



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Twenty-first to twenty-sixth combined periodic  
reports submitted by the Plurinational State of  
Bolivia under article 9 of the Convention, due in  
2013\*, \*\***

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\* The present document is being issued without formal editing.  
\*\* The annexes may be consulted in the files of the secretariat.



## I. Introduction

1. The International Convention on the Elimination of All Forms of Racial Discrimination (the “Convention”) was ratified by the Plurinational State of Bolivia through Supreme Decree No. 9345 of 13 August 1970.<sup>1</sup>
2. The Convention and other international human rights instruments form part of the body of constitutional law and therefore take precedence over domestic legislation, in accordance with articles 13 (II) and (IV), 256 and 410 (II) of the Constitution<sup>2</sup> (see annex 1).
3. The Plurinational State of Bolivia (the “State” or “Bolivia”), in accordance with article 9 (1) of the Convention, hereby submits to the Committee on the Elimination of Racial Discrimination its twenty-first to twenty-sixth periodic reports, which outline the steps taken between 2011 and 2018 to implement the Convention.
4. This report was prepared by the Ministry of Justice and Institutional Transparency, in collaboration with the executive, judicial, legislative and electoral branches of government and the autonomous communities. It was then reviewed by the Inter-Agency Coordination Unit for the Preparation, Submission and Defence of Reports of the Plurinational State of Bolivia, comprising the Ministry of Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General’s Office, in fulfilment of the commitment assumed by Bolivia during its second universal periodic review before the United Nations Human Rights Council in October 2014.<sup>3</sup>

## II. Information relating to articles 1 to 7 of the Convention

### Article 1

5. Non-discrimination<sup>4</sup> is enshrined in the Constitution, which guarantees that all persons and groups of persons, without discrimination of any form, shall be able to freely and effectively exercise the rights established therein as well as all rights established in national law and international human rights treaties.<sup>5</sup> Act No. 045 on the Elimination of Racism and All Forms of Discrimination (“Act No. 045”) (see annex 2), enacted on 8 October 2010, includes, in its article 5, the following definitions:

(a) Discrimination. “Discrimination” is defined as any form of distinction, exclusion, restriction or preference based on sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious belief, ideology, political or philosophical affiliation, marital status, economic, social or health situation, profession, occupation or trade, level of education, differing abilities and/or physical, intellectual or sensory disability, pregnancy, descent, physical appearance, clothing, family name or other characteristic which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on any equal footing, of human rights and fundamental freedoms established in the Constitution and international law. Affirmative action measures are not considered a form of discrimination;

(b) Racial discrimination. “Racial discrimination” is understood as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing, directly or indirectly, the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms established in the Constitution and international human rights instruments, in the political, economic, social, cultural or any other field of public and/or private life.

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<sup>1</sup> Raised to the status of law by Act No. 1978 of 14 May 1999.

<sup>2</sup> Constitution, approved by referendum on 25 January 2009 and enacted on 7 February 2009.

<sup>3</sup> See A/HRC/28/7, para. 50.

<sup>4</sup> Constitution, art. 14 (II).

<sup>5</sup> Ibid., art. 14 (III).

6. National legislation is therefore in line with the provisions of the Convention, as these definitions include a long list of prohibited categories, including race, colour, origin, nationality, descent and citizenship. Moreover, the definitions of both discrimination and racial discrimination cover both direct and indirect forms of discrimination.

## Article 2

7. The aim of Act No. 045, throughout its five chapters, is to prevent and punish acts of racism and discrimination by taking a holistic, human rights-oriented approach. The Act is underpinned by the principles of interculturality, equality, equity and protection and is applicable nationwide.

8. The Act includes definitions of discrimination, racial discrimination, racism, race, gender equity, generational equity, homophobia, transphobia, xenophobia, misogyny, affirmative action and corrective action. It also provides for the adoption of a public policy for preventing and combating racism and all forms of discrimination, with a gender and generational perspective, that is applicable at all territorial levels and encompasses education, public administration, communications, information-sharing, awareness-raising and economic matters.

9. The Act also specifically outlaws acts of misconduct by persons acting in an official capacity, establishes an obligation for public officials to report all such acts, regulates the framework for the protection of victims of racism and all other forms of discrimination in the private sphere and prohibits the media from endorsing and publishing racist and discriminatory ideas. It further provides for the incorporation of a chapter on crimes against human dignity in the Criminal Code.

10. The Act establishes the National Committee against Racism and All Forms of Discrimination<sup>6</sup> (the “National Committee”), which is responsible for promoting, designing and implementing comprehensive policies and regulations in this area.

11. In accordance with article 8 of Act No. 045, the National Committee is composed of representatives of the executive branch (the Ministry of Culture, Ministry of the Office of the President, Ministry of Justice and Institutional Transparency, Ministry of the Interior, Ministry of Education, Ministry of Economic Affairs and Public Finance, Ministry of Development Planning and Ministry of Defence), the judicial branch, the electoral branch, the legislative branch, autonomous departmental governments, autonomous municipal governments, autonomous indigenous original campesino communities, community organizations, indigenous original campesino organizations, intercultural communities, Afro-Bolivian communities, organizations defending the rights of women, young persons, children and adolescents, persons with disabilities and vulnerable sectors of society, other human rights institutions and organizations and civil society.

12. Since its establishment, the National Committee has held eight ordinary plenary sessions, plus two ordinary sessions and two extraordinary sessions of the Permanent Council. It has issued 41 decisions on various matters relating to people affected by racism and discrimination, and, in accordance with the mandate established in article 9 (g) of Act No. 045,<sup>7</sup> has supported the establishment of eight departmental committees under the guidance of governor’s offices.

13. The National Committee also oversaw the implementation of the Plan of Action against Racism and All Forms of Discrimination 2012–2015 (see annex 3), designed to raise awareness of, prevent and provide remedies for acts of racism and all forms of discrimination. The Plan encompassed 17 programmes focused on the elimination of racism and all forms of discrimination that were implemented by government ministries.

<sup>6</sup> Act No. 045, art. 7.

<sup>7</sup> To promote the establishment of commissions and committees against racism and all forms of discrimination, with a view to implementing preventive measures in a framework of autonomy.

14. In addition, in accordance with the mandate established in article 9 (f) of Act No. 045,<sup>8</sup> the National Committee, in Decision No. 01/2013 of 30 October 2013 (see annex 4), called on all public institutions to establish a body to prevent and combat racism. As a result, six ministries have set up bodies for the prevention of racism and all forms of discrimination.

15. Moreover, in accordance with the mandate established in article 9 (c) of Act No. 045, the National Committee reviews any bills submitted by the Plurinational Legislative Assembly in order to bring them into line with the Act. It also conducts detailed reviews of any bills specifically related to indigenous heroes and heroines. Between 2013 and 2018, 32 bills were submitted to the National Committee so that they could be revised and brought into line with the Act.

16. The National Committee, together with representatives of civil society and ministries of the executive branch, also drew up the Multisectoral Plan for Combating Racism and All Forms of Discrimination of the Plurinational State of Bolivia 2016–2020 (the “Multisectoral Plan”) (see annexes 5 and 6). This is a public policy plan designed to improve the quality of life of vulnerable groups by tackling racist and/or discriminatory practices and attitudes with a view to eliminating extreme poverty in Bolivia.

17. The action lines of the Multisectoral Plan<sup>9</sup> are listed by area, strategic objective, plurinational programme and responsible body in the table below.

<i>Area</i>	<i>Strategic objective</i>	<i>Plurinational programme</i>	<i>Responsible body</i>
<i>A. Dignity in balance with Mother Earth</i>			
Social, economic, productive, labour and legal spheres	Strategic objective 1 To decolonize and depatriarchalize rules and procedures in order to guarantee access to goods and services for peoples affected by racism and discrimination	1. New system of planning and public investment for the Plurinational State favouring peoples whose rights have been violated	Ministry of Development Planning Ministry of Health Ministry of Education Ministry of Public Works, Services and Housing Ministry of the Environment and Water
		2. Access to housing programmes for vulnerable peoples	Ministry of Public Works, Services and Housing through the Office of the Deputy Minister of Housing and City Planning (on the basis of, or through, the Multi-Year Plan to Reduce the Housing Shortage)
		3. Job opportunities and access to employment and work for peoples affected by racism and/or discrimination	Ministry for Productive Development and the Plural Economy Ministry of Labour, Employment and Social Welfare Ministry of Rural Development and Land
		4. Equal access to new justice	Ministry of Justice and Institutional Transparency

<sup>8</sup> To promote the establishment of mechanisms to prevent racism and all forms of discrimination in all public institutions.

<sup>9</sup> The National Committee is currently evaluating the implementation of the Multisectoral Plan to 2018.

<i>Area</i>	<i>Strategic objective</i>	<i>Plurinational programme</i>	<i>Responsible body</i>
		<i>B. Consolidation of our identities</i>	
Political and cultural identities	Strategic objective 2 To recover and raise awareness of the wisdom and knowledge of the various cultures of the Plurinational State of Bolivia in order to foster a culture of respect for diversity	5. Full political participation of peoples affected by racism and/or discrimination	Ministry of Justice and Institutional Transparency Ministry of Autonomy <sup>10</sup>
		6. New models for health and education services	Ministry of Education Ministry of Health Ministry of Sport
		7. Additional affirmative action in military service for indigenous original campesino peoples	Ministry of Defence Armed Forces
		8. Racism and discrimination awareness-raising and prevention – media	Ministry of Communication Ministry of Public Works, Services and Housing (through the Telecommunications and Transport Regulatory and Supervisory Authority)
		9. National Consultation System – public policies developed with indigenous original campesino nations and peoples	Office of the Deputy Minister for Decolonization Office of the Deputy Minister for Indigenous Original Campesino Justice Office of the Deputy Minister for Intercultural Affairs
		10. Training for duty bearers (judicial officers, educators, police and military officers)	Ministry of Education Ministry of Justice and Institutional Transparency Ministry of the Interior Ministry of Defence
		11. Recovery, strengthening and recognition of spiritual identities and practices – religiosities of indigenous original campesino peoples and the Afro-Bolivian people	Office of the Deputy Minister for Decolonization

<sup>10</sup> In accordance with Act No. 915 of 22 March 2017, any reference to the Ministry of Autonomy should be understood as a reference to the Ministry of the Office of the President.

<i>Area</i>	<i>Strategic objective</i>	<i>Plurinational programme</i>	<i>Responsible body</i>
<i>C. Institutional framework for commitment and social results</i>			
Public administration	Strategic objective 3 To develop a model of public, decolonized and depatriarchalized governance that is able to achieve tangible and intangible results for people affected by racism and/or discrimination.	12. Institutional strengthening of the National Committee and the Office of the Deputy Minister for Decolonization	Office of the Deputy Minister for Decolonization
		13. Depatriarchalized public governance	Office of the Deputy Minister for Decolonization
		14. Intensive training for public officials on preventing and combating racism and discrimination	Ministry of Education (through the Plurinational Public Governance School) Deputy Minister of Justice and Fundamental Rights
		15. Network for research on racism and discrimination	Ministry of Development Planning (through the Social and Economic Policy Analysis Unit) Academic Centres for Scientific and Social Research National Statistics Institute
		16. Plurinational System for Reporting and Monitoring Acts of Racism and Discrimination	Office of the Deputy Minister for Decolonization
		17. Information, education and mobilization to eliminate racism and all forms of discrimination	Office of the Deputy Minister for Decolonization

*Source:* Office of the Deputy Minister for Decolonization.

18. With regard to public policies directly concerning vulnerable populations, in Decision No. 03/2014 of 21 May 2014 (see annex 7) the National Committee recommended that, when considering the constitutionality of autonomous regulations, the Plurinational Constitutional Court should urge the municipal and departmental legislative authorities to take the rights of vulnerable peoples into consideration with a view to guaranteeing their democratic inclusion and the formulation of public policies that benefit all minority groups, incorporating specific policies against racism and all forms of discrimination, combating patriarchy and promoting decolonization.

19. The Children and Adolescents Code (Act No. 548) of 17 July 2014 (see annex 8) recognizes, develops and regulates the exercise of child and adolescent rights on the basis of constitutional principles and mandates including the principle of equality and non-discrimination. The Integrated Plurinational System for Children and Adolescents<sup>11</sup> and the

<sup>11</sup> Established by article 13 of Act No. 548 (the Children and Adolescents Code) of 17 July 2014 and composed of the Plurinational System for the Comprehensive Protection of Children and Adolescents

Plurinational Plan for Children and Adolescents, approved by the Congress on the Rights of the Child and Adolescent on 7 April 2017 (see annex 9), are also being implemented.

20. Act No. 342 of 5 February 2013, on young persons (“Act No. 34”) (see annex 10) was enacted to ensure that young persons have access to comprehensive education and development. In addition, the aim of the Multisectoral Plan for the Comprehensive Development of Young Persons and the Good Way of Living 2016–2020<sup>12</sup> is to promote the rights of young people.

21. The Inter-American Convention on Protecting the Human Rights of Older Persons was ratified through Act No. 872 of 21 December 2016 (see annex 11) and Act No. 369 of 1 May 2013 on older persons (“Act No. 369”) (see annex 12) is in force. The purpose of the Multisectoral Plan for the Comprehensive Development of Older Persons 2016–2020<sup>13</sup> (see annex 13) is to establish and extend mechanisms to guarantee and protect the rights of older persons. In addition, the National Strategic Plan for Healthy Ageing is being implemented, and the Old Age Non-Contributory Pension Scheme<sup>14</sup> has been created to improve the pensions of retired workers who received a low income during their working life. In 2016, the total number of retirees was 103,179, of whom 57.1 per cent benefited from the scheme.

22. Act No. 223 of 2 March 2012 on persons with disabilities (“Act No. 223”) (see annex 14) is currently in force and was designed to ensure that persons with disabilities are able to exercise their rights in full, perform their duties on an equal basis and enjoy equal opportunities and preferential treatment under a comprehensive protection scheme. The Act is supplemented by the Comprehensive Multisectoral Plan for Persons with Disabilities 2016–2020<sup>15</sup> (see annex 15). Persons with severe and very severe disabilities receive a non-contributory allowance of Bs. 1,000, which is paid on an annual basis.<sup>16</sup> In accordance with its mandate, the National Committee called for implementation of the provisions of the Convention on the Rights of Persons with Disabilities in Decision No. 07/2016 of 9 September 2016 (see annex 16).<sup>17</sup>

23. In order to promote the values enshrined in Act No. 045 in the public service, and in accordance with the mandate set forth in article 6 (II) (a) of the Act, the State has a duty to “provide public officials with training on the prevention, punishment and elimination of racism and all forms of discrimination”. In turn, in accordance with article 9 of Supreme Decree No. 762 of 5 January 2011 (“Supreme Decree No. 762”) (see annex 17), public officials are required to take the refresher courses on values, public ethics, human rights, equality and non-discrimination offered by the Plurinational School of Public Governance.

24. In Decision No. 01/2013 of 30 October 2013 (see annex 18), the National Committee called on the directors of public institutions to fulfil this obligation and, in Decision No. 09/2013 of 30 October 2013 (see annex 19), it urged the Plurinational School of Public Governance, the School for State Attorneys, the School for State Prosecutors and the School for State Judges to put in place the programmes necessary to train judicial officers, prosecutors and public officials from all levels of the public administration.

25. The National Committee also issued Decision No. 10/2014 of 21 May 2014 (see annex 20), in which it endorsed the diploma courses on racism and non-discrimination run by the Plurinational School of Public Governance and ruled that the School should

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and the juvenile justice system. It is a coordinated set of organs, bodies, institutions, organizations, agencies and services whose primary objective is to ensure full enjoyment of the rights of children and adolescents.

<sup>12</sup> The Ministry of Development Planning is ensuring the Plan’s alignment with the Sectoral Plan for Comprehensive Development of the Ministry of Justice and Institutional Transparency.

<sup>13</sup> Approved by Ministerial Decision No. 007/2018 in La Paz on 24 January 2018.

<sup>14</sup> Established by Act No. 065 of 10 December 2010.

<sup>15</sup> The Ministry of Development Planning is ensuring the Plan’s alignment with the Sectoral Plan for Comprehensive Development of the Ministry of Justice and Institutional Transparency.

<sup>16</sup> Supreme Decree No. 1498 of 20 February 2013 has regulated the payment of the non-contributory allowance for persons with severe and very severe disabilities since 2013 and establishes the institutional framework and financing for the allowance, in accordance with article 28 (I) of Act No. 223.

<sup>17</sup> Ratified by Act No. 4024 of 15 April 2009.

introduce short courses on Act No. 045. Between 2014 and 2017, the Plurinational School of Public Governance ran a human rights certification course for public officials on the prevention of racism and discrimination four times and organized more than 20 courses on related issues (Act No. 045 and the Code of Ethics) targeting public officials from various State institutions, in which 769 persons (366 women and 403 men) participated.

26. Under article 14 (3) of Act No. 870 of 13 December 2016 on the Ombudsman's Office (see annex 21), the mandate of the Ombudsman is described as being "to promote respect for the specific rights of children and adolescents and the rights of women and vulnerable groups, placing the emphasis on combating violence and discrimination".

27. The Ombudsman's Office operates the people's services system through which cases are registered and addressed centrally. The System deals with, inter alia, complaints relating to human rights violations based on discrimination or racism. Between 2010 and 2018, a total of 5,247 cases were registered in the System. The Ombudsman's Office also makes recommendations to various State bodies at the national, departmental and municipal level for the implementation of plans, programmes and policies against racism and discrimination.

## Article 4

28. Pursuant to Act No. 045, persons subjected to acts of racism or discrimination have access to constitutional, administrative, disciplinary and/or criminal remedies.<sup>18</sup> The Act specifically outlaws acts of misconduct by persons acting in an official capacity,<sup>19</sup> establishes the obligation of public officials to report all such acts,<sup>20</sup> establishes which bodies are competent for the protection of victims of racism and all other forms of discrimination in the private sphere,<sup>21</sup> and prohibits the media from authorizing and publishing racist and discriminatory ideas.<sup>22</sup>

29. The Criminal Code includes a chapter on crimes against human dignity, which defines and punishes the offences of racism,<sup>23</sup> discrimination,<sup>24</sup> advocacy for and incitement to racism or discrimination,<sup>25</sup> the establishment and operation of racist or discriminatory organizations and associations,<sup>26</sup> and insults and other forms of verbal abuse on racist or discriminatory grounds.<sup>27</sup> The final chapter of Act No. 045 amends the Criminal Code by introducing racism and/or discrimination as aggravating factors in an offence.<sup>28</sup>

30. Between 2010 and 2018, the judiciary heard 1,073 cases involving offences of this kind.

## Article 5

### Civil and political rights

#### *Right to equality before the law*

31. The Attorney General's Office has initiated seven criminal suits against public officials for offences of racism and discrimination.

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<sup>18</sup> Act No. 045, art. 7.

<sup>19</sup> Ibid., art. 13 (I).

<sup>20</sup> Ibid., art. 17.

<sup>21</sup> Ibid., Chapter IV.

<sup>22</sup> Ibid., art. 16.

<sup>23</sup> Criminal Code, art. 281 *quinquies*.

<sup>24</sup> Ibid., art. 281 *sexies*.

<sup>25</sup> Ibid., art. 281 *septies*.

<sup>26</sup> Ibid., art. 281 *octies*.

<sup>27</sup> Ibid., art. 281 *nonies*.

<sup>28</sup> Act No. 045, art. 40 *bis*.

<i>Offence</i>	<i>Current status of the case</i>	<i>Type of public official</i>	<i>Department</i>
Discrimination	Dismissal	Member of departmental assembly	Cochabamba
Discrimination	Dismissal	Mayor	
Discrimination, dissemination of racist ideas or incitement to racism and cover-up	Dismissal	Teacher	Oruro
Discrimination	Preliminary phase	Teacher	
Racism and discrimination	Preparatory phase	University professor	Santa Cruz
Racism and discrimination	Preliminary phase	Prosecutor	
Discrimination	Preparatory phase	Teacher	

*Source:* Attorney General's Office.

32. The Public Prosecution Service's Directorate of Prosecutorial Management has stipulated that the necessary and relevant investigative and procedural steps should be completed whenever acts of racism and discrimination are being investigated, in keeping with procedure and the principle of thoroughness that requires the Service to conduct whatever investigative acts may be necessary in the exercise of its functions.

33. Article 121 (12) of Organic Act No. 260 of 11 July 2012 on the Public Prosecution Service (see annex 22) defines ill-treatment and/or denial of access to a service for discriminatory reasons as very serious misconduct. Article 3 of Organic Act No. 025 of 24 June 2010 on the Judiciary (see annex 23) establishes the principles underpinning the judiciary's work, which include impartiality. This principle dictates that cases brought to its attention must be resolved without interference of any kind and without the official's objectivity and sense of justice being undermined by prejudice, discrimination or differential treatment. Article 30 of the Act establishes equality between parties in court proceedings as a principle of the ordinary courts, which means that parties to proceedings must be able to exercise their rights and enjoy procedural safeguards without discrimination or advantage favouring the one over the other.

34. Act No. 045 outlaws acts of misconduct by persons acting in an official capacity, establishes an obligation for public officials to report all such acts and regulates the framework for the protection of victims of racism and all other forms of discrimination in the private sphere. Further information will be provided in the section on the implementation of article 6 of the Convention.

35. Pursuant to Act No. 463 of 19 December 2013, the Plurinational Public Defence Service was set up to oversee the public defence system for suspects, indicted persons and defendants in criminal proceedings. It is a free service granted by the State to any person who does not have the necessary economic means to hire a private lawyer, as well as to older persons and persons under 18 years old.

36. Between 2017 and 2018, the Plurinational Public Defence Service provided support to 168 migrants, including 145 men and 23 women.

37. In addition, the purpose of the Plurinational Comprehensive Judicial Services,<sup>29</sup> which are overseen by the Ministry of Justice and Institutional Transparency, is to facilitate effective access to justice for the population, including the most vulnerable segments. To this end, the Services provide comprehensive legal counselling, referral, defence and rights restitution services free of charge.

<sup>29</sup> Established pursuant to Ministerial Decision No. 092/2012 of 30 May 2012.

38. In accordance with its mandate, as defined in article 9 (f) of Act No. 045, to receive complaints and oversee administrative procedures to their conclusion, in keeping with relevant regulations, the National Committee, in Decision No. 08/2011 of 13 December (see annex 24), urged the autonomous departmental, municipal and regional governments, indigenous original campesino communities, public and private bodies and civil society to design and implement mechanisms to receive, follow-up and register complaints of racism and discrimination.

39. In Decision No. 04/2016 of 9 September (see annex 25), the National Committee ruled that public- and private-sector bodies should implement support protocols in the event of complaints of racism and any form of discrimination and established time frames and procedures for the registration and follow-up of complaints and the substantiation of any administrative procedures of a disciplinary nature.

40. To this end, by Decision No. 02/2016 of 7 December issued in an extraordinary meeting, the National Committee adopted a protocol for the receipt and processing of cases of racism and all forms of discrimination in the public administration and the imposition of penalties in such cases (see annex 26) with a view to providing the investigating authorities with a practical tool for responding to complaints of racism and discrimination in the public sphere that fall within their jurisdiction. The investigating authorities of the 20 ministries of the executive branch and the 9 departmental and municipal governments are currently applying the protocol.

41. Pursuant to article 10 of Act No. 045, the National Committee systematizes and produces data on the administrative and judicial procedures initiated in response to cases of racism and any form of discrimination for the purposes of registration and follow-up.<sup>30</sup> In addition, through Decision No. 2/2013 of 30 October (see annex 27), the National Committee adopted and assumed responsibility for the national system for the registration and follow-up of complaints of racism and discrimination, called Sisakatari,<sup>31</sup> which is implemented at the national, departmental and municipal levels.

*Right to security of person and the protection of the State*

42. Pursuant to the principle of protection that underpins Act No. 045, all human beings have a right to equal protection from racism and all forms of discrimination, provided in an effective and timely manner by an administrative body and/or court of justice, that includes fair and appropriate redress or satisfaction for any harm suffered as a result of a racist and/or discriminatory act.<sup>32</sup> In this connection, under article 18 of the Act, the State guarantees the physical and psychological security of victims, witnesses and persons who report cases of racism and discrimination of any kind.

43. Also in effect is Act No. 458 of 19 December 2013 on the protection of witnesses and persons who report offences (see annex 28), the features and scope of which will be described in greater detail in the section on the implementation of article 6.

44. Pursuant to article 88 of Act No. 260, the Directorate for the Protection of Victims, Witnesses and Members of the Public Prosecution Service was set up under the Public Prosecution Service to ensure the provision of protection and assistance for victims, witnesses, persons who cooperate in criminal proceedings and prosecution officials.

45. The Plurinational Victim Assistance Service, established pursuant to Act No. 464 of 19 December 2013 (see annex 29), is the institution responsible for providing legal assistance in criminal matters and psychological and social support to victims of limited means. Its features will be explained in greater detail in the section on the implementation of article 6.

46. In line with Comprehensive Act No. 348 of 9 March 2013, on guaranteeing women a life free from violence (see annex 30), the principle of equal opportunity is applied when responding to cases of gender-based violence. According to this principle, victims should

<sup>30</sup> The registers can be found at <http://www.noracismo.gob.bo/index.php/reporte-denuncias>.

<sup>31</sup> <http://sisakatari.descolonizacion.gob.bo>.

<sup>32</sup> Act No. 045, art. 2 (d).

be provided with appropriate protection and specialized assistance irrespective of their personal, social and economic circumstances, age, marital status, membership of an indigenous original campesino people, sexual orientation, rural or urban origin, belief, religion and political or other opinion.<sup>33</sup> A multidisciplinary team ensures that victims of violence are treated respectfully, efficiently and in a manner that safeguards their dignity<sup>34</sup> and that they enjoy their right to assistance<sup>35</sup> and protection<sup>36</sup> services and their right to be assisted and protected together with other family members who are at risk.<sup>37</sup>

47. By way of direct protection measures the Special Anti-Violence Unit can accompany victims and their relatives when retrieving personal effects and attending medical appointments, provide referrals to reception centres or shelters and follow up on their cases.

48. Furthermore, the training provided by the National Directorate for Decolonization and Institutional Doctrine of the Bolivian police force addresses the arbitrary use of force, the particular duty to protect persons belonging to vulnerable groups and the disciplinary and criminal consequences of non-compliance.

#### *Political rights*

49. The Constitution stipulates that all citizens shall have the right to freely take part in the establishment, exercise and oversight of political power,<sup>38</sup> that the sovereign people, through organized civil society, shall contribute to the design of public policies, exercise social oversight of all levels of government and that, in turn, State institutions must provide spaces for society to participate and engage in oversight.<sup>39</sup>

50. In keeping with the Multisectoral Plan, the Fifth Plurinational Programme provides for the full participation in political life of vulnerable groups exposed to racism and discrimination. In addition, the National Committee, through Decision No. 05/2011 of 30 June (see annex 31), has introduced a requirement for organizations to establish internal mechanisms to put an end to all discriminatory practices that negate, reduce or restrict the rights of their members, especially women, older persons, young people and other persons affected by discrimination.

51. The aims of Act No. 341 of 5 February 2013, on social participation and oversight (see annex 32), include strengthening democracy and enhancing social participation and oversight as cross-cutting, permanent features of public administration. The Act is also intended to guarantee, promote and encourage social participation and oversight. In addition, it establishes organized civil society as the driver of social participation and oversight, without discrimination whatsoever, and defines mechanisms of participation for all State bodies, the armed forces, the Bolivian police force and the autonomous communities.

52. Act No. 974 of 4 September 2017, on transparency and anti-corruption units (see annex 33), establishes that these units shall be responsible for developing mechanisms for civic participation and social oversight and ensuring access to public information.

53. Strengthening civic participation is one of the core areas of action of the National Transparency and Anti-Corruption Policy, which was adopted pursuant to Supreme Decree No. 214 of 22 July 2009 (see annex 34) and is underpinned by a human rights perspective. This area includes guidelines for the adoption of effective tools for civilian oversight and reporting. With a view to the institutionalization of civilian oversight, the Policy provides for, inter alia, the creation of consultation forums to enrich public policies, the social monitoring and oversight of public administration, training and awareness-raising on

<sup>33</sup> Comprehensive Act No. 348, art. 4 (7).

<sup>34</sup> Ibid., art. 4 (14).

<sup>35</sup> Ibid., art. 9.

<sup>36</sup> Ibid., art. 2.

<sup>37</sup> Ibid., art. 14 (4).

<sup>38</sup> Constitution, art. 26 (I).

<sup>39</sup> Ibid., art. 241.

accountability and the mandatory nature thereof.<sup>40</sup> Through these forums, the authorities are able to inform the public of the results of their activities and their progress towards fulfilling commitments involving relevant social actors and civil society in general while ensuring respect for the rules and procedures of indigenous original campesino peoples and nations. Between 2011 and 2017, 3,558 public accountability meetings were held across the country.

54. The Plurinational Constitutional Court, in Plurinational Constitutional Declaration No. 0093/2017 of 15 November (see annex 35), underscores the importance of social oversight as a means of realizing citizens' right to take part in public administration by observing, reporting problems, engaging in follow-up and oversight, making proposals and expressing its views.

55. In exercise of this right, pursuant to the Children and Adolescents Code<sup>41</sup> children's committees composed of representatives of student and other organizations for children have been set up to serve as social participation forums at all territorial levels. The Plurinational Committee of Children and Teenagers, which was established on 6 April 2017, is made up of representatives of the department-level committees.

56. Organizations of older persons take part, as third-party invitees, in the "*Por una Vejez Digna*" (Ageing with Dignity) Sectoral Council,<sup>42</sup> which is responsible for implementing plans, programmes and projects at all levels of government.

57. A variety of activities are run by the Plurinational Youth Council, a body which provides for the participation and representation of young people at the plurinational level and promotes discussion amongst them. The Council was established pursuant to Act No. 342<sup>43</sup> with a view to putting forward policies, plans, programmes and projects and promoting the development of young leaders.

#### *Other civil rights*

58. Since 4 July 2016, the Personal Identity Service has included cultural identity on the identity card of 205,585 Bolivians who so requested across the country's nine departments and in five of its foreign branches, thereby giving effect to their right to a cultural identity.

59. Act No. 450 of 4 December 2013, on the protection of highly vulnerable indigenous original nations and peoples (see annex 36), provides for the establishment of sectoral and intersectoral policies and mechanisms for prevention, protection and reinforcement with the aim of preserving the individual and collective systems and ways of life of highly vulnerable indigenous original nations and peoples whose physical and cultural survival are under extreme threat.

60. Act No. 807 of 21 May 2016, on gender identity (see annex 37), establishes the procedure by which transsexual and transgender persons may change their name, sex and photograph in all public and private documents relating to their identity, thus allowing them to fully exercise their gender identity rights.

61. The right to land of indigenous and campesino peoples who have either insufficient land or no land at all is recognized and protected in the Constitution<sup>44</sup> and other in-force legislation. Specifically, land policy is set out in Act No. 1715 of 18 October 1996, on the National Agrarian Reform Service (see annex 38), and Act No. 3545 of 28 November 2006, renewing the agrarian reforms and amending Act No. 1715 (see annex 39).

<sup>40</sup> Public accountability refers to a space for dialogue, feedback and shared responsibility between the State and the public where public servants, through the highest public authorities and private bodies that administer financial and/or natural resources or that provide basic services, can inform, explain and prioritize compliance with their economic, political, technical and administrative duties and obligations vis-à-vis the population with a view to making public administration more transparent and of better quality (Accountability Manual).

<sup>41</sup> Children and Adolescents Code, art. 190.

<sup>42</sup> Established pursuant to article 14 of the Act No. 369.

<sup>43</sup> Act No. 342, art. 15.

<sup>44</sup> Constitution, arts. 393–404.

62. With a favourable legal framework,<sup>45</sup> the National Agrarian Reform Institute has been taking steps to achieve universal titling of agricultural land in Bolivia. Through an efficient and transparent reclamation process, the Institute is promoting productive development, realizing social and gender equality in land ownership and fostering balanced occupation of land by indigenous peoples.

63. In accordance with article 395 of the Constitution, State-owned land is provided to indigenous original and campesino persons, intercultural original communities, Bolivians of African descent and campesino communities that either do not own sufficient land or have no land at all. The allocation of land is carried out in keeping with policies on sustainable rural development and with respect for women's right to own, have access to and be allocated or reallocated land without discrimination on the basis of their marital status or type of union.

64. Regarding the forest rights granted to indigenous communities, in 2016 79.6 per cent of the hectares under forest management is in the hands of these communities and 20.4 per cent with private individuals.

65. Some 82.9 per cent of the country's rural land has been titled and reclaimed, including 56.5 million hectares that have been recognized as belonging to, *inter alia*, campesino, indigenous, original, intercultural and Afro-Bolivian peoples and communities and to medium-sized producers.

66. In order to ensure women's access to land and comply with article 402 of the Constitution, on the promotion of policies designed to eliminate all forms of discrimination against women in land access, ownership and inheritance, and with the eighth clause of the final provisions of Act No. 3545, which guarantees and prioritizes the participation of women in land reclamation and distribution processes, the following measures have been taken:

- Marital status is no longer a criterion for obtaining a title.
- Property ownership can now be registered in the couple's name in all categories of ownership.
- The woman's name must appear first in the registration of title for couples and when there are more than two beneficiaries.
- The woman's name must appear first in the registration of final decisions on reclamation, deeds and reclamation certificates.

67. With these measures in place, 53 per cent of land ownership titles are held by men, 46 per cent by couples or women and 1 per cent by communities (see annex 40).

68. The Multisectoral Plan to Eliminate Patriarchy and Promote Women's Right to Practice the Good Way of Living<sup>46</sup> (see annex 41), adopted in implementation of the new planning guidelines set out under the State's comprehensive planning system, addresses economic, productive and labour issues, education, health, gender-based violence, citizenship, participation in political affairs, and institutional strengthening.

69. Bolivia has prioritized the eradication of violence against women, which is considered one of the most extreme forms of gender discrimination. Pursuant to Act No. 348, all State institutions are required to include measures, backed by sufficient resources and qualified personnel for their implementation, in their strategies and annual operational and budgetary planning, focusing their actions and resources on targeted assistance for women victims of violence and vulnerable women, especially in rural areas.<sup>47</sup>

<sup>45</sup> See the combined seventeenth to twentieth periodic reports of the Plurinational State of Bolivia, CERD/C/BOL/17-20, paras. 126–160.

<sup>46</sup> Adopted by the Sectoral and Intersectoral Council for a Life Free from Violence in Decision No. 001/2017 of 27 July.

<sup>47</sup> Act No. 348, art. 10.

## Economic, social and cultural rights

### *Right to work*

70. The Constitution recognizes the right to work without discrimination.<sup>48</sup> The purpose of the Employment Support Programme is to increase the employability of persons struggling to enter the job market. The programme covers the cost of on-the-job training and provides beneficiaries with a financial allowance equivalent to between 1 and 1.5 times the national minimum wage for three months, in addition to accident insurance. From 2012 to 2017, the Programme provided assistance to 19,580 people, 55 per cent of them women and 62.99 per cent of them young people (men and women). In 2018, the Employment Support Programme II, designed specifically for young people, women and persons with disabilities, was launched.

71. Policies designed to improve the standard of living and income-generating opportunities for the rural population in categories 4 and 5 of the poverty map are also being implemented through the following programmes and projects: Emprendimientos Organizados para el Desarrollo Rural Autogestionario (Organized Undertakings for Self-Managed Rural Development); Programa de Apoyo a la Seguridad Alimentaria (Food Security Support Programme); Fondo Nacional de Desarrollo Alternativo (National Alternative Development Fund); Fondo de Desarrollo para los Pueblos Indígenas Originarios y Comunidades Campesinas (Development Fund for Indigenous and Original Peoples and Campesino Communities); Unidad de Gestión de Proyectos Valoración de la Economía Campesina con Camélidos (Project Management Unit for Campesino Economic Advancement through Camelids); and Instituto Nacional de Seguro Agrario (National Agricultural Insurance Institute).

72. Act No. 977 of 26 September 2014, on employment and economic assistance for persons with disabilities (see annex 42), provides for the employment of persons with disabilities in the public and private sectors and the employment of parents, spouses and guardians responsible for one or more persons with disabilities under the age of 18 or with serious or very serious disabilities. Pursuant to Supreme Decree No. 3437 of 26 September (see annex 43), the Eustaquio Moto Méndez plurinational information platform for person with disabilities has been set up under the Ministry of Labour, Employment and Social Welfare to produce the monthly and annual reports needed to disburse the monthly allowances for persons with serious or very serious disabilities.<sup>49</sup>

73. The 2025 Patriotic Agenda for the Bicentenary<sup>50</sup> (see annex 44) sets as a priority the elimination of extreme poverty and all its consequences. This entails progressively eliminating the root causes of child labour, which the State, in application of the Children and Adolescents Code,<sup>51</sup> has undertaken to achieve within five years using tailored programmes at the national, departmental and municipal levels.<sup>52</sup>

74. As for the right to establish or to join a trade union, Act No. 316 of 11 December 2012 (see annex 45) decriminalized strikes and safeguards trade union rights by repealing article 234 of the Criminal Code, which punished persons who promoted lock-outs, strikes and work stoppages that had been declared illegal by the labour authorities. Furthermore, trade union leaders and workers who, in the context of a labour dispute, peacefully enter factories, agricultural facilities or mines to defend labour interests and social progress are exempted from criminal responsibility.

<sup>48</sup> Constitution, art. 46 (I).

<sup>49</sup> The Ministry of Labour, Employment and Social Welfare, the Ministry of Health, the Ministry of Economic Affairs and Finance and the autonomous municipal governments have access to the platform.

<sup>50</sup> The Agenda was raised to the rank of law through Act No. 650 of 15 January 2015.

<sup>51</sup> Act No. 548 (the Children and Adolescents Code), eleventh clause of the transitional provisions.

<sup>52</sup> In Plurinational Constitutional Decision No. 0025/2017 of 21 July 2017, an article of the Children and Adolescents Code that opened up the possibility, in exceptional circumstances, for children under 14 to work was declared unconstitutional, along with two articles that lowered the age of criminal responsibility to 14.

*Right to housing*

75. In Bolivia, all persons have a right to decent housing conducive to dignified family and community life.<sup>53</sup> The Multisectoral Plan encompasses Plurinational Programme No. 2 on access to housing programmes for vulnerable population groups. Under this Programme, the State Housing Agency, which is the body responsible for providing housing solutions, prioritizing those lacking decent housing while maintaining equality across sectors and regions,<sup>54</sup> allocates no less than 5 per cent of its budget to vulnerable groups subject to racism and/or discrimination and is improving its access mechanisms in keeping with Act No. 045. Thus, housing has been provided to indigenous peoples, single mothers and persons with disabilities. In addition, the National Committee has urged the State Housing Agency to collect disaggregated data to provide an accurate measure of past, present and future demand for its services among vulnerable persons.

76. The National Committee is currently working to give effect to Act No. 339 of 31 January 2013, on the demarcation of territorial units, which provides for financial services to realize access to housing.

77. From 2012 to 2017, the State Housing Agency was involved in the development of 4,999 housing units, including 2,844 new builds and 2,155 upgrades, expansions or renovations, for the various indigenous original and campesino peoples.

*Right to health*

78. The State guarantees the inclusiveness of health care and access to health care for all, without exclusion or discrimination of any form.<sup>55</sup> The Multisectoral Plan encompasses Plurinational Programme No. 6, on new models for health and education services.

79. With a view to ending exclusion from health services, the Intercultural Community Family Health Model<sup>56</sup> was established to increase effective social participation in health management and to provide services that take individuals, families and communities into account and that make the most of both modern medical practices and the medicine of the indigenous, original and campesino peoples, ensuring effective coordination between the two systems.

80. The Model's roll-out is based on the principles of community participation, intersectorality, interculturality and comprehensiveness. At present, 25 indigenous and Afro-Bolivian communities are benefiting through 201 doctors.

81. The "Bono Juana Azurduy" mother-and-child protection programme, established to achieve further reductions in maternal and infant mortality rates and chronic malnutrition in children under 2 years old, is ongoing. Between 2009 and 2017, 1,129,621 children and pregnant women without health insurance received assistance under the programme and 9,418,272 health check-ups were carried out across the country's 339 municipalities. In addition, the number of comprehensive health check-ups rose by 3.6 per cent and the early detection of pregnancy by 8.1 per cent, leading to an increase in the early diagnosis and treatment of pregnancy risks and in access to information for pregnant women.

82. In order to improve maternal health and reduce neonatal mortality, the universal prenatal grant is available to pregnant women who do not have short-term social security from the fifth month of pregnancy. Between 2015 and 2017, 220,824 women received the grant and 861,060 food packages were distributed.

83. In accordance with policy for the social reintegration of persons deprived of their liberty in the area of health, medical practitioners affiliated with the "My Health" programme travel to prisons across the country to deliver care in keeping with national programmes. The national tuberculosis control programme and the national addiction prevention and treatment programme are also under way.

<sup>53</sup> Constitution, art. 19 (I).

<sup>54</sup> Supreme Decree No. 986 of 21 September 2011, art. 8.

<sup>55</sup> Constitution, art. 18 (II).

<sup>56</sup> Supreme Decree No. 29601 of 11 June 2008.

84. Act No. 475 of 30 December 2013, on comprehensive health services (see annex 46), provides for free health insurance to be extended to persons with disabilities. From 2014 to 2017, 1,043,539 comprehensive health services were provided to persons with disabilities nationwide at a total cost of 116,959,930 bolivianos.

*Right to education and vocational training*

85. Alternative and special education programmes are being developed in line with the focus on popular and community education, inclusive education and life-long learning, prioritizing groups exposed to exclusion, marginalization or discrimination.<sup>57</sup>

86. In keeping with these guidelines, a new curriculum for young people and adults has been developed with the aim of strengthening the knowledge of persons over the age of 15 who did not have access to or have not completed humanistic education, including vulnerable and indigenous persons. Of the 166,170 young people and adults who have benefited from the curriculum, 70 per cent belong to these groups.

87. The Ministry of Education is running the following comprehensive assistance programmes for vulnerable groups:

(a) Shore schools, whose objective is to specifically support the educational facilities in indigenous villages located along the shores of rivers and lakes, where 90 per cent of inhabitants are lowland indigenous peoples;

(b) Border schools, which serve, as a matter of priority, students in educational facilities located in the country's border areas and, especially, the indigenous communities there;

(c) Liberating schools, which are located in resource exploitation areas where there is a risk of slavery (Guarani areas), in order to guarantee the right to education;

(d) Violence-free schools, whose objective is to eliminate all forms of violence from schools through a comprehensive anti-violence programme.

88. In addition, literacy and post-literacy programmes have been rolled out for individuals over the age of 15, including persons with disabilities, persons deprived of their liberty and older persons.

**Persons with disabilities in literacy and post-literacy programmes**

	2016	2017	Total
Literacy	104	150	254
Post-literacy	301	164	465
<b>Total</b>	<b>405</b>	<b>314</b>	<b>719</b>

Source: Ministry of Education.

**Persons deprived of their liberty in literacy and post-literacy programmes**

	2016	2017	Total
Literacy	61	527	588
Post-literacy	830	516	1 346
<b>Total</b>	<b>891</b>	<b>1 043</b>	<b>1 934</b>

Source: Ministry of Education.

<sup>57</sup> Act No. 070, art. 16 (2).

**Older persons in literacy and post-literacy programmes**

	2016	2017	Total
Literacy	5 130	4 448	9 578
Post-literacy	35 368	25 726	61 094
<b>Total</b>	<b>40 498</b>	<b>30 174</b>	<b>70 672</b>

Source: Ministry of Education.

89. Some 3,619 older persons are taking courses at alternative education centres in the technical, technological and humanistic fields, and 2,432 took part in the Older Persons Knowledge Olympics held between 2014 and 2017.

90. The community-based home education programme for persons with disabilities is geared towards persons with serious and very serious disabilities who cannot travel to or access school facilities. The programme's teachers go to the pupil's home and, together with their family, work through the appropriate curriculum, whether regular, alternative or special.

91. The State has also adopted affirmative action policies for persons with disabilities. For example, they can be admitted to teacher training colleges and autonomous universities on the sole basis of their disability card, and 127 students with disabilities enrolled this way in 2017. They are also eligible for scholarships, and teachers with disabilities or with a dependent with disabilities are exempt from the requirement to serve in rural areas. The National Committee, in Decision No. 09/2014 of 21 May (see annex 47), called on the Ministry of Education to ensure compliance with Supreme Decree No. 328 of 14 October 2009, which recognizes Bolivian sign language as the language of the deaf community with a view to its incorporation into education services.

92. In accordance with the Avelino Siñani – Elizardo Pérez Education Act (No. 070) of 20 December 2012<sup>58</sup> (see annex 48), the plurinational skills certification system has been designed to recognize the labour and artistic skills of persons who have put them into practice throughout their lives, taking into account their regional, territorial and/or cultural context. The system also showcases the know-how, knowledge and experience of workers and producers with the aim of strengthening productive capacity and closing social gaps. From 2011 to 2017, 53,078 people have benefited from the system.

93. The Juanito Pinto voucher scheme<sup>59</sup> was launched in 2006 to serve as an incentive for students to enrol in State-run or faith schools across the country, to attend classes and to complete the academic year. The scheme consists in a single annual cash transfer of Bs. 200. In 2017 alone, 2,211,909 primary and secondary students received the cash transfer.<sup>60</sup> In addition, each year a Bs. 1,000 grant is awarded to the two best secondary school graduates (one girl and one boy) from all schools nationwide.

94. In 2016 and 2017, the intercultural training programme for early childhood care was rolled out in communities of the Yaminagua, Machineri, Tacana and Arana indigenous peoples. The programme was designed for children under the age of 4 and intended to strengthen language and culture with the involvement of families and communities.

*Right to participate in cultural activities*

95. Act No. 045 prohibits all restrictions on admission to premises or establishments that provide assistance, services or entertainment to the public<sup>61</sup> and requires such places to display posters at their entrance containing the words: "All persons are equal before the

<sup>58</sup> Act No. 070, art. 82.

<sup>59</sup> Established pursuant to Supreme Decree No. 28899 of 26 October 2006.

<sup>60</sup> Information available at: <http://www.comunicacion.gob.bo/sites/default/files/media/publicaciones/BOLIVIA%202025%20TITULOS%20EDITADOS%20redes.pdf>.

<sup>61</sup> Act No. 045, art. 15 (I).

law.”<sup>62</sup> The National Committee distributes the posters and checks that they are in place every year.

96. Under article 65 of the Sports Act (No. 804) of 11 May 2016 (see annex 49), sports events and competitions are required to establish supervisory mechanisms to prevent violence and intolerance in sports facilities and the display of symbols or messages that promote violence, intolerance, discrimination, racism or other related acts. Furthermore, article 51 (f) of Supreme Decree No. 3116 of 15 March 2017 regulating Act No. 804 prohibits offensive, racist or discriminatory chants.

## Article 6

97. In accordance with the Constitution, victims are entitled to compensation, redress and reparation for damages, in timely fashion, whenever their rights have been violated,<sup>63</sup> may participate in criminal proceedings as provided by law and have the right to be heard before any judicial decision is made. If they lack the necessary funds, they must be provided with the services of a court-appointed lawyer free of charge.<sup>64</sup>

98. Article 18 of Act No. 045 establishes that the State has a duty to ensure the physical and psychological safety of victims, witnesses and those who report the offence in cases involving racism and any form of discrimination.

99. The Plurinational Victim Assistance Service works to ensure access to justice for victims of crime with limited resources, whom it provides with legal, social and psychological assistance during the initial stages of the investigation, the criminal proceedings and the execution of the sentence, promoting reparation for the damage caused and essentially helping to prevent revictimization. As its actions must be underpinned by the principle of interculturality, the Service respects expressions of cultural, institutional, regulatory and linguistic diversity and recognizes their coexistence.<sup>65</sup>

100. Pursuant to article 9 of Act No. 464, “in their work, the Service’s interdisciplinary teams shall adhere to the principles of recognition and respect for cultural diversity and gender and generational equality. Accordingly, they shall assist victims in their mother tongue or, in the case of persons with disabilities, through any accessible method of communication, and shall provide specialized care tailored to the specific needs of women, children, adolescents and older persons, while avoiding their revictimization”. Moreover, the Service “shall ensure respect for the coexistence, on equal terms, of indigenous original campesino justice systems and the ordinary justice system [...]”<sup>66</sup> and “shall respect interculturality and the institutional mechanisms and regulations [...]”.<sup>67</sup> To these ends, it must employ intercultural facilitators, social experts, anthropologists and linguists who understand the victims’ cultures and backgrounds. The Service is currently providing financial support in four criminal cases involving discrimination.

101. Under article 40 (8) of Act No. 260,<sup>68</sup> prosecutors may request that measures be taken to ensure that victims receive urgent medical and psychological care, that they are not revictimized and that their physical and psychological integrity is not jeopardized. They may also request that such measures be extended to embrace witnesses and other persons affected by the offence.

102. In addition, the Attorney General’s Office has conducted national media campaigns to inform the public about their rights and the steps to follow to make a complaint. It has also organized institutional fairs at the departmental level and in provincial capitals, and an open-door campaign whereby public prosecutor’s offices were made accessible to the public 24 hours a day, 7 days a week. Steps are also being taken to implement the

<sup>62</sup> Ibid., art. 15 (III).

<sup>63</sup> Constitution, article 113 (I).

<sup>64</sup> Ibid., article 121 (II).

<sup>65</sup> Act No. 464, article 6 (10).

<sup>66</sup> Act No. 464, article 10 (I).

<sup>67</sup> Ibid., article 10 (II).

<sup>68</sup> Act No. 260 of 11 July 2012.

Programme for the Protection and Assistance of Victims, Witnesses and Members of the Public Prosecution Service.

## Article 7

### *Education*

103. In compliance with the constitutional mandate that establishes that all individuals have the right to receive a universal, productive, free, comprehensive and intercultural education at every level, without discrimination,<sup>69</sup> Act No. 070 sets out the foundations for a productive community-based educational model that takes account of the core needs of the Bolivian people and the traditions of the indigenous original campesino peoples and nations. The Act establishes that the education system must be “inclusive, reflecting the diversity of the country’s population groups, and must provide an education that is appropriate and relevant to the needs, expectations and interests of all the Plurinational State’s inhabitants, offering equal opportunities in equal conditions and without discrimination, in accordance with article 17 of the Constitution”.<sup>70</sup>

104. Within this framework, the Ministry of Education has drafted and agreed a basic plurinational curriculum (see annex 50) that is intercultural, multilingual, focused on decolonization, community-based, territorial, productive and participative. The cornerstones of the curriculum are harmony and equilibrium with Mother Earth, an education that imparts societal and community values, intra- and intercultural education, multilingualism and education for production.

105. The basic curriculum incorporates, inter alia, the wisdom, knowledge, world views and histories of the indigenous original campesino nations and peoples and of the Afro-Bolivian people, and takes into account cultural, linguistic, geographical, territorial and productive criteria. Efforts are also being made to develop regional curricula<sup>71</sup> incorporating the histories, world views, knowledge and wisdom of the indigenous original campesino nations and peoples and of the Afro-Bolivian people that serve as a basis for the design of diversified curricula that meet the demands and expectations of each local and specific context.

106. In the Plurinational State of Bolivia children in the first years of school must be taught in their mother tongue, the use of which is considered to be a pedagogical necessity in all aspects of their education. In populations and communities that are monolingual or in which an indigenous language is the most widely spoken, this language must be the primary medium of instruction, with Spanish as a secondary language. Students with hearing impairments have the right to learn Bolivian sign language.

107. Article 88 of Act No. 070 provided for the creation of the Plurinational Institute of Languages and Cultures, which conducts linguistic and cultural research projects involving the formulation of policies and guidelines for action to recover, revitalize, strengthen and develop the languages and cultures through the foundation and operation of institutes for languages and cultures for specific indigenous original campesino nations and peoples and for the Afro-Bolivian people.

<sup>69</sup> Constitution, article 17.

<sup>70</sup> Act No. 070, article 3 (7).

<sup>71</sup> Regional curricula constitute the second level of curricular organization and have specific characteristics that reflect the sociocultural, linguistic and productive context that shapes the identity of the region’s people, which is also expressed through a structured set of plans, programmes, objectives, content and methodological and evaluation guidelines that complement and are in keeping with the basic plurinational curriculum. Regional curricula make it possible to affirm, consolidate and develop the cultural identity of each people and convey their wisdom, knowledge, world views and values through bioecosystemic modules that promote social development.

108. With the aim of recovering and developing the wisdom, knowledge and languages of the indigenous original campesino nations and peoples, 23 alphabets<sup>72</sup> have been systematized and published and the wisdom and knowledge of 26 indigenous and original peoples<sup>73</sup> have been recorded.

109. In addition, research and training centres have been established for teachers in the Tacana, Tsimané, Mosetén and Movima indigenous communities for the purpose of developing wisdom, knowledge and languages.

110. Pursuant to article 91 (I) of Act No. 070, teacher training must take into account the universal knowledge and collective wisdom of the indigenous and original campesino nations and peoples and must be intracultural, intercultural and multilingual. Accordingly, teacher training colleges allow “B-system” access to their training programmes, whereby, as agreed with indigenous organizations, secondary school graduates belonging to the indigenous original campesino nations and peoples qualify for direct admission. There is also a programme for supply teachers that has attracted 8,243 participants and is taught in 11 adult education centres, some of which are located in indigenous original campesino territories. There are currently 54 indigenous teachers enrolled nationwide on the specialization and refresher programme for secondary school teachers.

111. Every year, through Ministerial Decision No. 001 (see annex 51), the Ministry of Education issued updated regulations for the education system. Since 2017, the Decision has been focused on issues related to the eradication of racism and discrimination in educational institutions, prohibiting all members of the education community from displaying or engaging in any racist, discriminatory or exclusionary attitude or action at the time of student enrolment, stipulating that the children of foreign migrants should be given priority when enrolling in State, private and faith schools and thereby providing for the fulfilment of the educational rights of all Bolivians of school age.

112. The Plurinational Observatory of the Quality of Education<sup>74</sup> is the authority responsible for monitoring, following up and evaluating efforts made within the education system to combat racism and all forms of discrimination. The Observatory has carried out research to assess the efforts of departmental and district education directorates to implement Act No. 045 and eliminate manifestations of racism and discrimination in educational institutions (see annex 52).

113. Furthermore, in accordance with article 6 (I) of Act No. 045, the National Committee, in coordination with the Ministry of Education, is implementing public policies to prevent racism and discrimination in educational institutions in all nine departments of the country. To this end, it issued Decision No. 08/2013 of 30 October (see annex 53), in which it calls on the Ministry of Education to establish and incorporate mechanisms to assess internal regulations on the implementation of Act No. 045 and to include the topic of human rights and the prevention of racism and discrimination in the national curriculum. Moreover, in Decision Nos. 05/2016 and 01/2017 of 8 and 27 September, respectively (see annex 54), it urges autonomous municipal governments to strengthen the youth and student brigades working to combat racism and all forms of discrimination. There have been three national meetings of student brigades, in 2016, 2017 and 2018. In 2017, a protocol on the handling of complaints of discrimination in educational settings was adopted.

114. As a result, to date, 10,000 sets of internal regulations of educational institutions have been brought into line with Act No. 045, and anti-racism and anti-discrimination youth and student brigades have been set up in all nine departments of the country, with the participation of 900 educational institutions and 5,400 brigade members working to monitor and patrol institutions and public places with a view to preventing racist or discriminatory

<sup>72</sup> Araona, Aymara, Baure, Bésiro, Cavineño, Chácobo, Ese Ejja, Guaraní, Guarayo, Itonama, Leco, Mojeño-Ignaciano, Mojeño-Trinitario, More, Mosetén, Movima, Quechua, Sirionó, Tacana, Uru, Weenhayek, Yaminawá and Yuracaré.

<sup>73</sup> Araona, Aymara, Ayoreo, Baure, Canichana, Cavineño, Chácobo, Chiquitano, Ese Ejja, Guaraní, Guarasugwé, Guarayo, Itonama, Leco, Mojeño-Ignaciano, Mojeño-Trinitario, More, Mosetén, Movima, Quechua, Sirionó, Tacana, Tapiete, Uru, Weenhayek, Yaminawá and Yuracaré.

<sup>74</sup> Article 7 of Supreme Decree No. 0762.

acts and conduct, bullying and any other type of ill-treatment by teachers, administrative staff, school boards, students, private individuals and civil servants.

### *Culture*

115. General Act No. 269 of 2 August 2012, on linguistic rights and policies (see annex 55), recognizes, protects, promotes, disseminates, develops and governs the individual and collective linguistic rights of the country's inhabitants and seeks to recover, vitalize, revitalize and develop official languages that are at risk of extinction.

116. Pursuant to Act No. 937 of 3 May 2017 (see annex 56), 21 February each year has been declared the National Day for the Languages and Cultures of the Indigenous Original and Campesino Nations and Peoples and of Afro-Bolivians, in recognition of the permanent struggle to recover, protect, disseminate and develop the individual and collective linguistic rights of the country's inhabitants.

117. Monuments have been erected in honour of leaders of the indigenous original campesino nations and peoples (namely Túpac Katari, Bartolina Sisa, Manco Cápac and Mama Ocllo) in the departments of Cochabamba, Potosí, Oruro and La Paz. The Office of the Deputy Minister for Decolonization implements training programmes in the official languages of the State in the form of courses aimed at civil servants within all agencies and at all territorial levels. Between 2015 and 2018, a total of 22,839 civil servants participated. Moreover, with a view to promoting intercultural dialogue, workshops to reappraise Bolivian identities and sacred sites are held on 21 June each year as part of the new year celebrations of the indigenous peoples and nations living in the Andes, the Amazon and the Bolivian Chaco which mark the passing of the winter solstice.

### *Information*

118. Pursuant to article 6 (III) of Act No. 045 and article 13 of Supreme Decree No. 762, media outlets are under an obligation to promote preventive action by developing and disseminating informative materials in official and other languages, depending on the region and target audience.

119. In recent years, the Ministry of Communication has been raising awareness of Act No. 045 on the Elimination of Racism and All Forms of Discrimination through printed materials, participation in fairs, television and radio advertisements and the "No Racism" mobile application.

120. Between 2012 and 2014, the National Committee held ceremonies to recognize the work of media outlets in raising awareness of Act No. 045. In 2016, in accordance with the Act, the contributions of various public figures to the fight against racism and all forms of discrimination were formally recognized in a ceremony at which 19 individuals received awards for their efforts to defend human rights in the Plurinational State of Bolivia and their work towards eliminating racism and discrimination.

121. In addition, on 14 June 2012, Act No. 139 (see annex 57) was promulgated. Pursuant to the Act, 24 May was declared the National Day against Racism and All Forms of Discrimination. Consequently, every year, on this date, public events with a focus on education, prevention and awareness-raising are organized.

### III. Compliance with the recommendations contained in the Committee's concluding observations on the seventeenth to twentieth periodic reports of the Plurinational State of Bolivia (CERD/C/BOL/CO/17–20)

#### Paragraph 11

##### National plans to combat racism and all forms of discrimination

122. Since 2006, in accordance with the Constitution,<sup>75</sup> State efforts have been focused on building an integrated State that practices the “good way of living” and is more inclusive, participatory, democratic and free from discrimination, racism and division.

123. Act No. 777 of 21 January 2016, establishing the State Strategic Planning System, calls for the implementation of planning processes that are participatory, coordinated and based on integrated short-, medium- and long-term approaches.

124. The 2025 Bicentennial Patriotic Agenda, which constitutes the general plan for the country's economic and social development and has a long-term vision, sets out the 13 pillars and goals of a dignified and sovereign Bolivia that provide the foundations for a State that is more participatory and inclusive and free from discrimination. The first pillar of the agenda, focused on eradicating extreme poverty, addresses the material,<sup>76</sup> social<sup>77</sup> and spiritual<sup>78</sup> dimensions of poverty. The Economic and Social Development Plan for 2016–2020<sup>79</sup> (see annex 58) provides the medium-term strategic framework for the prioritization of results and actions and was formulated on the basis of the 2025 Bicentennial Patriotic Agenda, taking a holistic approach to planning that addresses cross-cutting human rights as part of the vision of “the good way of living”. The Plan's medium-term programme structure includes the themes of equality and non-discrimination.

125. The State Policy against Racism and All Forms of Discrimination (Plan of Action 2012–2015) (see annex 59) was implemented within this framework. The results achieved through this plan and the challenges identified, after assessment, served as the basis for the development of the Multisectoral Plan for Combating Racism and All Forms of Discrimination 2016–2020, which sets out four strategies for action, namely: cementing the values that promote the good way of living; promoting practices that celebrate difference; strengthening the exercise of human rights; and promoting integrated action on the part of the State. The Plan envisages 56 specific actions that contribute to the achievement of three objectives of the Economic and Social Development Plan (combating discrimination and racism, combating spiritual poverty, and fostering comprehensive human development in order to live “the good way”).

126. The plurinational programmes envisaged under the Multisectoral Plan are detailed in paragraph 17 of this report.

127. Since 2016, the Ministry of Economy and Public Finance has included programme structures in its budget formulation guidelines so that central government bodies may implement policies that safeguard and protect the rights of women, children, adolescents, young people, persons with disabilities and older persons.

128. The policies implemented over the last 12 years have made it possible to reduce the number of people living in extreme poverty by 1.6 million, and thus also to reduce the difference between the income of the richest 10 per cent of the population and the poorest 10 per cent (128 times compared with 147 times). The aim of all programmes implemented at the various levels of government in the areas of health, education, access to basic

<sup>75</sup> Articles 9 (I), 14 (II), 17, 18 (II), 46 (I) and 68 (I).

<sup>76</sup> Manifest in a lack of access to basic services and decent living conditions.

<sup>77</sup> Apparent in the predominance of individualism over community values.

<sup>78</sup> Expressed through consumerism, discrimination and racism.

<sup>79</sup> Act No. 786 of 9 March 2016.

services and housing, among others, is to eradicate poverty in its multiple dimensions and reduce economic and social inequality.

### Campaigns to raise awareness and promote intercultural dialogue

129. Campaigns to raise awareness and promote intercultural dialogue conducted by the National Committee against Racism and All Forms of Discrimination in 2014 and 2015 had a direct impact on 16,117 people aged between 14 and 70 years, as detailed in the table below.

<i>Description of population group</i>	<i>Direct beneficiaries</i>
Heads of educational institutions	5 148
Educational authorities	150
Teachers in educational institutions	982
Members of anti-racism and anti-discrimination school brigades	1 931
Students at teacher training colleges	810
Students with a solid grasp of aspects of the Constitution and the fight against discrimination	54
Justice officials	692
Police officers	6 200
Civil servants working for the Financial Oversight Authority	150
<b>Total</b>	<b>16 117</b>

*Source:* Multisectoral Plan/National Committee.

130. The National Committee has also carried out the following awareness-raising activities:

<i>Activity</i>	<i>Participants</i>	<i>Year</i>
Meetings with Mutuma Ruteere, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	Authorities, social movements, indigenous peoples, Afro-Bolivian peoples, non-governmental organizations and civil society representatives	2012
A campaign entitled “ <i>Métele un gol al racismo y toda forma de discriminación</i> ” (“Kick out racism and all forms of discrimination”), which involved unfurling banners with anti-racism and anti-discrimination messages during important Bolivian football league games		2014 and 2015
A national research competition on racism, discrimination and bullying in educational institutions	Institutions, researchers, students	2015
A research competition to propose criteria for the construction of qualitative and quantitative indicators of racism and discrimination in mainstream education	University students and social researchers	2016
Conferences on strengthening the fight against racism and all forms of discrimination, with the participation of international	Various institutions, civil society and members of the National Committee	

<i>Activity</i>	<i>Participants</i>	<i>Year</i>
experts from Colombia and Guatemala, and an independent expert, Pastor Murillo Martínez, from the Committee on the Elimination of Racial Discrimination		
The fifth regular session of the Ibero-American Network of Agencies and Organizations Against Discrimination	47 institutions representing 18 Ibero-American countries	2017
A meeting with Bolivian lesbian, gay, bisexual, transgender and intersex organizations and persons, with representatives of member States of the Ibero-American Network	Lesbian, gay, bisexual, transgender and intersex organizations	
A meeting with migrants to discuss current provisions on migration in force in certain countries and propose alternative solutions to improve the exercise of their rights	Migrants' organizations	
A seminar and workshop on human rights, gender and eliminating patriarchy	Agencies and organizations from member States of the Ibero-American Network	
A meeting between Afro-Bolivian peoples and agencies and organizations from other member States of the Ibero-American Network with the goal of including, in the agendas of those agencies and organizations, the implementation of the International Decade for People of African Descent (2015–2024)	Afro-Bolivian peoples and agencies and organizations from other member States of the Ibero-American Network	
A forum on the rights of indigenous peoples	Indigenous peoples' organizations	
A forum to analyse public policies for combating racism and all forms of discrimination in higher education	200 students and professors at public and private universities and teacher-training colleges	
Plurinational Days against Racism and All Forms of Discrimination	Various national public and private institutions	2013–2017

131. Mention should also be made of the efforts undertaken within the armed forces. Since 2009, the Ministry of Defence has had a Directorate General for Human Rights and Interculturality, responsible for coordinating efforts to promote and protect human rights. To fulfil this mandate, the Directorate General has rolled out the following sensitization and awareness-raising policies related to the fight against discrimination:

<i>Activity</i>	<i>Year</i>
Issuance of Ministerial Decision No. 261/11, which prohibits cruel, inhuman or degrading treatment, servitude and forced or dangerous labour within the armed forces, and orders the inclusion, in curricula, of study programmes covering human rights.	2011

<i>Activity</i>	<i>Year</i>
Issuance of Ministerial Decision No. 747/13, the purpose of which is to prevent ill-treatment and racist and discriminatory conduct in military compounds, and which provides for the issuance of certificates to persons seeking promotion attesting that they have not committed human rights violations. Between 2014 and 2017, 11,701 certificates were awarded.	2013
Education and training programme on human rights and international humanitarian law aimed at building a culture of respect for human rights and preventing all forms of racism, discrimination and gender-based and generational violence. Between 2014 and 2017, training was provided to 17,536 soldiers, commanding officers, majors and admirals.	2014– 2017

*Source:* Ministry of Defence.

## Paragraph 12

### Disaggregated data for the development of public policies

132. Census data, survey results, statistics, administrative records and research papers are all used to formulate social policies. Indicators are developed in a coordinated manner with the involvement of various sectors, and in accordance with specific standards.<sup>80</sup>

133. In coordination with the Office of the United Nations High Commissioner for Human Rights, structural, process and outcome indicators have been developed to monitor progress in relation to the rights to adequate food, education, health, work, a life free from violence, housing, water and sanitation, a life free from trafficking, access to justice and a fair trial.

134. The National Institute of Statistics has compiled information about declarations of belonging to indigenous original campesino nations and peoples or to Afro-Bolivian communities, and about the languages spoken by the population, which was collected through the household surveys conducted each year and the social indicators relating to the aforementioned population groups used in the 2012 census,<sup>81</sup> which covered 38 indigenous original campesino nations and peoples and Afro-Bolivian communities, whose languages have official status under the Constitution and 69 population groups (see annex 60).

135. It should be clarified that the National Institute of Statistics does not gather information on race, colour, descent or national or ethnic origin, since the term “race” refers to physical characteristics such as bone structure and skin and eye colour and “ethnicity” to cultural factors such as nationality and language. Given that the country defines itself as a plurinational State comprising all Bolivians, including the indigenous original campesino nations and peoples and the intercultural and Afro-Bolivian communities (Constitution, art. 3), it is not appropriate to collect such information.

136. It should be noted that, in accordance with the principles of universality, individual registration and simultaneity, the census exercise was conducted throughout the country, with minimum omissions. During all the pre- and post-census phases, representatives of the various indigenous original campesino nations and peoples were involved in the work, so ensuring the full participation of the entire population.

<sup>80</sup> Act No. 045, Act No. 348, CNN, Act No. 263 of 31 July 2012 on combating human trafficking, Act No. 369 and Act No. 223.

<sup>81</sup> The National Institute of Statistics suggests that the disaggregated data obtained from the surveys be considered for reference purposes only, given that, in many cases, the coefficients of variation exceed the permissible level.

## Paragraph 13

### Political participation of women, including indigenous women

137. One of the most noteworthy achievements of Bolivian democracy over the last 20 years has been the progress made in advancing women's political rights, participation and representation.

138. The Constitution provides for gender equality in the exercise of political rights,<sup>82</sup> and the Electoral Act (No. 026) of 30 June 2010<sup>83</sup> (see annex 61) guarantees gender parity and alternation in all constituencies. As a result, there has been an increase in the proportion of women elected to the legislature. The most remarkable impact has been the steady rise in the proportion of women representatives in the Senate, from 4 per cent in 1997 to 44 per cent in 2009, a percentage that was maintained in the 2014 elections. With regard to the Chamber of Deputies, in 2009 and 2014, the results achieved in multi-member constituencies differed from those achieved in single-member constituencies, given that the distribution of seats in the Chamber favoured candidates elected in the latter (where, because only one office holder was returned, gender parity and alternation could not be respected) over those elected in the former (where gender parity and alternation are required).

139. It should be noted that on the women in politics 2017 map<sup>84</sup> drawn up by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Plurinational State of Bolivia ranks second in terms of the percentage of women occupying seats in the legislative assembly.

140. In the 2015 regional elections, 65 of the 144 departmental assembly members elected by territory and 49 of the 103 elected by population were women. The proportion of women assembly members by department, party and indigenous original campesino people was 45.1 per cent. Women accounted for 28 of the 330 mayors and 50.7 per cent of the councillors elected (see annex 62).

141. The Plurinational Electoral Bureau is engaged in an institutional capacity-building and consolidation process through which it is seeking to cement intercultural parity democracy and in 2016 adopted a strategic gender equality plan to serve as a tool for advancing and strengthening parity democracy, equality and the political participation of women in all their diversity and plurality, and free from harassment and political violence.

142. Action taken under this strategic line since 2017 has included the implementation of a project entitled "Institutional capacity-building within the Supreme Electoral Court of the Plurinational Electoral Bureau to support democratic processes in autonomous indigenous original campesino communities and parity democracy". The priorities assumed as part of this project are to strengthen women's political participation in autonomous indigenous original campesino communities and to develop processes that foster the autonomy of the Uru-Chipaya nation in the department of Oruro and in Raqaypampa, in the department of Cochabamba, providing electoral support for the establishment of self-government and monitoring compliance with the principles of gender parity and alternation in the legislative and executive branches of autonomous indigenous original campesino communities.

143. It was observed, during the electoral support process, that women's political presence and participation had helped to redefine what it means to be a woman as a political subject. In this regard, it should be noted that two women representatives from the Uru-Chipaya autonomous indigenous original campesino community were elected to the Laymis Parla (legislative body), and that two of the five members of the Territorial Management Council of the Raqaypampa autonomous indigenous original campesino community are women. The vice-president of the Council is also a woman.

<sup>82</sup> Constitution, articles 11 and 26.

<sup>83</sup> Act No. 026, articles 2 (h), 4, 11, 58, 60, 65, 72 and 79.

<sup>84</sup> Accessible at: [https://www.ipu.org/resources/publications/infographics/2017-03/women-in-politics-2017?utm\\_source=Inter-Parliamentary+Union+%28IPU%29&utm\\_campaign=550dedbec7-EMAIL\\_CAMPAIGN\\_2017\\_02\\_23&utm\\_medium=email&utm\\_term=0\\_d1ccee59b3-550dedbec7-258891957](https://www.ipu.org/resources/publications/infographics/2017-03/women-in-politics-2017?utm_source=Inter-Parliamentary+Union+%28IPU%29&utm_campaign=550dedbec7-EMAIL_CAMPAIGN_2017_02_23&utm_medium=email&utm_term=0_d1ccee59b3-550dedbec7-258891957).

144. The Observatory for Parity Democracy<sup>85</sup> is a specialized unit devoted to managing knowledge of women's political rights, the implementation of parity, and advances and limitations within the political system. Its goal is to create the conditions for political equality within a representative, participatory and community-based democracy.

145. The Act on Political Harassment and Violence against Women (No. 243) of 28 May 2012) establishes mechanisms to prevent, address and punish individual and collective acts of harassment and/or political violence against women with the aim of ensuring the full exercise of women's political rights.

146. In order to address these issues from a holistic perspective, the following activities have been undertaken:

- The Plurinational Electoral Bureau has issued rules for handling resignations and complaints of harassment or political violence submitted by women who are standing for election, have been elected or are exercising a public or political role<sup>86</sup> (see annex 64). The rules set out the procedures for handling resignations and receiving complaints of harassment and political violence from women who are candidates, elected representatives or holders of a public or political office at the national, departmental or municipal level.
- The Observatory for Parity Democracy has developed a system for recording resignations and complaints submitted on account of harassment or political violence that is used to centralize and document all complaints and resignations that have come to the attention of the electoral authority.
- The Plurinational Electoral Bureau has developed an education strategy for parity democracy in cooperation with the Supreme Electoral Court, the Bolivian Association of Women Councillors and the Bolivian Association of Women Departmental Assembly Members and has spearheaded strategic plans to disseminate regulations against harassment and political violence.
- In 2015, the Ministry of Justice and Institutional Transparency set up the Sectoral and Intersectoral Council for a Life Free from Violence,<sup>87</sup> which adopted the Multisectoral Plan to Eliminate Patriarchy and Promote Women's Right to Practice the Good Way of Living.<sup>88</sup> The Plan contains measures for preventing gender-based violence and promoting citizenship and political participation.
- Since 2015, the Plurinational Legislative Assembly has held 75 public interest forums for local authorities and social organizations for women in various departments and municipalities at which it has raised awareness of the scope of Act Nos. 348 and 243.
- In the Chamber of Deputies, a special commission has been established to investigate acts of political harassment and/or violence against women members of the Plurinational Legislative Assembly.
- The judiciary has created a committee on gender, which has introduced a protocol for judging with a gender perspective.

<sup>85</sup> <http://observatorioparidaddemocratica.oep.org.bo/>.

<sup>86</sup> 5 May 2017.

<sup>87</sup> The Council was established pursuant to Acts Nos. 348 and 243, and their respective regulations. Participants in its work include 60 institutions (State bodies, provincial governments and municipalities) and representatives of civil society, the Bolivian Association of Women Councillors and the Bolivian Association of Women Departmental Assembly Members, who have decision-making powers.

<sup>88</sup> On 27 July 2017.

## Paragraph 14

### Rights of the Afro-Bolivian community

147. The Plurinational State of Bolivia recognizes the precolonial existence of the indigenous original campesino peoples and nations,<sup>89</sup> and ensures, within the framework of State unity, their right to self-determination. This State vision has made it possible to acknowledge social actors who have historically been subjected to discrimination, including the Afro-Bolivian people, who, despite their contribution to the country's development and the construction of a plurinational State, have historically suffered from discrimination and institutional invisibility that have made it impossible for them to exercise their rights in full. Under the current Constitution, the Afro-Bolivian people enjoy the same economic, social, political and cultural rights as those accorded to the indigenous original campesino peoples and nations.<sup>90</sup>

148. In the 2012 census, 23,330 people, of whom 12,429 were men and 10,901 were women, self-identified as members of the Afro-Bolivian community. A table of indicators related to the Afro-Bolivian population developed on the basis of the 2012 Population and Housing Census is attached (see annex 60).

149. Act No. 200 of 14 December 2011 established the "National Day of Afro-Bolivian People and Culture" (see annex 65) with a view to reaffirming the identity and celebrating the culture of persons of African descent in the Plurinational State of Bolivia.

150. In 2011, in follow-up to the recommendations issued by the Committee on the Elimination of Racial Discrimination in relation to the seventeenth to twentieth periodic reports of the Plurinational State of Bolivia,<sup>91</sup> the Ministry of Justice (now the Ministry of Justice and Institutional Transparency) and the Afro-Bolivian people agreed on a programme of action to commemorate the International Year for People of African Descent, which entailed:

- Taking steps to encourage the recruitment of Afro-Bolivians to the diplomatic service;
- Including representatives of the Afro-Bolivian people in the National Human Rights Council;
- Including Afro-Bolivian persons in the workshops on public participation in regional integration organized by the Andean Community;
- Efforts to disseminate and raise awareness, at fairs, of all the cultural activities of the Afro-Bolivian people;
- An event to commemorate the National Day of Afro-Bolivian People and Culture;
- A campaign to raise awareness of the International Year for People of African Descent, of regulations protecting the Afro-Bolivian people, and of the rights of members of the Afro-Bolivian community.

151. In accordance with Act No. 045, intercultural and Afro-Bolivian communities are represented on the National Committee against Racism and All Forms of Discrimination.<sup>92</sup> Act No. 848 of 27 October 2016 (see annex 66) established the period from 2015 to 2024 as the Decade for Afro-Bolivian People, in line with United Nations General Assembly resolution 68/237 of 23 December 2013, entitled "Proclamation of the International Decade for People of African Descent". The Act also stipulated that the National Committee should promote and monitor the public policies to be implemented by national government agencies and autonomous communities under the National Development Plan and in accordance with the specific objectives identified in the programme of activities for the

<sup>89</sup> Constitution, article 2.

<sup>90</sup> Ibid., article 32.

<sup>91</sup> CERD/C/BOL/CO/17–20, para. 14.

<sup>92</sup> Act No. 045, article 8.

implementation of the International Decade for People of African Descent adopted by the United Nations General Assembly.

152. Consequently, the implementation of Act No. 848 requires public policies to be applied at all levels of the State and specific actions to be taken by State institutions and the Afro-Bolivian people to further progress towards the specific goals of the programme of activities for the implementation of the International Decade for People of African Descent.

153. On 15 May 2017, the Ombudsman's Office, in cooperation with the National Afro-Bolivian Council, finalized a plan for recognizing the Decade for Afro-Bolivian People 2016–2024, which was incorporated into the sectoral plan of the Ministry of Culture and Tourism.

154. Furthermore, the National Committee, in coordination with the National Afro-Bolivian Council, is pursuing an intersectoral coordination agenda, the goal of which is to develop an interministerial and territorial action plan to ensure the successful and comprehensive implementation of public policies in the areas of recognition (the right to equality and non-discrimination, education on equality and awareness-raising, information gathering, participation and inclusion), justice (access to justice and special measures) and development (the right to development, anti-poverty measures, education, employment, health and housing).

155. Since intercultural and Afro-Bolivian communities are represented on the National Committee, in Special Decision No. 01/2014 of 30 July (see annex 67), the Committee's standing council recommended that associations of folk ensembles, educational establishments and other institutions that promote national dances and other cultural expressions should eradicate discriminatory attitudes in the performance of dances that represent a corruption of Afro-Bolivian Saya.<sup>93</sup>

156. The Afro-Bolivian population is among the groups identified as having priority needs by the National Housing Agency. As a result, under the New Housing Programme, a project to construct 97 houses in the municipality of Caranavi has been implemented in a total of six communities where members of the Afro-Bolivian community have benefited. In addition, a first project designed specifically for the Afro-Bolivian community has been implemented, namely, a plan to improve, extend and/or renovate 69 houses in the municipality of Coroico which benefited around 300 members of the Afro-Bolivian community.

157. In the field of education, the Ministry of Education and representatives of the Afro-Bolivian people have developed a regionalized curriculum for the Afro-Bolivian people (see annex 68), which contains primary- and secondary-level plans and programmes.

158. The “Andaveriz, Pinero Barra” Institute of Afro-Bolivian Language and Culture was created to investigate, standardize and develop language and culture and to support the drafting and implementation of the regionalized curriculum. Scholarships are awarded to young people belonging to social organizations, including young Afro-Bolivians, to enable them to pursue higher education in private universities and colleges. There are currently 4,326 Afro-Bolivian students in primary and secondary education.

## **Paragraph 15**

### **Criminal legislation prohibiting organizations and propaganda activities that incite racial hatred**

159. The Government has been working to amend the Criminal Code and to incorporate the standards set forth in article 4 of the Convention.

### **Role of the media in combating racism and discrimination**

160. Under article 6 (III) of Act No. 045, public and private media must develop their own internal mechanisms to ensure that racism and all forms of discrimination – including

<sup>93</sup> A cultural expression of the Afro-Bolivian people in the form of music and dance.

language, expressions and statements that are racist, xenophobic or have discriminatory content – are eliminated from their programming. They are also required to raise awareness of the Act. In accordance with article 13 of Supreme Decree No. 762, which sets out the media's obligations in this area, the Ministry of Communication sends out letters twice a year to remind media outlets of their obligation to disseminate communication outputs for the prevention and eradication of racism and discrimination. In 2016, 2017 and 2018, the free dissemination of messages relating to Act No. 045 was monitored through random checks.

161. General Act No. 164 of 8 August 2011, on telecommunications and information and communications technology (see annex 69), established the Telecommunications and Transport Regulatory and Supervisory Authority as the body responsible for coordinating the implementation of policies to prevent and combat racism and all forms of discrimination in the areas of communication, information and awareness-raising and for conducting disciplinary proceedings where appropriate.

162. Similarly, through Decision Nos. 04/2011,<sup>94</sup> 7/2011,<sup>95</sup> 7/2013<sup>96</sup> and 9/2016<sup>97</sup> (see annex 70), the National Committee called on national, departmental, regional and local media to fulfil their obligations under Act No. 045 and Supreme Decree No. 762 and to submit weekly reports and copies of communication outputs produced and disseminated so that their content could be checked and evaluated. It also urged the Telecommunications and Transport Regulatory and Supervisory Authority to create mechanisms for establishing effective penalties for the media and for verifying and following up on their imposition.

163. In 2016, the National Committee and the Anti-Racial Discrimination Section of the Office of the United Nations High Commissioner for Human Rights held training sessions on freedom of expression for the fight against racism and all forms of discrimination, which were attended by representatives of national and departmental journalists' associations, communicators and social communicators from the communication directorates and/or units of executive institutions, journalists covering social affairs and politics, and outstanding students taking social communication degrees.

## Paragraph 16

### Human rights education

164. Human rights are considered both the basis and an integral part of the aims and objectives of education in Bolivia.<sup>98</sup> For this reason, priority is given to intersectoral, inter-coordinated plans and programmes related to human rights education.<sup>99</sup> Human rights are addressed in the education curriculum from various perspectives, underpinned by the notion of the good way of living. Social education policies are structured around the thematic areas of human rights, comprehensive sex education, prevention of violence and citizen security.<sup>100</sup>

165. The aim of the new national curriculum is to educate new generations in a holistic manner, placing the emphasis on social and community values and promoting harmonious coexistence between human beings through the practice of unity, equality, dignity, liberty, solidarity, reciprocity, respect, interdependence, harmony, transparency, equilibrium, equality of opportunity, honesty and social and gender equity.

166. A rights-based education drawing on the reality and values of indigenous original campesino peoples is guaranteed in the basic and regionalized curricula of the mainstream education subsystem. Furthermore, the new productive social and community education model addresses all aspects of human rights education in a holistic manner.

<sup>94</sup> Of 30 June 2011.

<sup>95</sup> Of 13 December 2011.

<sup>96</sup> Of 30 October 2013.

<sup>97</sup> Of 8 September 2016.

<sup>98</sup> Act No. 070 of 20 December 2010, arts. 3 (12), 4 (6) and 5 (19).

<sup>99</sup> Ibid., twelfth transitional provision.

<sup>100</sup> Act No. 070, art. 10 (5).

167. Teachers address the human rights elements of the curricula through core modules centred on education in social and community values and intracultural, intercultural and multilingual education; through study programmes that use an approach which is focused on decolonization (in elements of the curriculum), comprehensive and holistic (in its dimensions and methodology) and community-based (in the method of learning); and through the practice-theory-assessment-production methodology.

## Paragraph 18

### Rights of the Guaraní people

168. As the Committee has been informed,<sup>101</sup> the Interministerial Council for the Eradication of Servitude, Forced Labour and Slavery-like Practices<sup>102</sup> was established by Supreme Decree No. 29292 of 3 October 2007 with the aim of implementing the Transitional Interministerial Plan for the Guaraní People 2007–2008. The Council's most important remit was to develop and adopt a national policy for the eradication of servitude, forced labour and slavery-like practices affecting the Guaraní people that ensures their freedom, dignity and human rights.

169. Between 2006 and 2013, the following activities were carried out:

<i>Year</i>	<i>Activities</i>
2007	<p>Promulgation of Supreme Decree No. 29354 of 28 November 2007, setting out the grounds for the compulsory purchase, consolidation and redistribution of land for transfer to the Guaraní indigenous people in the department of Chuquisaca.</p> <p>The National Agrarian Reform Institute ordered the compulsory purchase of 180,000 ha of agricultural land for transfer to the Guaraní indigenous people of Chuquisaca. It implemented the expropriation process, in various phases, by issuing administrative decisions transferring the land to Guaraní families in the municipalities of Huacareta, Monteagudo, Muyupampa and Macharetí, in coordination with the Assembly of the Guaraní People.</p> <p>Supreme Decree No. 29388 adopted on 19 December 2007, approving the allocation of \$2,000,300 for the implementation of the Transitional Interministerial Plan.</p>
2006–2009	<p>Thirty-three Guaraní families, 20 from Alto Parapetí and 13 from Zona Ingre, freed from servitude.</p> <p>Birth certificates provided to 2,514 Guaraní indigenous persons from the Weenhayek and Tapiete peoples in the department of Tarija.</p> <p>Identity cards and birth certificates provided to 189 Guaraní indigenous persons from Alto Parapetí, Santa Cruz department.</p>
2010	<p>Thirty-two leaders of Guaraní organizations and communities trained in the use of mechanisms for protecting against and reporting violations of fundamental rights.</p>
2011	<p>A total of 1,078 birth certificates issued in the communities of Itacuatía Timbuienda, Caraparí Alto, Iviyeca, Mandiyuti, Yayti, Huaraca, El Arenal, Kapirenda, La Colorada, Ivicuati, Caraparí Bajo, Caraparicito, Tacete, El Progreso, Karaguatarenda and Tartagalito. Of these, 503 were amended certificates, 135 were new certificates issued for children, 56 were entries in the civil register for adolescents over 12 years old, 6 were recognition</p>

<sup>101</sup> CERD/C/BOL/17-20, paras. 150–162.

<sup>102</sup> Composed of representatives of the Ministry of Labour, Employment and Social Welfare, the Ministry of the Office of the President, the Ministry of Justice, the Ministry of Rural Development and Land, the Ministry of Productive Development and the Plural Economy and the Ministry of Development Planning.

<i>Year</i>	<i>Activities</i>
	certificates and 378 were new certificates.
2012	<p>Support for the promotion, design and implementation of comprehensive policies and regulations against racism and all forms of discrimination against indigenous original campesino nations and peoples.</p> <p>Fifty-eight assets with an economic value of more than Bs. 103,000, acquired by the then Ministry of Justice during implementation of the Transitional Interministerial Plan, transferred to the Assembly of the Guaraní People at zero cost.</p> <p>Adoption of Supreme Decree No. 1390 of 24 October 2012, authorizing ministries and bodies with resources not used under the Transitional Interministerial Plan for the Guaraní People 2007–2008, extended to 2009, to return them to the Ministry of Economic Affairs for reallocation, considering that they should be exclusively invested in productive projects under the Plan for the Guaraní People.</p>
2006–2013	<p>Creation of regional labour inspectorates in Caraparí, Yacuiba, Entre Ríos, Huacareta and Charagua.</p> <p>State presence in the Chaco region to establish respectful relations between employers and workers and improved incomes for workers.</p> <p>Promotion and awareness-raising of fundamental rights, specifically labour rights.</p> <p>Formation of a team of experts composed of Guaraní professionals.</p> <p>Specialized legal support for Guaraní organizations on matters relating to indigenous autonomy.</p> <p>Expert support for the defence of the Guaraní population in the event of complaints against them.</p> <p>Representations and requests for the regularization of land titles submitted to the National Agrarian Reform Institute.</p> <p>Food and contingency tools delivered to communities in the Alto Parapetí territory.</p> <p>Issuance of a registration certificate for the indigenous original people of Alto Parapetí.</p> <p>Technical training on poultry breeding and production processes.</p>

170. Since then, the Ministry of Labour, Employment and Social Welfare has implemented programmes and projects on behalf of the Guaraní people and indigenous settlements and families located in the Chaco, the Amazon region and the north of Santa Cruz, including:

(a) The Institutional Capacity Building Programme, designed to foster action towards the progressive elimination of servitude, forced labour and other practices similar to labour exploitation affecting workers from indigenous original peoples and highly vulnerable groups and guaranteeing a State presence, which, between 2010 and 2013, had the following outcomes:

<i>Activity</i>	<i>Year</i>			
	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Inspections of cattle ranches and farms in the Chaco, the Amazon region and the Integrated North of Santa Cruz.	16	58	114	125
Hearings for the resolution of social and	55	107	60	63

Activity	Year			
	2010	2011	2012	2013
employment-related disputes concerning unpaid wages				
Workers belonging to the indigenous original peoples who participated in events aimed at raising awareness of social and labour rights (number of trainees)	235	622	637	250
Workers who received support in exercising their social and labour rights (number of complaints addressed)	197	447	545	2 736
Amounts agreed in favour of workers	530 402	1 031 872	578 602	1 049 558
Agricultural companies registered with the Compulsory Register of Employers <sup>103</sup>				17

Source: Ministry of Labour, Employment and Social Welfare.

(b) The Swiss Agency for Development and Cooperation's Plan for the Progressive Eradication of Forced Labour and Other Similar Practices, benefiting indigenous families in the Chaco, the Amazon region and the Integrated North of Santa Cruz,<sup>104</sup> which had the following outcomes:

Activity	Year	
	2014	2015
Inspections of cattle ranches and farms in the Chaco, the Amazon and the Integrated North of Santa Cruz	531	550
Hearings for the resolution of social and employment-related disputes concerning unpaid wages	161	611
Workers belonging to the indigenous original peoples who participated in events aimed at raising awareness of social and labour rights (number of trainees)	870	1 887
Workers who received support in exercising their social and labour rights (number of complaints addressed)	434	1 241
Amounts agreed in favour of workers	1 949 558	2 438 545
Cases referred to the labour courts	145	57
Cases referred to the National Agrarian Reform Institute	26	2
Agricultural companies registered with the Compulsory Register of Employers	15	29

Source: Ministry of Labour, Employment and Social Welfare.

171. Between 2010 and 2018, proceedings were instituted in 25 cases throughout the country as part of efforts to eliminate slavery and similar practices.

172. Furthermore, under goal 3 (achieving a Bolivia that no longer has captive communities or any form of slavery or compulsory unpaid domestic service or exploitation of child labour) of its first pillar, focused on eradicating extreme poverty, the Economic and Social Development Plan provides for medium- and short-term action to eradicate servitude and forced labour in the Chaco and the Bolivian Amazon and guarantee the exercise of collective rights.

<sup>103</sup> Established by Supreme Decree No. 3433 of 13 December 2017.

<sup>104</sup> Approved through Ministerial Decision No. 087/15 and the signing of Agreement No. 81026161 between Bolivia and the Government of Switzerland, which was in force until 31 December 2015.

173. In 2017 alone, 11 schools received Bs. 2.6 million in infrastructure funding and 112 schools received Bs. 2.2 million in funding for equipment and basic libraries, allocated through a comprehensive educational assistance programme benefiting border schools, riverbank schools and “liberating” schools (schools located in areas where people are exploited and at risk of being enslaved).

174. In the area of political rights, in exercise of their constitutional right to self-determination, in 2009, when the municipality of Charagua became an autonomous indigenous original campesino community, the Guaraní people embarked on a seven-year autonomy-building process<sup>105</sup> that ended in 2016 with the formation of the Charagua Iyambae autonomous government, with its own rules and procedures. Charagua Iyambae is thus the first autonomous community to have established an indigenous original campesino government (in September 2016) and the first autonomous indigenous original campesino community to be established in the Plurinational State of Bolivia.

## **Paragraph 19**

### **Measures for the protection of human rights defenders**

175. The Directorate for the Protection of Victims, Witnesses and Members of the Public Prosecution Service reports that, while it is not currently processing any cases in which human rights defenders require protection, it stands ready to activate the measures set forth under article 7 (I) of the Act on the Protection of Reporting Persons and Witnesses (No. 458 of 19 December 2013) (annex 71) should such a case occur.

### **Training for law enforcement officers**

176. The National Directorate for Decolonization and Institutional Doctrine within the Bolivian police force has a unit for combating racism and all forms of discrimination. This Directorate, along with the National Directorate for Human Rights and the Directorate General for Instruction and Teaching, runs continuous training programmes on subjects including human rights and the prevention of racism and discrimination in the context of police work. Between 2010 and 2018, training was provided to 10,835 police officers on human rights, decolonization, the elimination of patriarchy, the fight against racism and all forms of discrimination and the Code of Conduct for Law Enforcement Officials, among other subjects. Educational materials covering these topics were also disseminated (see annex 72).

177. The School for State Judges, which is a decentralized body of the judiciary responsible for the education and training of judicial officials, offers continuous teaching and awareness-raising programmes covering human rights and non-discrimination. Between 2014 and 2018, it provided training and education on human rights and gender in the work of the judiciary for about 2,500 judicial officials (see annex 72).

178. The School for State Prosecutors, as the expert academic body of the Public Prosecution Service responsible for planning, leading and delivering training for the Service’s prosecutors and officials, also provides training related to human rights and non-discrimination. During the period 2013–2016, it trained 951 public servants in these subjects (see annex 72).

## **Paragraph 20**

### **Right to prior consultation**

179. In conformity with international human rights instruments, the Constitution guarantees the right to consultation of indigenous original campesino nations and

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<sup>105</sup> Constitution, art. 2.

peoples.<sup>106</sup> The right is recognized as a constitutional mechanism of direct and participatory democracy.<sup>107</sup>

180. In the hydrocarbon sector, free, prior and informed consent is regulated by the Hydrocarbons Act (No. 3058) of 17 May 2005<sup>108</sup> (see annex 73) and by Supreme Decree No. 29033 of 16 February 2007, as amended, supplemented and extended by Supreme Decree Nos. 29124, 29574 and 2298 of 9 May 2007, 21 May 2008 and 18 March 2015, respectively (see annex 74). These laws set forth provisions and procedures for the consultation and participation of indigenous original campesino peoples in the event of hydrocarbon activities being planned on their original community land, communal property or land where they enjoy rights of occupation or access. Supreme Decree No. 29033 gives indigenous original peoples the possibility of filing an administrative challenge against any such plans<sup>109</sup> and sets out the circumstances in which consultation and participation processes may be declared null and void<sup>110</sup> and compensation<sup>111</sup> and indemnities<sup>112</sup> may be awarded. Since the promulgation of the Supreme Decree, and as of 2017, the Ministry of Hydrocarbons has conducted 77 consultation and participation processes.

181. The Mining and Metallurgy Act (No. 535) of 28 May 2014<sup>113</sup> (see annex 75) enshrines and guarantees the right to consultation<sup>114</sup> and establishes that the Mining Administrative Jurisdictional Authority is the body responsible for carrying out prior consultations.<sup>115</sup> In 2015, the Ministry of Mining and Metallurgy adopted regulations for the granting and termination of mining rights<sup>116</sup> (see annex 76) that make it obligatory to conduct prior consultations,<sup>117</sup> specify the procedure for doing so and provide for the possibility of challenging administrative decisions taken in the context of consultations.<sup>118</sup> Act No. 535 establishes the parameters for redress and compensation.<sup>119</sup>

182. Since the entry into force of the regulations on the granting and termination of mining rights, 367 mining applications have been processed in which agreements were concluded between the parties.

183. In addition, the Plurinational Electoral Bureau, through the Intercultural Service for Strengthening Democracy, must oversee and support prior consultation processes in coordination with the organizations and institutions concerned.<sup>120</sup> Regulations for overseeing and supporting prior consultation processes have been drawn up for this purpose (see annex 77).

184. In all cases, environmental impact studies are carried out by independent consulting companies registered with the Ministry of Environment and Water. The contents of the documents produced by these companies are then assessed by the competent sectoral body and the Ministry. Approval for projects is dependent on the analysis of the impacts and the respective prevention and mitigation measures, and on the outcome of the consultation and participation process.

185. The Ministry of Energy has been coordinating the development of regulations on prior consultation in the electricity sector.

<sup>106</sup> Ibid., arts. 30 (15) and 352.

<sup>107</sup> Ibid., art. 11 (II) and Act No. 026, art. 39.

<sup>108</sup> Title VII of which refers to the rights of indigenous original campesino peoples.

<sup>109</sup> Supreme Decree No. 29033, art. 16.

<sup>110</sup> Ibid., art. 18.

<sup>111</sup> Act No. 3058, art. 119.

<sup>112</sup> Ibid., art. 120.

<sup>113</sup> Arts. 19, 207 and 209.

<sup>114</sup> Constitution, arts. 11, 15, 16, 17 and 30 (II).

<sup>115</sup> Act No. 535, art. 40 (j).

<sup>116</sup> Ministerial Decision No. 23/2015 of 30 January 2015.

<sup>117</sup> Regulations on the granting and termination of mining rights, arts. 28 to 37.

<sup>118</sup> Ibid., arts. 30 and 37 (II).

<sup>119</sup> Act No. 535, arts. 19 and 209.

<sup>120</sup> Act No. 018, art. 6 (2) and Act No. 026, art. 40.

## Paragraph 22

### Legal pluralism

186. Article 30 (II) (14) of the Constitution recognizes the right of indigenous original campesino nations and peoples to operate their own political, legal and economic systems in accordance with their world view, while article 190 (I) states that they will exercise their judicial functions and jurisdiction through their own authorities. Indigenous original campesino jurisdiction is thus recognized as a community justice system with equal rank to the ordinary justice system and, for this reason, article 192 of the Constitution states that all public authorities and persons must abide by the decisions of indigenous original and campesino justice systems, whose courts may request the support of the competent bodies of the State to secure compliance with their decisions.

187. Indigenous original campesino courts must respect the right to a defence and other established rights and guarantees and are subject to oversight by the Plurinational Constitutional Court, which is competent to hear and rule on: (a) consultations initiated by the indigenous original campesino courts themselves<sup>121</sup> and (b) conflicts of jurisdiction.<sup>122</sup>

188. The Jurisdiction Demarcation Act (No. 073) of 29 December 2010 (see annex 78) regulates the scope of indigenous original campesino jurisdiction and other constitutionally recognized jurisdictions and sets out mechanisms for coordination and cooperation between them within a framework of legal pluralism. In this connection, article 162 of the Judiciary Act (No. 025) of 24 June 2010 stipulates that all public authorities and persons must abide by the decisions of indigenous original campesino courts, while article 6 (I) of Act No. 260 provides that the Public Prosecution Service, in the exercise of its functions, must respect the coexistence of legal systems.

189. Act No. 073 also establishes that coordination and cooperation<sup>123</sup> between the indigenous original campesino courts, the ordinary courts, the agricultural and environmental courts and other legally recognized courts is obligatory within a framework of legal pluralism.

190. Between 2010 and 2014, the Office of the Deputy Minister for Indigenous Original Campesino Justice organized interjurisdictional dialogues with a view to establishing mechanisms for coordination and cooperation between court systems. Through these dialogues, 2,488 justice officials working in the ordinary, agricultural and environmental and indigenous original campesino court systems improved their knowledge and skills in the areas of interlegality, interculturality and legal pluralism.

191. In 2015, two interjurisdictional dialogues were held in the cities of Cobija and Puerto Gonzalo Moreno in the department of Pando to strengthen knowledge and capacity in respect of mechanisms facilitating access to justice for women victims of violence within the framework of Act No. 348 and Act No. 073.

192. In 2017, the dialogues were focused on creating, implementing and strengthening mechanisms for coordination and cooperation between the different constitutionally recognized justice systems with a view to achieving a harmonious social coexistence in which individual and collective rights are respected and access to justice is effectively guaranteed. The dialogues were attended by 1,334 representatives of the different justice systems from the municipalities of Apolo, Salinas de Garci Mendoza, Quime, Viacha, Mecapaca and Llallagua, located in departments in the west of the country.

193. The National Summit on Plural Justice for the Good Way of Living (see annex 79) was held on 10 and 11 June 2016 in Sucre. Various social, academic and civil society organizations made active contributions, presenting concrete proposals for reforming the justice system that had been developed at nine pre-Summit meetings.

<sup>121</sup> Constitution, art. 202 (8).

<sup>122</sup> Ibid., art. 202 (11).

<sup>123</sup> Act No. 073, chap. IV.

194. The second working group of the Summit, on access to justice, proposed the amendment of Act No. 073, the organization of a summit on indigenous original campesino justice, closer coordination between the ordinary justice system and indigenous original and campesino justice systems and the preparation of an analysis of the people's need for plural justice services, focusing on legal pluralism, decolonization and the elimination of patriarchy.

195. A commission responsible for following up on the conclusions of the National Summit on Plural Justice was established under Act No. 898 of 26 January 2017 (see annex 80), with its members drawn from legislative, executive and judicial institutions, the Counsel General's Office, the Attorney General's Office and academia. Its purpose is to give effect to the conclusions reached at the Summit.

196. For its part, pursuant to Plenary Chamber Decision No. 216/2017, the Supreme Court has adopted a protocol for judges working in intercultural settings in the framework of equal legal pluralism (see annex 81) that promotes equal and respectful relations between the authorities of the two justice systems and determines the competences of each, the aim being to prevent duplicate judicial proceedings (i.e. defendants facing trial under both systems) and conflicts of jurisdiction.

### **Paragraph 23**

197. Act No. 045, establishing the State Policy against Racism and All Forms of Discrimination (Plan of Action 2012–2015), the Multisectoral Plan for Combating Racism and All Forms of Discrimination of the Plurinational State of Bolivia 2016–2020 and the actions, programmes and plans outlined in this report are all consistent with the aims of the Durban Declaration and Programme of Action.

### **Paragraph 24**

198. The information provided in response to paragraph 14 of the concluding observations includes details on the awareness-raising activities and programmes implemented in 2011 to mark the International Year for People of African Descent.

### **Paragraph 26**

199. On 20 April 2011, the Ministry of Justice held a workshop at which it shared the Committee's recommendations with State institutions and social and human rights organizations. Similarly, in July 2012 representatives of State institutions were invited to a meeting to update them on progress achieved in implementing the recommendations at which the extent of the State's compliance was analysed.

200. The Committee's recommendations are available on the website of the Plurinational System for Follow-up, Monitoring and Statistics on Human Rights Recommendations in Bolivia, known as SIPLUS Bolivia,<sup>124</sup> where they are systematically posted. The web page is a tool that can be used by public institutions and civil society in general to search for human rights recommendations and monitor their implementation.

201. In addition, since 2013 the Government has maintained the website <http://www.noracismo.gob.bo>, where it publishes information on the work of the National Committee against Racial and All Forms of Discrimination and the State's progress in fighting racism and discrimination. The website has a section on international instruments that includes the Committee's concluding observations.

<sup>124</sup> <http://www.siplusbolivia.gob.bo>.

## IV. Additional information requested by the Committee

202. On 13 March 2013, the Government submitted the requested follow-up information on the recommendations contained in paragraphs 17 and 21 of the concluding observations<sup>125</sup> to the Committee. This section responds to the Committee's request for additional information on those issues, which was conveyed in its letter of 30 August 2013.

### Paragraph 17

203. Regarding the violent events that occurred on 11 September 2008 in the village of Porvenir, Pando, the sixth trial court in La Paz handed down Judgment No. 10/2017 of 10 March 2017, finding the defendants guilty of the offences of homicide, grievous bodily harm and causing minor injury. The defendants appealed against the conviction, as did the victims' representatives and representatives of the Public Prosecution Service, but Judgment No. 10/2017 was upheld in Judgment No. 72/2018 of 17 July 2018. Representatives of the Public Prosecution Service filed an appeal in cassation against Judgment No. 72/2018, which is currently pending before the Supreme Court. A decision concerning redress for the damages suffered by the victims will be taken once a final judgment has been handed down.

204. Concerning the violent events that took place in Sucre in May 2008, as part of the criminal proceedings referred to as the "*24 de Mayo*" case, the trial court of Padilla, in the department of Chuquisaca, handed down Judgment No. 004/2016, finding the defendants guilty of grievous bodily harm, aggravated coercion, abuse, torture, criminal association and possession of explosives and asphyxiating substances. The defendants and the representatives of the Public Prosecution Service and of the victims appealed against this judgment, which was subsequently upheld by the second instance court in Judgment No. 369/2016 of 9 November 2016, which in turn was contested by the parties. This case is currently before the Supreme Court.

205. Furthermore, in Decision No. 02/2011 of 30 June 2011 (see annex 82), the National Committee reaffirmed the State's duty to end the impunity associated with the events of 24 May 2008 in Sucre and called upon the relevant authorities to swiftly conclude the criminal proceedings arising from these acts and ensure redress and legal assistance for the victims.

206. The role and functions of the National Committee against Racism and All Forms of Discrimination are explained in paragraphs 11 to 19 of this report. Information on the implementation of Act No. 045 and on specific measures to address acts of racist violence has been provided throughout this document.

### Paragraph 21

207. The Constitution recognizes the right to seek and receive asylum or refuge<sup>126</sup> and states that any person who has been granted asylum or refuge in Bolivia cannot be expelled or surrendered to a country where his or her life, physical integrity, security or liberty is endangered and that the State shall attend in a positive, humane and expeditious manner to applications for family reunification submitted by parents or children who have been granted asylum or refuge.<sup>127</sup>

208. To meet its obligations in this area, the Government adopted the Refugee Protection Act (No. 251) of 20 June 2012 (see annex 83) and its implementing regulations,<sup>128</sup> which establish the regime for the protection of refugees and asylum seekers.

209. According to the Act, recognizing a person as a refugee is an apolitical and humanitarian act and the protection afforded by the State is of a jurisdictional nature.<sup>129</sup>

<sup>125</sup> CERD/C/BOL/CO/17-20/Add.1.

<sup>126</sup> Constitution, art. 29.

<sup>127</sup> Ibid., art. 29 (II).

<sup>128</sup> Supreme Decree No. 1440 of 19 December 2012.

Reaffirming the recognition of rights enshrined in the Constitution, the Act requires that refugees and applicants for refugee status are treated as favourably as possible, and no provision may be applied to the detriment of rights and benefits granted to a refugee.<sup>130</sup>

210. Title I, chapter I of the Act contains provisions both including individuals within the definition of a refugee, and excluding them from it,<sup>131</sup> with gender, age and diversity receiving favourable consideration for the purposes of inclusion.<sup>132</sup> Article 15 is consistent with the Convention relating to the Status of Refugees and contains the definition of a refugee set forth therein and the extended definition adopted in the Cartagena Declaration on Refugees.

211. The National Commission for Refugees is the authority responsible for refugee status determination and also contributes to protection activities and the pursuit of lasting solutions for refugees. Its composition and powers are defined under Act No. 251, which also regulates the refugee status determination procedure.

212. The principles governing the protection of refugees are:<sup>133</sup> non-refoulement, inadmissibility of extradition, non-expulsion, non-punishment, non-discrimination, family unity, confidentiality, exemption from payment and administrative assistance. In implementing the principle of non-refoulement, no refugee or person seeking refugee status whose application is pending a final decision may be returned to his or her country of origin or to another country where his or her life, safety or freedom is endangered for any of the reasons that led to the recognition of or application for refugee status. Refusal of entry at the border and extradition are considered forms of refoulement.<sup>134</sup>

213. In accordance with the principles of exemption from payment<sup>135</sup> and administrative assistance,<sup>136</sup> on 30 June 2016, the Personal Identity Service adopted a single regulation on the issuance of identity cards to foreign nationals and the procedural manual of the national office for foreign citizens. These documents, within the framework of Act No. 251, allow for the issuance of identity cards at no cost.

214. Between 2011 and September 2018, the Personal Identity Service issued 261 identity cards for foreign nationals free of charge, of which 87 were provided to persons with temporary residence on humanitarian grounds (granted by the Directorate General for Migration) and 174 to persons with refugee status (determined by the National Commission for Refugees).

215. The Migration Act (No. 370) of 8 May 2013, (as amended by Act No. 997 of 13 November 2017) (see annex 84) regulates the situation of foreign migrants in the country and establishes institutional coordination mechanisms to protect the rights of Bolivian and foreign migrants in accordance with the Constitution and the international human rights instruments ratified by the State.

216. The Act is guided by the principles of non-discrimination and gender equity,<sup>137</sup> among others, and establishes that foreign migrants enjoy rights on an equal footing with nationals.<sup>138</sup>

217. Articles 41 to 43 of the Migration Act specifically govern naturalization, while the introduction of a naturalization process for refugees was approved through Ministerial

<sup>129</sup> Act No. 251, art. 3.

<sup>130</sup> *Ibid.*, art. 13.

<sup>131</sup> *Ibid.*, arts. 15–17.

<sup>132</sup> *Ibid.*, art. 16.

<sup>133</sup> *Ibid.*, arts. 4–12.

<sup>134</sup> *Ibid.*, art. 4.

<sup>135</sup> Cf. CERD/C/BOL/CO/17-20/Add.1, paras. 31 and 35. Under Ministerial Decision No. 731/2008 of 26 November 2008, it was decided “to exempt refugees from all forms of payment, including by revenue stamps, for document authentication procedures carried out at the Legalization Office of the Ministry of Foreign Affairs and Worship which enable them to exercise refugee status in Bolivia”.

<sup>136</sup> Also provided for under article 10 of Supreme Decree No. 1440 of 19 December 2012.

<sup>137</sup> Act No. 370, art. 2.

<sup>138</sup> *Ibid.*, art. 12.

Decision No. 050/16 of 9 March 2016 of the Ministry of the Interior. In 2016, nine individuals obtained Bolivian nationality through naturalization.

218. In its Decision No. 07/2014 of 21 May 2014 (see annex 85), the National Committee urged public bodies to cover the rights of migrants in their training programmes and recommended that the Committee's technical secretariat should consider this group when developing its plans and activities.

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