



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fifth and sixth periodic reports of the Plurinational State of Bolivia*

I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Bolivia¹ at its 2676th and 2678th meetings,² held on 19 and 20 January 2023, and adopted the present concluding observations at its 2698th meeting, held on 3 February 2023.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,³ which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, in particular the establishment of the Office of the Ombudsperson (Act No. 870 of 13 December 2016), the promulgation of the Children and Adolescents Code (Act No. 548 of 17 July 2014) and the restorative justice approach adopted for the child justice system.

4. The Committee also welcomes the accession to the following instruments:

(a) International Convention for the Protection of All Persons from Enforced Disappearance, in December 2008;

(b) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in April 2013;

(c) Paris Agreement under the United Nations Framework Convention on Climate Change, in October 2016.

III. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would

* Adopted by the Committee at its ninety-second session (16 January–3 February 2023).

¹ CRC/C/BOL/5-6.

² See CRC/C/SR.2676 and CRC/C/SR.2678.

³ CRC/C/BOL/RQ/5-6.



like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: violence against children (para. 23), sexual exploitation and abuse (para. 26), children deprived of a family environment (para. 30), children with disabilities (para. 33), standard of living (para. 39), and administration of child justice (para. 48).

6. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

7. **While welcoming the fact that the Convention has the status of supreme law in the State party and is part of domestic law and also welcoming the adoption of the Children and Adolescents Code, the Committee recommends that the State party:**

(a) **Fully implement the Code, in particular at the subnational level, to further protect children's rights;**

(b) **Undertake measures to align any Indigenous customary laws that are not in line with the Convention;**

(c) **Further strengthen monitoring and accountability mechanisms for the enforcement of laws;**

(d) **Develop child-rights impact assessment procedures for all national and subnational legislation relevant to children.**

Policy and strategy

8. **While welcoming the implementation by the Ministry of Justice and Institutional Transparency of the Multisectoral Development Plan for the *Vivir Bien* of Children and Adolescents 2021–2025, the Committee recommends that the State party:**

(a) **Bring the Plan into line with all aspects of the Convention, disseminate it, provide sufficient resources to implement it and ensure that the views of children are included in the evaluation thereof;**

(b) **Take measures to strengthen the linkages between the planning mechanisms defined by the Children and Adolescents Code (plans at the department and municipal level) and the State Integrated Planning System.**

Coordination

9. **While noting the establishment of the Council for Sectoral and Intersectoral Coordination in Children's and Adolescents' Affairs and the Directorate General for Children and Older Persons under the Ministry of Justice and Institutional Transparency, the Committee recommends that the Council is given adequate power and the necessary human, technical and financial resources. The Committee recalls its previous recommendations⁴ and urges the State party to establish an appropriate mechanism at the interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels.**

⁴ CRC/C/BOL/CO/4, para. 10.

Allocation of resources

10. Welcoming the increased budget and expenditure on children by the State party and taking note of general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

- (a) Increase and continue to monitor budgetary allocations in all areas and sectors relevant to children's rights and ensure that public spending on children leads to a positive impact on their lives;
- (b) Put mechanisms in place for the effective participation of children in budget processes;
- (c) Define budgetary lines for all children, paying special attention to those in vulnerable situations;
- (d) Ensure that budgetary allocations to sectors supporting the realization of children's rights are not affected by adverse economic conditions or emergency situations;
- (e) Use budget classification systems that allow expenditure related to the rights of the child to be made publicly available as appropriate, and reported, tracked and analysed.

Data collection

11. While noting improvements in the compilation of statistical information concerning children, including in the Child and Adolescent Information System, the Committee is concerned by the slow pace of implementation of Ministerial Decision No. 071/2016 of 3 May 2016, the limited information currently available and the lack of a coordinated and integrated system of statistics on children with comprehensive and disaggregated data, indicators and information about the situation of children. The Committee recalls its previous recommendation⁵ and recommends that the State party:

- (a) Facilitate intersectoral coordination between public institutions collecting data on children, including for enabling the adequate functioning of the Child Protection System at all levels;
- (b) Ensure the collection of data disaggregated by age, sex, gender, disability, socioeconomic situation, nationality, ethnic origin, Indigenous descent, rural and urban context, migration status and geographical location for all areas of the Convention;
- (c) Ensure the collection and analysis of data on discrimination against children, the mental health of children, younger children, Indigenous children, children in alternative care, child poverty, children in the justice system, children whose nationality is unknown, violence against children, child labour, trafficking in and sexual exploitation and abuse of children;
- (d) Expediently implement all modules of the Child and Adolescent Information System to generate information and evidence to support the development of public policies.

Independent monitoring

12. While noting the creation of the People's Services System and recalling its previous recommendation,⁶ the Committee recommends that the State party further consolidate its efforts to ensure that the existing Office of the Ombudsperson has adequate resources and a mandate to defend the rights of children, investigate complaints from children and regularly monitor and evaluate progress in the implementation of the Convention.

⁵ Ibid., para. 20.

⁶ Ibid., para. 14.

Cooperation with civil society

13. Noting the role of the Children's and Adolescents' Committees, and reiterating its previous recommendations,⁷ the Committee recommends the State party systematically involve civil society, including non-governmental and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights, including in the reporting process to the Committee and the follow-up to these concluding observations.

B. Definition of the child (art. 1)

14. Recalling its previous recommendations,⁸ the Committee urges the State party to amend the Family and Family Procedure Code to remove all exceptions that allow marriage for girls or boys under the age of 18 years.

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

15. Noting the implementation of the differentiated approach to the comprehensive protection of Indigenous original campesino children and adolescents in the Plurinational State of Bolivia and the inclusion of the principle of non-discrimination against Indigenous children at the legislative and policy levels, and recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Ensure compliance with the right to non-discrimination and apply the regulations effectively so that all children have access to basic services without discrimination;
- (b) Ensure the systemic investigation of cases of discrimination against children, including through specialized units or investigators, and further address discrimination cases among children;
- (c) Develop policies and awareness-raising measures aimed at addressing the root causes of de facto discrimination against children, with a view to eliminating stereotyping of, and prejudice and discrimination against, for example, children belonging to minority groups, girls and Indigenous children.

Best interests of the child

16. While noting that the Constitution and the Children and Adolescents Code enshrine the best interests of the child, the Committee recommends that the State party:

- (a) Ensure that the principle of the best interests of the child is consistently applied in the implementation of programmes and in legislative, administrative and judicial proceedings, including cases of separation of children from their families, high-conflict divorces, children in prison with incarcerated mothers, and children in care or in the child justice system;
- (b) Provide guidance or tools to all professionals working for and with children on how the best interests of the child are assessed and determined;
- (c) Expand specialized legal defence programmes across the State party to ensure the best interests of all children in contact with the justice system.

Right to life, survival and development

17. While welcoming the progress in addressing infant and child mortality, as well as the information on increased access to services such as housing and sanitation, the

⁷ Ibid., para. 35.

⁸ Ibid., para. 27.

Committee recommends that the State party take further measures to address the high rates of infanticide, as well as child and infant mortality, in particular in rural areas.

Respect for the views of the child

18. **Noting the provisions of the Children and Adolescents Code and Ministerial Decision No. 76/2020, the Committee recommends that the State party:**

(a) **Promote the meaningful and empowered participation of all children within the family, communities and schools, and include children in decision-making in all matters related to them, including environmental matters;**

(b) **Ensure that all relevant professionals, including judges, teachers and youth care professionals, working with and for children, receive systematic and appropriate training on the right of the child to be heard and have his or her opinion taken into account in accordance with the child's age and maturity.**

D. Civil rights and freedoms (arts. 7–8 and 13–17)

Birth registration

19. **Taking note of target 16.9 of the Sustainable Development Goals, the Committee strongly urges the State party to implement, as a matter of urgency, the relevant policies to ensure birth registration for all children in situations of migration, in street situations or born in rural areas.**

Freedom of association and peaceful assembly

20. **Concerned by the exposure of children to violence during the post-electoral social and political tension that began in 2019 and the detention of children during demonstrations, the Committee urges the State party to ensure that protocols, guidance and procedures on dealing with public protests, the detention of children and the use of force during demonstrations comply with the Convention and children's right to peaceful assembly, and is implemented at all times.**

21. **The Committee recommends that the State party ensure that the needs of children highlighted by the children's and adolescents' committees of the nine departments of the country are duly taken into account in the development of regulations affecting them.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

22. **While taking note of Act No. 1443 of 4 July 2022 on the Protection of victims of Femicide, Infanticide and Sexual Violence against Children, the Summary Criminal Procedure Act (No. 1173 of 3 May 2019) and the promulgation of the Children and Adolescents Code (Act No. 548 of 17 July 2014), the Committee remains seriously concerned by:**

(a) **The high level and increasing prevalence of different forms of violence against girls and its manifestation in infanticides and sexual violence;**

(b) **The national legal definition of rape not referring to non-consent to sexual intercourse and the inclusion in the Penal Code of a provision of statutory rape, which has a lower penalty than that of rape, as well as a statute of limitations;**

(c) **Issues with obtaining access to justice, delays in the judicial process faced by children who are victims of sexual violence, as well as the impunity for perpetrators;**

(d) **Cases of violence against children taking place in rural areas continuing to be handled in an unlawful manner by Indigenous and rural authorities to the detriment of the victim;**

(e) **High levels of physical and psychological violence in schools;**

(f) Challenges children face in reporting violence.

23. **Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and target 16.2 of the Sustainable Development Goals, the Committee urges the State party:**

(a) **To put measures in place to fully implement the Comprehensive Act on Guaranteeing a Life Free from Violence for Women (No. 348 of 9 March 2013) and carry out programmes, protocols and actions to fight infanticide, femicide and violence against women, girls and adolescents and to counter sexual violence against children;**

(b) **To ensure that the legal definition of rape meets international human rights standards, repeal the offence of statutory rape, lift the relevant statute of limitations and take into account power relations when considering consent;**

(c) **To strengthen the Comprehensive Plurinational System for Children and Adolescents, increase financial and human resources to prevent violence against children and ensure that all cases are duly and promptly investigated and perpetrators held to account;**

(d) **To ensure that the Jurisdiction Demarcation Act (No. 073 of 16 December 2010) is observed and that conciliation is not used without taking into account the victim's situation;**

(e) **To ensure that Supreme Decrees No. 1302 of 1 August 2012 and No. 1320 of 8 August 2012 on the eradication of violence, ill-treatment and abuse in schools are fully implemented and that perpetrators of violence and discrimination in the education system are brought to justice;**

(f) **To develop prevention programmes and complaints mechanisms for child victims of violence.**

Corporal punishment

24. **Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party:**

(a) **To disseminate the updated protocol for preventing and handling physical, psychological and sexual violence in State, private and faith schools and special education facilities (adopted by Ministerial Decision No. 0864/2019) and ensure that all heads of school apply it without delay;**

(b) **To establish protocols and procedures to take action when corporal punishment takes place;**

(c) **To consolidate a national system of data collection and analysis of corporal punishment;**

(d) **To commit to promoting positive, non-violent and participatory forms of child-rearing and discipline;**

(e) **To intensify awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change, within the family and the community, with regard to corporal punishment.**

Sexual exploitation and abuse

25. The Committee remains seriously concerned by the prevalence of sexual violence against children; the high number of child rapes, forced child pregnancies and forced maternity; and sexual exploitation of children in prostitution, including in mining regions.

26. **While noting the protocol for preventing and handling physical, psychological and sexual violence in State, private and faith schools and special education facilities, the Committee urges the State party:**

(a) To ensure the effective implementation of the protocol and provide a pathway for countering sexual violence in all departments of the country, in particular in rural areas;

(b) To adopt a national action plan to end sexual exploitation of children and put in place measures to address the sexual exploitation of children, in particular in mining regions and the tourism industry;

(c) To ensure prompt investigation and prosecution of child sexual abuse, allocate adequate resources for the provision of appropriate therapy and compensation for victims and for their recovery and social reintegration;

(d) To enable all child victims of sexual abuse to access remedies and redress for sexual abuse, and prioritize victims' right to be heard;

(e) To ensure that child sexual abuse is promptly reported, investigated and prosecuted, including sexual abuse in the circle of trust, applying a child-friendly and multisectoral approach to avoid retraumatization of the child victim; and consider as a standard procedure the acceptance of audiovisual recordings of the child's testimony as the main evidence, followed by cross-examination without delay in child-friendly facilities;

(f) To conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations.

Harmful practices

27. The Committee recommends that the State party:

(a) Put in place measures to prevent marriages involving children, in particular in Indigenous and mining communities and in rural areas;

(b) Conduct awareness-raising campaigns among children, parents, teachers and religious leaders about the right of children not to marry and the harmful effects of child marriage.

Children of incarcerated parents

28. The Committee recommends that the State party adopt measures to remedy without delay the conditions to which children in prison with their mothers are subjected, including by providing access to good-quality drinking water, paediatricians, basic needs, socialization and child-friendly routines, developing a system of alternative penalties to imprisonment for this type of situation and the implementation of a presidential pardon that would benefit children incarcerated with their mothers.⁹

F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Children deprived of a family environment

29. While noting that the Children and Adolescents Code establishes that residential care should be used as a last resort, the Committee remains deeply concerned by the high percentage of children (currently 80 per cent) in institutional care who have an identified family member.

30. The Committee urges the State party:

(a) To provide adequate human and financial resources for social and protection services, ensure family reintegration of children in institutional care and support alternative care measures in family settings;

⁹ CRC/C/BOL/RQ/5-6, para. 54.

- (b) To put in place measures to phase out institutionalization;
- (c) To work with at-risk families to prevent children with immediate or extended families from being deprived of their family environment;
- (d) To support families, in particular mothers, of children with disabilities, in order to prevent the institutionalization of such children;
- (e) To ensure that placement decisions related to children in reception centres and mental health institutions are periodically reviewed and that children have access to justice, including quality free legal assistance, and that they are considered as having defined rights in judicial proceedings;
- (f) To ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services in order to provide education, skills and opportunities for independent living for children leaving alternative care;
- (g) To address the findings of the study on the situation of children and adolescents residing in reception centres in the Plurinational State of Bolivia that was conducted by the Ministry of Justice and Institutional Transparency.

Adoption

31. While the Committee takes note of Act No. 1371 modifying the Children and Adolescents Code and the simplification of the adoption process, as well as the requirement that those adopting should not have criminal records or have been involved in violence, the Committee recommends prompt implementation and continued monitoring and evaluation of the Act.

G. Children with disabilities (art. 23)

32. While welcoming the ratification by the State party of the Convention on the Rights of Persons with Disabilities and its Optional Protocol and the promulgation of the General Act on Persons with Disabilities (No. 223 of 2 March 2012), the Committee remains concerned by:

- (a) The limited progress in practice towards achieving equality for children with disabilities and attending to their differentiated needs and the limited human resources available for this;
- (b) The high number of children with a disability who remain out of school;
- (c) Reports of cases of killings of newborn children with disabilities.

33. **The Committee recommends that the State party:**

- (a) Ensure that all children with disabilities throughout the country, in particular in rural areas, have access to health care, including mental health and early detection and intervention programmes, and to orthopaedic and other assistive devices;
- (b) Increase human, technical and financial resources to prevent, ensure early detection of and timely intervention for, and manage and provide treatment for disabilities in childhood and provide the necessary support to families;
- (c) Ensure that all children with disabilities, including those with intellectual and psychosocial disabilities, have access to and benefit from inclusive education at all levels and adapt curricula and training and assign specialized teachers and professionals to inclusive classes so that children with learning difficulties receive individual support and due attention;
- (d) Provide systematic training on the rights of children with disabilities for professionals working with children with disabilities;
- (e) Strengthen measures to protect children with disabilities and guarantee their right to life;

(f) Ensure that reliable data are collected on children with disabilities and harmonize the information system of the Central Nation Register of Persons with Disabilities, under the Ministry of Health and Sport, with the national population and housing census and data from the National Committee on Persons with Disabilities.

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health, mental health and health services

34. While noting the national universal health coverage model and increased levels of health expenditure, and taking note of the National Mental Health Plan (2017–2020), the Committee remains concerned by the high maternal and infant mortality rates, particularly in Indigenous communities, and, recalling its previous recommendations,¹⁰ recommends that the State party:

- (a) Ensure that child and neonatal mortality reduction initiatives are effective;
- (b) Establish effective measures to reduce the maternal mortality rate and ensure the provision of essential obstetric services to pregnant women, in particular Indigenous and women of African descent living in remote rural areas;
- (c) Strengthen efforts to ensure timely access to quality health services to all children, including mental health services regardless of the age of the child, in particular to children in residential programmes, and provide data on results associated with improving mental health;
- (d) Ensure that Indigenous children have access to high-quality health services that are culturally sensitive and in their language.

Adolescent health

35. While taking note of Act No. 1152 of 20 February 2019 on the universal and free unified health-care system to provide access to sexual and reproductive health care, noting the decrease in the number of teenage pregnancies up to 2020 and recalling its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence and its previous recommendations,¹¹ the Committee remains concerned by the high number of adolescent pregnancies, in particular the increase since 2020, and the fact that girls are being forced to continue their pregnancies, and recommends that the State party:

- (a) Approve and promulgate a law on sexual and reproductive rights and renew the strategic plan for sexual and reproductive health to prevent early and unwanted pregnancies, and ensure access to health and reproductive rights, in particular for Indigenous children, children with disabilities and children living in rural areas;
- (b) Adopt a comprehensive and effective gender-sensitive sexual and reproductive health policy for adolescents and raise awareness among the health community of the potential health issues for lesbian, gay, bisexual, transgender and intersex children and adolescents, in particular transgender adolescents;
- (c) Integrate sexual and reproductive health education into all levels of education, and ensure that it includes age-appropriate education on gender equality, sexual diversity, sexual and reproductive health rights, responsible parenthood and sexual behaviour, and violence prevention;
- (d) Decriminalize abortion in all circumstances and ensure access to safe abortion (infrastructure, equipment, medication and supplies needed to perform legal termination of pregnancies) and post-abortion care services for adolescent girls, making

¹⁰ Ibid., para. 54.

¹¹ Ibid., para. 56.

sure that their views are always heard, without interference or pressure of any kind, and given due consideration as a part of the decision-making process;

(e) Develop initiatives to increase the role of the community in sexual and reproductive health activities;

(f) Develop specific health-care protocols for lesbian, gay, bisexual, transgender and intersex children and adolescents and train health-care staff, in particular on protocols for transgender adolescents.

HIV/AIDS

36. While taking note of the National Programme on Sexually Transmitted Infections and HIV/AIDS, the Committee remains concerned by the high rate of mother-to-child transmission of HIV/AIDS and recommends that the State party:

(a) Sustain measures to prevent mother-to-child transmission of HIV/AIDS and develop a road map to ensure the implementation of effective preventive measures;

(b) Improve follow-up treatment for mothers living with HIV/AIDS and their infants to ensure early diagnosis and initiation of treatment;

(c) Improve access and coverage of antiretroviral therapy and prophylaxis for pregnant women living with HIV/AIDS;

(d) Allocate sufficient resources and improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;

(e) Review and harmonize laws and policies on HIV/AIDS with those on sexual and reproductive health for adolescents to ensure that adolescents have access to confidential HIV testing and counselling services without the need for parental consent, and that professionals providing such services fully respect the rights of adolescents to privacy and non-discrimination;

(f) Ensure that children and adolescents with HIV/AIDS have access to education and activities that contribute to their development.

Nutrition

37. Noting the significant progress on reducing chronic malnutrition among children under the age of 5 but continuing to be concerned by the persistent high rates of chronic malnutrition in rural areas and with rates of overnutrition and obesity, recalling its previous recommendations¹² and taking note of Goal 3 and target 2.2 of the Sustainable Development Goals, the Committee urges the State party:

(a) To regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition, and programmes for infants and young children;

(b) To continue efforts to address undernutrition in children under the age of 5, take the necessary measures to ensure the availability of sufficient healthy and nutritious food, in particular for children in disadvantaged situations, develop intersectoral policies on nutritional health and introduce strategies that enable poor households to access healthy food;

(c) To put in place measures to reduce obesity and overweight in children of all ages and take actions to promote a healthy lifestyle, including by regulating the marketing of unhealthy foods to children, raising public awareness of nutrition issues and discouraging the consumption of food and beverages that are harmful to health.

¹² Ibid., para 60.

Standard of living

38. The Committee welcomes the measures taken to reduce extreme poverty and combat child poverty. However, the Committee remains concerned by:

(a) The decrease in the number of people with access to drinking water and sanitation;

(b) The impact of the political and social crisis the country has been facing since the last quarter of 2019, the economic recession and the impact of the coronavirus disease (COVID-19) pandemic, all of which threaten to affect the progress achieved in recent years.

39. **Recalling target 1.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Prioritize the provision of adequate, properly treated and safe drinking water, and improve sanitation services in isolated rural communities;**

(b) **Further strengthen policies to ensure that all children have an adequate standard of living, including by increasing social benefits for low-income families with children, simplifying application procedures for financial support, strengthening the system of family benefits across all departments of the State party, developing measures to prevent homelessness and increasing budget allocations for the benefits system;**

(c) **Strengthen measures to provide families in need with adequate and long-term social housing and other support measures, with a view to reducing homelessness and guaranteeing children's access to adequate housing;**

(d) **Ensure a comprehensive and development-oriented approach to child poverty, with a particular focus on children from disadvantaged families, including Indigenous children, children in single-parent households, children in welfare-dependent families, migrant children, children without a regular residence status and children living in shelters;**

(e) **Assess the impact of measures to combat poverty, including any negative effects on the enjoyment of other rights, with a view to ensuring that such measures are comprehensive and follow a child rights-based approach.**

I. Education, leisure and cultural activities (arts. 28–31)**Education, aims of education and human rights education**

40. While welcoming the provisions in the Constitution and Act No. 070 of 20 December 2010 that ensure the provision of free education at all levels up to higher education, the increased public spending on education and Ministerial Decision No. 001/2022, which facilitates access for migrant children to school throughout the year, the Committee recommends that the State party:

(a) **Undertake efforts to address the shortcomings in learning outcomes that children have experienced during the COVID-19 pandemic and adopt contingency plans to ensure continuity in education in emergency situations, including pandemics and social protests;**

(b) **Address the education gap affecting Indigenous children living in rural areas and children with no access to the Internet or technology;**

(c) **Put effective measures in place to lower high dropout rates caused by children's engagement in economic activities and difficulties with access to education in rural areas;**

(d) **Provide high-quality training for teachers, with particular emphasis on Indigenous children, children with disabilities and children in rural areas;**

(e) **Strengthen the teaching of children's rights and the Convention within the mandatory school curricula in all educational settings, including in residential institutions, and in the training of teachers and other education professionals;**

- (f) Expand the implementation of intracultural, intercultural and plurilingual education across all levels and subsystems of education;
- (g) Update curricula to be responsive to a rapidly changing environment and encourage direct participation of children in issues that affect them, including environmental issues, as a component of their learning process;
- (h) Ensure that all schools have internal regulations for retention of and support for pregnant adolescents and adolescent mothers;
- (i) Ensure that children in early childhood have access to educational programmes;
- (j) Continue to implement initiatives to prevent discrimination, violence and bullying, including cyberbullying, in schools, in particular where pregnant adolescents or lesbian, gay, bisexual, transgender or intersex children or adolescents are the targets;

Right to play and leisure

41. The Committee recommends that the State party provide high-quality infrastructure that facilitates access to free, safe, appropriate and sufficient recreational spaces and activities for children and promotes children's participation in cultural activities, in particular in rural areas.

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)-(d) and 38–40)

Asylum-seeking, refugee and migrant children

42. While taking note of Administrative Decision No. 148/2020, which facilitates temporary residence permits for Venezuelan families with children, and joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee urges the State party:

- (a) To provide fully de jure and de facto access for migrant children to health services and education;
- (b) To ensure registration of all children born in the State party, including undocumented migrant children;
- (c) To amend Administrative Decision No. 148/2020 to remove obstacles (documentary requirements, migration criteria and high costs), which hinder access to regular residence status, formal employment, health and education services;
- (d) To remove practical barriers to the submission of asylum applications, accept family reunification applications regardless of the year in which refugees were recognized and expeditiously resolve asylum cases;
- (e) To ensure identification and referral mechanisms between migration and asylum authorities, in line with general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, and develop a process for determining the best interests of unaccompanied or separated children while fully and effectively implementing Act No. 251 of 20 June 2021 on the protection of refugees and its implementing regulations, which were adopted pursuant to Supreme Decree No. 1440 of 19 December 2012 and the Migration Act (No. 370 of 8 May 2013);
- (f) To amend the Migration Act and its associated decrees and ministerial decisions to facilitate the regularization of Venezuelan children and their families;
- (g) To ensure that due process and child protection principles are observed at all times during immigration control and operations.

Indigenous children

43. While noting that Indigenous original campesino peoples exercise jurisdictional functions and uphold constitutional rights and guarantees of children, and recalling its previous recommendations,¹³ the Committee urges the State party:

- (a) To develop policies and measures to guarantee Indigenous children's access to land and clean water and to prevent discrimination against the Indigenous population;
- (b) To take the necessary measures, including enacting legislative and financial procedures, to guarantee equal rights (including civil and political rights and the right to education and housing) of Indigenous peoples by ensuring their participation in the design and approval of public standards and policies affecting them;
- (c) To ensure that all Indigenous children are a priority group in public policies and programmes and have de facto access to health, education and social protection services, without discrimination and that the principle of interculturality is translated into practice in these areas.

Economic exploitation, including child labour

44. While welcoming Act No. 397 of 1 December 2018, pursuant to which it is no longer possible for exceptions to be made to the minimum working age established in the Children and Adolescents Code, and the increase of the minimum working age from 10 to 14 years, the Committee is concerned by the numerous reports of economic exploitation of children (according to a survey carried out in 2019 by the National Statistics Institute (INE), 83,000 children between 5 and 13 years old working, including in dangerous conditions, for more than 40 hours per week and during the night), in particular among Guarani children in the Chaco region, as well as in the informal economy and in rural regions, and recommends that the State party:

- (a) Put in place measures to eradicate the worst forms of child labour and to prevent children from becoming victims of debt bondage or forced labour, eliminate hazardous labour practices where child workers are exposed to environmental risk factors, promote safer alternatives and ensure monitoring of the children affected, and update the hazardous work list;
- (b) Consider increasing the minimum age for admission to employment or work, taking into account children's views, and ensure that when children work, it does not interfere with their right to education and development;
- (c) Expand the field and increase the frequency of inspections to cover remote locations, in particular where mining and chestnut and sugar cane harvesting takes place and where Indigenous communities live, end child labour for those under 14 and improve and regulate working conditions for older children;
- (d) Hold to account those responsible for cases of child labour and ensure that children receive the necessary treatment and compensation for any harm incurred;
- (e) Reactivate and ensure the regular functioning of the interministerial committee on the eradication of child labour.

Children in street situations

45. Recalling its general comment No. 21 (2017) on children in street situations, and recalling its previous recommendations,¹⁴ the Committee recommends that the State party:

- (a) Strengthen comprehensive policies for the protection of children in street situations;

¹³ Ibid., para 86.

¹⁴ Ibid., para. 76.

(b) **Update the national data on the numbers of children living and working in the streets, and the studies on the root causes of their situation;**

(c) **Implement, monitor and evaluate the national model for preventive measures and comprehensive and intersectoral care for children in street situations (2014) and the protocol on preventive measures and care for children in street situations (2016) with the active involvement of these children, while respecting their autonomy and diversity;**

(d) **Ensure accessibility to protection services and institutions providing free psychosocial care and legal support for children in street situations.**

Sale, trafficking and abduction

46. **While taking note of the Comprehensive Act on Combating Human Trafficking and Smuggling (No. 263 of 31 July 2012) and the promulgation of acts, protocols and a plan on combating human trafficking and smuggling, the Committee remains concerned by the high and growing number of cases of trafficking of children, recalls its previous recommendations¹⁵ and recommends that the State party:**

(a) **Monitor the implementation of the above-mentioned acts and protocols and publish the envisaged follow-up reports;**

(b) **Adopt a specific legal provision to define and criminalize the sale of children;**

(c) **Put in place measures to protect children, in particular children in street situations and children in situations of criminality or forced begging, Indigenous children and lesbian, gay, bisexual, transgender and intersex children, from being smuggled and trafficked;**

(d) **Strengthen further efforts to prevent and combat trafficking in children and expeditiously bring perpetrators of such trafficking to account.**

Administration of child justice

47. **While welcoming the separate, specialized criminal justice system for adolescents established by the Children and Adolescents Code, the reduction in the rate of use of pretrial detention orders and the increase in the rate of use of non-custodial measures, the Committee remains seriously concerned by:**

(a) **The regressive step of reducing the age of criminal responsibility from 16 to 14 years, amending article 5 of the Criminal Code;**

(b) **The number of children in detention and pretrial detention, with restricted liberty and deprived of liberty.**

48. **Taking note of the global study on children deprived of liberty and its general comment No. 24 (2019) on children's rights in the child justice system and recalling its previous recommendations¹⁶ the Committee urges the State party to bring its justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party:**

(a) **To assess the consequences and consider reviewing the law that decreased the minimum age of criminal responsibility from 16 to 14 years and address the negative consequences on children of the enjoyment of their rights;**

(b) **To implement effectively the Summary Criminal Procedure Act (No. 1173 of 3 May 2019) and prevent the prolonged use of pretrial detention for children between 14 and 18 years of age and ensure that children in pretrial detention are separated from children serving a sentence;**

¹⁵ Ibid., para. 80.

¹⁶ Ibid., para. 82.

(c) To expeditiously adopt laws on child justice and ensure that all the principles and provisions of the Convention are fully incorporated therein;

(d) To strengthen the Comprehensive Plurinational System for Children and Adolescents and its coordination work with the Office for the Defence of Children and Adolescents, and provide it with adequate human, technical and financial resources with a view to fighting corruption and protecting the complete autonomy, independence and impartiality of judges and prosecutors;

(e) To ensure that all specialized judges and prosecutors appointed for children receive appropriate training on children's rights;

(f) To ensure the provision of qualified and independent legal aid to children alleged as, accused of or recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings, and set up the specialized technical defence service for children and adolescents provided for in the Plurinational Public Defence Service Act (No. 463 of 19 December 2013);

(g) To continue to promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences, such as probation or community service, for children, establish time frames for probation and clarify that probation does not imply proof of responsibility for a crime;

(h) In the limited situations where deprivation of liberty is justified as a measure of last resort, to expeditiously ensure that all children have access to education, health services and vocational training and approve the education programme for those in the juvenile system, ensure that detention is for shortest possible period of time, that it is reviewed on a regular basis with a view to its withdrawal and that there is effective independent monitoring of the places where children are deprived of liberty.

K. Implementation of the Optional Protocols to the Convention

Optional Protocol on the sale of children, child prostitution and child pornography

49. Recalling its 2019 guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography¹⁷ and recalling its previous recommendations,¹⁸ the Committee regrets that the State party has not yet submitted its initial report under the Optional Protocol to the Convention on sale of children, child prostitution and child pornography, which was due in July 2005, and urges the State party to submit its report at its earliest convenience.

Optional Protocol on the involvement of children in armed conflict

50. Recalling its previous recommendations,¹⁹ the Committee regrets that the State party has not yet submitted its initial report under the Optional Protocol on the involvement of children in armed conflict, which was due in January 2007, and urges the State party to submit its report at its earliest convenience.

L. Cooperation with regional bodies and international bodies

51. The Committee recommends that the State party continue to cooperate with the Organization of American States on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the Organization. The Committee, aware of the decision of the Government of the State party not to extend the presence of the technical mission of the Office of the United

¹⁷ CRC/C/156.

¹⁸ CRC/C/BOL/CO/4, para. 90.

¹⁹ Ibid., para. 90.

Nations High Commissioner for Human Rights, urges it to seek ways to continue cooperation with the Office in the country.

IV. Implementation and reporting

A. Follow-up and dissemination

52. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country and in child-friendly versions.

B. National mechanism for reporting and follow-up

53. The Committee recommends that the State party strengthen the national mechanism for reporting and follow-up by establishing it as a permanent government structure that is mandated with coordinating and preparing reports to, and engaging with, international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to, and implementation of, treaty obligations and the recommendations and decisions from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.

C. Next report

54. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in line with a future predictable reporting calendar on the basis of an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should not exceed 21,200 words.²⁰ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

²⁰ General Assembly resolution 68/268, para. 16.