were necessary to give effect to the rights of all communities. It stood ready and willing to engage in an ongoing constructive dialogue with the Committee, and the questions asked by Committee members that the delegation had not had time to answer would be responded to in writing.

36. **The Chair** said that she wished to thank the State party for engaging in a frank and constructive dialogue about the measures that it had taken to implement the Covenant and the challenges that it continued to face. The Committee had been interested to hear what was being done to address key issues such as violence against women and to safeguard the rights

of refugees, indigenous persons and other specific groups. She hoped that the dialogue would feed into the State party's efforts to fulfil its obligations under the Covenant.

The meeting rose at 5.05 p.m.