



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
2 October 2020
English
Original: Spanish
English, French and Spanish only

Committee against Torture
Seventy-first session
26 April–21 May 2021
Consideration of reports submitted by States parties
under article 19 of the Convention

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

[Date received: 7 September 2020]

* The present document is being issued without formal editing.



I. Introduction

1. The Plurinational State of Bolivia, in accordance with article 19 (1) of the Convention, submitted its third periodic report (CAT/C/BOL/3) to the Committee in 2019 and subsequently received the list of issues (CAT/C/BOL/Q/3), which will be addressed during the consideration of the report.

2. The present report was prepared, within the framework of the Inter-institutional Coordination Forum,¹ by the Ministry of Justice and Institutional Transparency with information provided by State institutions involved in the protection and promotion of human rights.

II. Replies to the questions raised in the Committee's list of issues

A. Issues identified for follow-up in the previous concluding observations

Articles 1 and 4

Replies to the issues raised in paragraph 2 (CAT/C/BOL/Q/3)

Legislative measures

3. Bolivia is currently making efforts to amend the Criminal Code by incorporating a definition of torture that complies with articles 1 and 4 of the Convention.

4. The Torture Prevention Service² has the authority, inter alia, to make legislative proposals on matters within its legal competence, while the Plurinational Legislative Assembly is the only body empowered under the Constitution to approve and adopt laws that apply to the whole of the Bolivian territory.

5. Accordingly, the Service has made the following legislative suggestions and proposals:

- Bringing the definition of torture contained in the Criminal Code into line with article 1 of the Convention
- Amending article 206 of the Code of Criminal Procedure to include a second paragraph providing that the Service, as a national mechanism specializing in the prevention of torture, is the ideal mechanism for issuing forensic medical and psychological certificates, within the framework of the Constitution and criminal procedure, since it employs professionals who specialize in these fields
- Preparing a draft bill amending article 58 of the Sentence Enforcement and Supervision Act,³ which refers to prison governors
- Proposing two articles related to the criminal justice system concerning: (a) the definition of the offence of torture and other cruel, inhuman or degrading treatment or punishment; and (b) the medical examination of apprehended or detained persons
- Submitting to the Ministry of Justice and Institutional Transparency, further to what was then a bill on summary criminal procedure and the prison census carried out in 2019, a proposal of two articles, to be incorporated in the aforementioned bill, on the establishment of a comprehensive computer registration system; medical examinations of persons deprived of their liberty; immediate release; judges in

¹ The Inter-institutional Coordination Forum for the Drafting, Submission and Presentation of Reports of the Plurinational State of Bolivia was established pursuant to an inter-institutional cooperation agreement concluded on 1 December 2015. It comprises representatives of the Ministry of Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General's Office.

² Supreme Decree No. 2082 of 21 August 2014.

³ Act No. 2298 of 20 December 2001.

violation of the law; prison policies, plans and programmes; the prohibition of legal sanctions; and the establishment of a register of places of deprivation of liberty

- Putting forward a proposal concerning the draft bill on the Penal Enforcement Code, which takes into account the work carried out by the Committee and the Subcommittee for the Prevention of Torture and the actions undertaken by the Torture Prevention Service from 2016 to 2019, in connection with the rights of persons deprived of their liberty and the prison administration
- Preparing a draft bill on the amendment of the article on torture in the Criminal Code to incorporate a definition of torture containing all the elements set out in article 1 of the Convention
- Preparing a draft bill on the prison system to establish education and work-related mechanisms and procedures in prisons to promote the social reintegration of persons deprived of their liberty within the framework of productive development and the plural economy, in accordance with the Constitution and the law

Replies to the issues raised in paragraph 3

Article 2

Legal safeguards

6. Article 115 of the Constitution provides that “I. Everyone has the right to the timely and effective protection of the judges and courts in the exercise of their rights and legitimate interests. II. The State guarantees the right to due process, the right to a defence and the right to a system of justice that is pluralistic, swift, timely, free, transparent and administered without delay.”

7. Article 167 of the Code of Criminal Procedure provides a legal safeguard against procedural defects and article 168 establishes the circumstances in which procedural defects may be corrected of the judge’s own motion or at the request of one of the parties.

8. Articles 169 and 170 establish the factual circumstances that constitute either fundamental or non-fundamental procedural defects, allowing for the correction of procedural defects that may undermine basic rights. Articles 314 and 315 establish the procedure for handling objections and motions, which, in the event of a procedural defect, constitute express, effective, suitable and timely defence mechanisms for requesting the judge in the case to protect the fundamental rights at stake in the proceedings.

9. The right to appeal is provided for in article 180 (II) of the Constitution,⁴ thus ensuring that all persons can pursue the judicial remedies that they deem necessary.

10. Any person who believes that his or her life is in danger or that he or she is being unlawfully prosecuted or wrongly tried or detained may file a petition of habeas corpus⁵ with the Constitutional Court, as provided for in the Constitution. The aim of article 46 of the Code of Constitutional Procedure⁶ is to guarantee, protect and safeguard the rights to life, physical integrity, personal freedom and freedom of movement of any person who believes that he or she is being wrongly or unlawfully prosecuted, detained, tried or imprisoned or who considers that his or her life or physical integrity is in danger. The relevant procedure is set out in article 49 of the Code of Constitutional Procedure.

11. Article 73 (II) of the Constitution provides that “all persons deprived of their liberty have the right to communicate freely with their defence counsel, interpreter, friends and

⁴ Constitution, art. 180 (II). The right to appeal in legal proceedings is guaranteed.

⁵ Constitution, art. 125. Any person who considers that his or her life is in danger, or that he or she is being unlawfully prosecuted or wrongly tried or detained, may file a petition of habeas corpus and, either orally or in writing, in person or through any other person acting on his or her behalf, without the need for procedural formalities, bring the case before any judge or court competent in criminal matters and request that his or her life be protected, that the wrongful prosecution cease, that legal formalities be re-established or that his or her right to liberty be restored.

⁶ Act No. 254 of 5 June 2012.

family members. Incommunicado detention is prohibited. Any restrictions on communication may be made only in the context of investigations into offences, and may last no more than 24 hours.”

12. The Constitution also prohibits the incommunicado detention of any person deprived of their liberty, whose rights are protected in a timely and effective manner by judges and courts. However, this same constitutional provision establishes that an exception may be made in the context of an investigation into an offence, during which the right to communication may be restricted for a maximum period of 24 hours, in accordance with article 231 of the Code of Criminal Procedure, which states:

Incommunicado detention may be imposed only in extremely serious cases when there are reasons to fear that the accused will otherwise hinder the establishment of the truth. In no case may the time limit exceed 24 hours and this shall not prevent the accused from being assisted by his or her counsel prior to the performance of any act requiring his or her personal intervention. Incommunicado detention must be ordered and duly substantiated on the grounds set out in article 235 of this Code by the public prosecutor in charge of the investigation, who shall immediately inform the investigating judge of the incommunicado detention so that the judge may confirm or cancel it. The person held in incommunicado detention must be allowed to use books and writing material and may also carry out civil acts that cannot be postponed and that do not harm the investigation.

13. With regard to legal assistance, article 9 of the Code of Criminal Procedure provides that “every defendant has the right to be assisted and defended by a lawyer from the first act in the proceedings until the sentence has been served. This right may not be waived.”

14. Article 296 (7) of the Code of Criminal Procedure provides that, whenever members of the police arrest a citizen, they must “inform the relatives or others close to the accused that he or she has been arrested and where he or she will be taken”.

15. Article 8 of the Sentence Enforcement and Supervision Act provides that “every inmate has an unrestricted right to a material and expert defence. To this end, he or she has the right to meet with his or her defence counsel, without being subject to a fixed schedule or any other limitation.” This Act also provides that persons deprived of their liberty in prison must have access to legal assistance. This service is the responsibility of the Plurinational Public Defender Service, which has a duty to provide legal guidance.

16. The Plurinational Public Defender Service was set up to oversee the national public defence system for suspects, indicted persons or defendants in criminal proceedings. Its institutional mission is “to guarantee the inviolability of the right to a defence and access to a system of justice that is timely and free by providing expert assistance and criminal defence to all suspects, indicted persons or defendants in criminal proceedings who lack sufficient means and to whom a defence lawyer has not been assigned.”

17. Consequently, from the outset of the proceedings, any person accused of an unlawful act or deprived of liberty has the broad, unrestricted and inviolable right to contact a private lawyer or public defender to assist and defend him or her. Such persons also have the right to contact and/or communicate with relatives, in accordance with the second paragraphs of article 103 (visits), article 104 (interviews), article 105 (visits by counsel), article 106 (spousal visits) and article 156 (rights of persons in pretrial detention) of the Sentence Enforcement and Supervision Act.

18. Article 23 of the Constitution provides that persons must be informed of the reasons for their detention. The authorities in charge of places of detention must keep a register of persons deprived of their liberty and are prohibited from admitting any person without a court order, on pain of prosecution and sanctions; this provision is consistent with article 21 of the Sentence Enforcement and Supervision Act, which provides that access to the files of a person deprived of liberty may be obtained only with a court order.

19. Article 2 of the Sentence Enforcement and Supervision Act provides that directors of prisons and holding facilities who report to the Directorate General of Prisons must have an order signed by the competent judicial authority before they place a person in prison.

20. The Sentence Enforcement and Supervision Act and its Regulatory Decree⁷ provide that the fundamental rights of persons deprived of their liberty must be respected during prison transfers.

21. With regard to consular assistance for foreign nationals, the Vienna Convention on Consular Relations of 24 April 1963 governs the right to consular communication for any foreign national arrested or detained in the country. The Public Prosecution Service has the obligation to comply with the legal precepts set out in that Convention, especially with regard to official communication with diplomatic or consular representatives concerning the detention or prosecution of any foreign citizen in Bolivia. Instruction No. 270/15 of the Attorney General's Office stipulates that, if a person arrested or detained in Bolivia is known to be a foreign national, the prosecutor assigned to the case must expressly inform him or her that he or she has the right to inform the diplomatic mission of his or her country (embassy or consulate) of the situation and to expressly challenge any intervention by the consular officer on his or her behalf. This notification must be added to the investigation log.

22. Instruction No. 002/2014 of the Attorney General's Office sets out concrete measures to facilitate diplomatic and consular officials' access to information on their fellow nationals who are under investigation in Bolivia.

Replies to the issues raised in paragraph 4

Torture Prevention Service

23. As mentioned in paragraph 198 of the third periodic report of the Plurinational State of Bolivia to the Committee, the Torture Prevention Service was established⁸ as a national, decentralized public institution with autonomy of administrative, financial, legal and technical management. It has the human and financial resources that it needs to operate independently. The Plurinational State of Bolivia thus took article 17 of the Optional Protocol to the Convention as the basis for establishing a national decentralized mechanism for the prevention of torture and other cruel, inhuman, degrading or humiliating treatment or punishment.

24. Supreme Decree No. 2082 of 21 August 2014 governs the structure and operations of the Torture Prevention Service and provides that it is competent to visit detention centres, prisons, special facilities, facilities for young offenders (the juvenile justice system), military prisons, police and military training centres, military barracks and any other type of institution throughout the territory of Bolivia.

25. The first final provision of Act No. 474 on the Torture Prevention Service stipulates that the Ministry of Economy and Public Finance is responsible for allocating the necessary financial resources to the Service. Financial resources were requested on that basis when the Service was established on 1 July 2016.

26. In 2019, the Service's temporary staff became regular staff in accordance with Biministerial Decision No. 31 of 28 December 2018, which established the Service's organizational structure and salary scale and a budget schedule made up of eight items distributed across seven levels of basic remuneration at an annual cost of 769,836 bolivianos (Bs), covered by the State Treasury.

Replies to the issues raised in paragraph 5

Combating gender-based violence

27. In 2019, as part of ongoing efforts to combat gender-based violence, the Special Office for Combating Violence against Women was established, as was the "Ana María Romero" Plurinational Service for Women and for Dismantling the Patriarchy,⁹ which is the body responsible for monitoring and assessing compliance with public policies designed to

⁷ Supreme Decree No. 26715 of 26 July 2002.

⁸ Act No. 474 of 30 December 2013 on the Torture Prevention Service.

⁹ Supreme Decree No. 3774 of 16 January 2019.

dismantle the patriarchy, to ensure the effective exercise of women's rights and to promote the eradication of all types of violence and forms of discrimination against women.

28. The Office adopted a list of 10 principles, declaring the fight against femicide and violence against women, girls and female adolescents to be a national priority. It also adopted the Action Plan to Combat Femicide and Machista Violence, as a strategic response to the high rates of violence recorded.

29. Additional achievements in 2019 include:

- The promulgation of Supreme Decree No. 4012 amending the Regulatory Decree¹⁰ implementing Act No. 348,¹¹ which, among other things, requires the autonomous territorial entities to channel resources into activities to prevent violence against women, children and adolescents and the building and maintenance of safe houses, temporary shelters and comprehensive municipal legal services
- The issuance of Ministerial Decision No. 0854/2019 by the Ministry of Education, which provides that events aimed at addressing physical, psychological and sexual violence in the education system will be held on the twenty-fifth day of each month
- The signing of an inter-agency agreement for the elimination of impunity between the Ministry of Justice and Institutional Transparency, the Ministry of the Interior, the Plurinational Service for Women and for Dismantling the Patriarchy, the Supreme Court of Justice, the Council of the Judiciary, the Public Prosecution Service and the Bolivian police force
- The signing of an agreement between the authorities and the media for the dissemination of messages aimed at preventing violence and for the self-regulation of media content
- The establishment of the Inter-agency Protocol for the Care and Protection of Child, Adolescent and Women Victims of Violence¹²

30. As for legislative advances that ensure access to justice, the Act on Summary Criminal Procedure and Strengthening Measures to Combat Violence against Children, Adolescents and Women (Act No. 1173)¹³ was promulgated with the aim of, inter alia, achieving the prompt and timely resolution of criminal cases, providing protection to women, child and adolescent victims of violence, avoiding re-victimization, reducing recourse to pretrial detention and guaranteeing favourable treatment to pregnant women, nursing mothers with children under 1 year of age, children with disabilities under 6 years of age who are in the care of the accused person, and older persons, as well as guaranteeing the right to technology.

31. Pursuant to the operative part of the judgment handed down by the Inter-American Court of Human Rights in the case of *I.V. v. Bolivia* in 2016, 38,000 leaflets and brochures containing information on informed consent and sexual and reproductive rights have been produced and distributed nationally.

32. The Council of the Judiciary has the following information on cases of violence against women:

Courts competent to conduct criminal investigations and/or to address violence against women and corruption

Offences involving violence against women

<i>Year</i>	<i>Pending from previous years</i>	<i>Registered in the current year</i>	<i>Total number of cases handled</i>	<i>Resolved in the current year</i>	<i>Pending for the following year</i>
2016	29 101	28 818	57 919	17 710	40 209

¹⁰ Supreme Decree No. 2145 of 14 October 2014.

¹¹ Comprehensive Act No. 348 of 9 March 2013 guaranteeing women a life free from violence.

¹² Adopted by Ministerial Decision No. 154/2019 of 31 December.

¹³ Act No. 1173 of 8 May 2019.

Year	Pending from previous years	Registered in the current year	Total number of cases handled	Resolved in the current year	Pending for the following year
2017	36 733	38 488	75 221	30 500	44 721
2018	48 064	39 285	87 349	36 151	51 198

Source: Council of the Judiciary.

33. In line with paragraph 116 of the third periodic report, the Comprehensive Plurinational Justice Service has 27 offices around the country that deal with cases of violence against women. It provided legal assistance in 258 cases in 2015, received 4,167 requests for assistance in 2016, and provided support in 4,877 cases around the country in 2017 and almost double that number (8,940 cases) in 2018.

34. Legal aid was provided in 517 cases in 2015, 2,926 cases in 2016, 2,813 cases in 2017 and 2,637 cases in 2018.

35. Since March 2013,¹⁴ a record has been kept of cases of femicide, criminal proceedings under way, cases at the preliminary or preparatory stages of investigation and cases being tried. Since 2015, the Bolivian police force has been recording the number of complaints of violence against women nationally, disaggregated by year and age of the victim, and the number of complaints of femicide, disaggregated by year and age of the victim.

Courts and shelters

36. A number of courts specializing in cases of violence against women were established pursuant to Act No. 348, within the judicial resources available. These include 18 courts of investigation, 2 trial courts for less serious offences and 1 tribunal for more serious offences. Subsequently, in 2019, an additional six publicly funded courts were established. At the time of writing, there are a total of 27 courts and tribunals specializing in cases involving violence and corruption.

Courts and tribunals specializing in cases involving violence against women and corruption established during the period 2013–2019

Entity	2013	2014	2015	2016	2017	2018	2019	Total
Courts competent to investigate cases involving violence against women and corruption	0	4	1	1	3	8	7	24
Trial courts with competence to address cases involving violence against women and corruption	0	2						2
Tribunals with competence to address cases involving violence against women	0	1						1
Total	0	7	1	1	3	8	7	27

Source: Council of the Judiciary.

37. The following shelters and safe houses are available for victims of domestic violence.

Department	Number of refuges and shelters
Santa Cruz	Four comprehensive care centres for women and families that also provide psychological and social support and legal advice to women subjected to violence.
Potosí	One temporary shelter for victims of violence opened in the district of Cantumarca.

¹⁴ The year in which Act No. 348 was promulgated.

<i>Department</i>	<i>Number of refuges and shelters</i>
Beni	Land is available for the city of Trinidad, which is making the necessary administrative arrangements with the Public Sector Integrated Financial Management System of the departmental government. Facilities are also being established in the city of Riberalta.
Oruro	Currently, a pre-investment technical design study is being carried out by the Departmental Secretariat of Social Development and Food Security.
Cochabamba	One safe house named the “Hope Programme”. This is a space that provides protection, support, opportunities for recovery and vocational training to victims of violence and their children.
La Paz	The “Dignity Safe House”, a temporary shelter for victims. Support facilities at the provincial level are gradually being set up through the interprovincial shelter for women victims of violence in the Los Andes district of the city of El Alto.
Tarija	Two temporary shelters in the province of Cercado.
Pando	A women’s shelter located in the community of Loma Alta in the municipality of Villa Nueva.
Chuquisaca	One shelter with capacity for 60 people.

Source: Office of the Deputy Minister for Equal Opportunity.

Training programmes

38. Pursuant to Supreme Decree No. 3981 of 15 July 2019, efforts have been made to promote the adoption of awareness-raising campaigns on the prevention of violence and mandatory academic training on the prevention of violence against women for public servants, military and police personnel and public companies.

Replies to the issues raised in paragraph 6

Abuse and sexual violence against children and adolescents

39. The Attorney General’s Office has recorded the following data.

Number of victims disaggregated by age and sex – 2018

<i>Offence</i>	<i>Girls aged 11 years or younger</i>	<i>Boys aged 11 years or younger</i>	<i>Adolescent girls aged from 12 to 17 years</i>	<i>Adolescent boys aged from 12 to 17 years</i>	<i>Total</i>
Sexual abuse	145	16	99	8	268
Sexual harassment	5	0	18	0	23
Statutory rape	1	0	187	5	193
Rape of an infant, child or adolescent	73	6	151	5	235
Rape	6	1	172	1	180
Total	230	23	627	19	899

Source: Attorney General’s Office, data from January 2019.

Number of victims disaggregated by department – 2018

<i>Department</i>	<i>Girls aged 11 years or under</i>	<i>Boys aged 11 years or under</i>	<i>Adolescent girls aged from 12 to 17 years</i>	<i>Adolescent boys aged from 12 to 17 years</i>	<i>Total</i>
Beni	9	0	25	0	34
Chuquisaca	1	0	15	1	17
Cochabamba	15	0	45	3	61
La Paz	45	5	157	3	210
Oruro	3	0	23	0	26
Pando	13	0	36	0	46
Potosí	6	0	17	1	24
Santa Cruz	133	17	297	11	458
Tarija	5	1	14	0	20
Total	230	23	627	19	899

Source: Attorney General's Office, data from January 2019.

Number of recorded cases per offence – 2018

<i>Department</i>	<i>Offence</i>	<i>Number of cases</i>
Beni	Rape of an infant, female child or adolescent	21
Chuquisaca	Corruption of a child or adolescent	6
Chuquisaca	Rape of an infant, child or adolescent	87
Cochabamba	Pornography	1
Cochabamba	Rape of an infant, female child or adolescent	102
La Paz	Rape of an infant, female child or adolescent	143
Oruro	Rape of an infant, female child or adolescent	40
Pando	Corruption of a child or adolescent	2
Pando	Rape of an infant, child or adolescent	15
Potosí	Corruption of a child or adolescent	1
Potosí	Rape of an infant, child or adolescent	52
Santa Cruz	Corruption of a child or adolescent	3
Santa Cruz	Pornography	1
Santa Cruz	Rape of an infant, child or adolescent	200
Tarija	Corruption of a child or adolescent	9
Tarija	Rape of an infant, child or adolescent	164
Total		847

Source: Attorney General's Office, data from January 2019.

40. As noted in paragraphs 138 to 167 of the third periodic report, the Bolivian State has adopted various measures to prevent and eliminate violence and sexual abuse targeted at children and adolescents. The Ministry of Justice and Institutional Transparency has developed the following tools in that connection:

- A protocol for the prevention, treatment and punishment of all forms of violations of the sexual integrity of children and adolescents
- A road map for combating sexual violence against children and adolescents
- A baseline on situations of sexual violence against children and adolescents in the Altiplano, Valle and Oriente regions

41. The Ministry of Justice and Institutional Transparency, as the lead agency of the Comprehensive Plurinational Protection System for Children and Adolescents, has implemented the Plurinational Plan for Children and Adolescents. This Plan includes the Comprehensive Programme to Combat Sexual Violence against Children and Adolescents, the objectives of which are:

- To promote the introduction of measures, procedures and tools to prevent, protect and provide comprehensive care to children and adolescents who are victims of sexual violence
- To build on the expertise of professionals who deal with sexual violence against children and adolescents
- To ensure the availability of official up-to-date information on sexual violence against children and adolescents
- To design and implement, as a security measure, a national registration system to monitor persons convicted of sexual offences against children and adolescents

42. Implementation of the Comprehensive Programme to Combat Sexual Violence against Children and Adolescents has yielded the following results:

- A total of 232 children, adolescents, women and older persons victims of sexual violence received support from the Autonomous Government of the Department of Potosí.
- A total of 229 cases involving children and adolescents victims of sexual violence were handled and 123 therapy sessions were organized by the Autonomous Government of the Department of La Paz.
- More than 792 children and adolescents victims of sexual violence received support from the Autonomous Government of the Department of Tarija.
- A total of 52 patients are receiving therapy; in addition, 14 cases have been registered, 18 cases have been closed and 17 cases are pending consideration. Moreover, in 2019, more than 792 children and adolescents victims of sexual violence received support from the Autonomous Government of the Department of Beni.
- More than 24 children and adolescents victims of sexual violence received support from the Autonomous Government of the Department of Pando.
- A total of 1,258 cases involving children and adolescents victims of sexual violence were considered by the Autonomous Government of the Department of Santa Cruz.
- A number of cases were considered and inter-agency cooperation agreements¹⁵ were signed with a view to strengthening preventive measures in educational establishments coming under the authority of the Autonomous Government of the Municipality of El Alto.
- A total of 150 cases involving sexual violence against children and adolescents were handled by the Autonomous Government of the Department of Trinidad.
- A total of 426,881 cases involving sexual violence against children and adolescents were handled by the Autonomous Government of the Department of Santa Cruz.
- A total of 5,613 adolescents received training from the Autonomous Government of the Department of La Paz on how to prevent sexual violence and violence against women.

43. The victim and witness protection units of the departmental prosecutor's offices have multidisciplinary teams that can provide immediate, prompt, timely and specialized care.¹⁶

¹⁵ With the non-governmental organization (NGO) Alianza de Noruega in Bolivia.

¹⁶ Children and Adolescents Code (Act No. 548 of 17 July 2014), art. 154.

Replies to the issues raised in paragraph 7

Trafficking in persons and people smuggling

44. The State has received a total of 3,325 complaints through the electronic case management system, “Justicia Libre” (JL1), introduced by the Attorney General’s Office, as detailed below.

<i>Department</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>Overall total</i>
Beni	10	18	15	23	35	22	123
Opened	1	2		3	8	15	29
Fast-track procedure	-	-	1	1	1	-	3
Other closed	2	-	-	-	-	-	2
Conviction	1	2	-	-	-	-	3
Objection as to jurisdiction	-	-	-	1	-	-	1
Withdrawn	-	-	-	3	-	-	3
Rejected	6	13	13	11	24	7	74
Referred	-	-	-	1	-	-	1
Dismissed	-	1	1	3	2	-	7
Chquisaca	24	16	7	8	10	8	33
Opened	3	1	1	1	3	4	13
Fast-track procedure	-	1	-	-	-	-	1
Conviction	-	5	-	-	-	-	5
Dismissed	-	1	1	-	1	-	3
Served	-	1	-	-	-	-	1
Rejected	20	7	3	5	5	4	44
Cochabamba	111	40	85	76	66	65	443
Opened	7	2	8	13	11	39	80
Fast-track procedure	-	2	-	1	-	-	3
Other closed	1	-	6	5	3		15
Acquittal	-	-	1	-	-	-	1
Conviction	2	-	1	-	-	-	3
Related or accumulated cases	-	2	-	-	-	-	2
Objection as to jurisdiction	-	2	6	9	4	3	24
Dismissed	-	2	6	9	4	3	24
Served	-	-	-	-	-	-	-
Rejected	94	30	60	42	43	22	291
Dismissed	7	2	3	5	1		18
La Paz	228	248	347	343	228	323	1 717
Opened	41	46	66	66	103	262	584
Fast-track procedure	1	1	2	1	-	-	5
Other closed	11	4		1	1	1	18
Conviction	-	1	1	-	-	-	2
Related or accumulated cases	-	-	1	-	-	-	1
Objection as to jurisdiction	-	-	-	-	1	-	1
Dismissed	-	2	2	28	1	2	35
Served	1	-	-	-	-	-	1
Rejected	166	187	263	219	107	53	995

<i>Department</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>Overall total</i>
Alternative settlement	-	2	-	1	1	-	4
Dismissed	8	5	12	27	15	5	71
Oruro	8	21	22	43	21	46	161
Opened	4	2	4	1	4	31	47
Fast-track procedure	-	1	-	-	-	-	1
Acquittal	-	1	1	-	-	-	2
Conviction	-	1	-	1	-	-	2
Dismissed	-	-	2	-	3	1	6
Rejected	3	15	11	41	12	12	94
Alternative settlement	-	1	-	-	-	-	1
Dismissed	1	-	4	-	3	1	8
Pando	2	4	12	6	13	3	40
Opened	-	1	-	-	2	-	3
Conviction	-	-	1	-	-	-	1
Dismissed	-	-	2	3	6	1	12
Rejected	2	2	8	3	5	2	22
Dismissed	-	1	1	-	-	-	2
Potosí	8	17	10	14	21	18	88
Opened	-	1	-	4	6	6	17
Fast-track procedure	-	-	-	-	-	1	1
Other closed	1	1	-	-	-	-	2
With conviction	1	-	-	-	-	-	1
Objection as to jurisdiction	-	-	-	-	1	-	1
Dismissed	-	1	3	3	-	3	10
Rejected	6	13	7	7	12	8	53
Dismissed	-	1	-	-	2	-	3
Santa Cruz	103	118	93	62	55	54	485
Opened	32	20	14	16	24	34	140
Fast-track procedure	1	-	-	-	-	-	1
Other closed	1	13	4	3	1	3	25
Acquittal	1	2	-	-	-	-	3
Conviction	3	5	1	-	-	1	10
Objection as to jurisdiction	-	-	-	1	1	-	2
Dismissed	-	-	-	16	13	5	34
Rejected	59	67	71	24	12	9	242
Alternative settlement	1	-	-	-	-	1	2
Dismissed	5	11	3	2	4	1	26
Tarija	47	30	31	26	27	33	194
Opened	7	2	1	1	2	4	17
Fast-track procedure	2	-	-	-	-	-	2
Other closed	3	-	-	-	-	-	3
Acquittal	-	2	-	-	-	-	2
Conviction	1	-	1	1	1	-	4
Objection as to jurisdiction	-	-	1	-	1	1	3
Dismissed	-	4	3	-	1	1	9

<i>Department</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>Overall total</i>
Rejected	28	18	22	23	22	16	139
Alternative settlement	2	-	-	-	-	-	2
Dismissed	4	4	3	1	-	1	13
(Blank)	-	-	-	1	-	-	1
Dismissed	-	-	-	1	-	-	1
Total	541	512	622	602	476	572	3 325

Source: Attorney General's Office – JL1 System 13 August 2020 (data from 1 January to 31 December 2019).

45. A total of 415 victims of trafficking in persons were registered in JL1 and received support in 2019, as detailed below.

<i>Department</i>	<i>Victims of trafficking in persons</i>				<i>Overall total</i>
	<i>0 to 12</i>	<i>12 to 18</i>	<i>18 or over</i>	<i>N/A</i>	
Beni	0	3	0	4	7
Chuquisaca	0	1	0	2	3
Cochabamba	0	4	9	22	35
La Paz	8	61	82	149	300
Oruro	0	1	2	22	25
Pando	0	0	1	3	4
Potosí	0	2	0	5	7
Santa Cruz	0	7	10	11	28
Tarija	0	0	3	3	6
Overall total	8	79	107	221	415

Source: Attorney General's Office – JL1 System 13 August 2020 (data from 1 January to 31 December 2019).

46. A total of 184 victims of people smuggling were registered in the JL1 system and received support in 2019, as detailed below.

<i>Department</i>	<i>Victims of people smuggling</i>				<i>Overall total</i>
	<i>0 to 12</i>	<i>12 to 18</i>	<i>18 or over</i>	<i>N/A</i>	
Beni	0	0	0	3	3
Chuquisaca	0	0	0	1	1
Cochabamba	0	3	6	20	29
La Paz	2	29	30	24	85
Oruro	0	2	6	17	25
Potosí	0	0	0	11	11
Santa Cruz	1	1	2	4	8
Tarija	0	1	4	17	22
Overall total	3	36	48	97	184

Source: Attorney General's Office – JL1 system 13 August 2020 (data from 1 January to 31 December 2019).

47. A total of 184 cases (detailed below) involving victims of related offences were registered in the JL1 system in 2019.

Department	Pornography, article 323 bis			Procurement, article 321			Sexual violence for commercial purposes, article 322			Overall total
	12 to 18	18 or over	N/A	12 to 18	18 or over	N/A	12 to 18	18 or over	N/A	
Beni	0	4	4	0	0	1	0	0	0	9
Chuquisaca	0	7	4	0	0	0	0	1	0	12
Cochabamba	3	12	3	2	7	4	0	0	2	33
La Paz	2	18	12	0	40	39	0	0	1	112
Oruro	0	1	0	0	0	1	0	0	1	3
Pando	0	1	1	0	0	0	0	0	0	2
Potosí	0	1	2	0	0	5	0	0	0	8
Santa Cruz	3	8	4	2	7	0	3	1	2	30
Tarija	0	1	1	1	0	0	0	0	0	3
Overall total	8	53	31	5	54	50	3	2	6	212

Source: Attorney General's Office – JL1 System 13 August 2020 (data from 1 January to 31 December 2019).

48. Pursuant to Comprehensive Act No. 263 on combating human trafficking and smuggling,¹⁷ 833 cases of human trafficking and smuggling and related offences have been registered and dealt with, as detailed below.

Department	Related offences							Total
	People smuggling, article 321 bis	Trafficking in persons, article 281 bis amended	Trafficking in persons, article 281 bis	Pornography, article 323 bis	Procurement, article 321	Sexual violence for commercial purposes, article 322		
Beni	1	16	11	16	2	0	46	
Chuquisaca	0	6	4	14	1	1	26	
Cochabamba	4	36	33	23	11	2	109	
La Paz	6	248	79	73	24	1	431	
Oruro	2	17	29	1	1	1	51	
Pando	0	3	0	1	1	0	5	
Potosí	1	7	13	4	5	0	30	
Santa Cruz	2	47	12	28	4	6	99	
Tarija	0	9	23	3	1	0	36	
Overall total	16	389	204	163	50	11	833	

Source: Attorney General's Office – JL1 system 13 August 2020 (data from 1 January to 31 December 2019).

New measures to prevent or combat trafficking in persons

49. In accordance with the guidelines on non-revictimization established in Act No. 1173, the Ministry of Justice and Institutional Transparency and the Attorney General's Office are updating the Standardized Protocol for the Specialist Care of Victims of Human Trafficking and Smuggling in order to ensure compliance with article 28 (II) of Act No. 263.

¹⁷ Act No. 263 of 31 July 2012.

Access to effective remedies and reparation

50. Under the Labour Market Integration Programme for Victims of Human Trafficking and Smuggling, introduced by the Ministry of Labour, Employment and Social Security in compliance with Act No. 263, three repatriated victims of trafficking found jobs and 357 people benefited from prevention and awareness-raising measures.

Agreements with the countries concerned

51. In order to prevent and combat trafficking in persons, the Bolivian State has signed and ratified the following agreements:

- A bilateral agreement with the Republic of Peru, aimed at strengthening the fight against trafficking in persons, migrant smuggling and related offences;¹⁸ under this agreement, a binational meeting of the Multisectoral Standing Commission for the Fight against Trafficking in Persons was held in May 2019
- A framework agreement with the Argentine Republic on the prevention and investigation of the offence of trafficking in persons and the provision of assistance and protection to victims of trafficking¹⁹

52. In 2019, the Bolivian State signed a bilateral agreement – now in the process of being ratified – with the Republic of Paraguay on intensifying the fight against trafficking in persons and related offences.

53. Bolivia is also in the process of negotiating three bilateral agreements with Brazil, Panama and Uruguay.

Article 3**Replies to the issues raised in paragraph 8***Requirements for the admission of Venezuelan citizens into Bolivia*

54. As Venezuela is a Group I country,²⁰ its citizens require authorization to enter Bolivia but do not need a visa to enter as tourists or visitors. Nevertheless, in order to preserve family unity and protect minors against the risk of human trafficking and smuggling, the National Migration Board has decided, inter alia, that Venezuelan minors who do not have an identity card or passport may lawfully enter Bolivia, so long as they present a birth certificate and a sworn statement from their parents attesting to their filial relationship.

Principle of non-refoulement and expulsion

55. The Bolivian State ratified the Convention relating to the Status of Refugees by Act No. 2071 of 14 April 2000 and the Protocol to the Convention by Act No. 2043 of 21 December 1999.

56. The Government subsequently promulgated the Refugee Protection Act (Act No. 251)²¹ and its Regulatory Decree (Supreme Decree No. 1440)²² in order to signal its firm commitment to upholding the human rights of refugees and fully complying with the relevant international instruments. These laws incorporate the parameters, guidelines, time periods and procedures established in the Convention relating to the Status of Refugees.

57. The expulsion procedure provided for in article 6 of Supreme Decree No. 1440 is compatible with the Convention relating to the Status of Refugees, specifically its article 32, which provides that the expulsion of a refugee may be justified only on grounds of national security or public order and that the procedures leading to an expulsion order must be fair

¹⁸ Signed on 23 June 2015 and ratified by Act No. 765 of 11 December 2015.

¹⁹ Signed on 15 July 2015 and ratified by Act No. 787 of 28 March 2016.

²⁰ Directorate General of Migration, authorization of admission for tourists or visitors, available at: <https://www.migracion.gob.bo/index.php?r=page/detail&id=105>.

²¹ Act No. 251 of 20 June 2012.

²² Supreme Decree No. 1440 of 19 December 2012.

and equitable and must allow the refugee a reasonable period of time in which to arrange his or her legal admission into another country.

58. Article 6 of the above-mentioned Regulatory Decree provides that the expulsion of refugees or persons applying for refugee status may proceed solely and exceptionally on grounds of State security or public order, subject to the prior issuance of an expert legal report by the competent Ministry, certifying that the legal requirements for the authorization of expulsion have been met. To this end, the National Commission for Refugees, in accordance with due process, invites refugees or applicants for refugee status to a hearing so that they may submit any exculpatory evidence, statements, clarifications or supporting documentation that they deem appropriate. Once the case has been evaluated, the Commission will issue the corresponding decision, which will be duly substantiated and subject to appeal before the Appeals Commission. If the decision is taken to proceed with the expulsion, refugees are granted a reasonable period of time in which to arrange their lawful admission into a third country where their rights to life, liberty and security are not endangered. Procedural guarantees prior to the expulsion must also be upheld.

59. The principle of non-refoulement is set out in article 4 of the Act. This article contains an important exception, which is that a refugee may not seek protection under the principle of non-refoulement if there are reasonable grounds for regarding him or her as a danger to the security of the country, that is, if he or she poses a serious threat to the country's stability, integrity, territorial unity or independence, has been convicted of a particularly serious crime or constitutes a danger to society or the public order (causing disturbances and internal tensions, including riots, isolated and sporadic acts of violence and any danger to the community of the country).

60. No refugees or applicants for refugee status have been expelled since 20 June 2012, when Act No. 251 entered into force.

Replies to the issues raised in paragraph 9

Mechanisms for identifying asylum seekers, stateless persons and other persons

61. Article 30 of Act No. 251 provides that local and border authorities must allow foreign nationals who are known to have applied for refugee status to enter the country and must refer them to the technical secretariat of the National Commission for Refugees, while respecting the principles of confidentiality and non-refoulement set out in this Act. Furthermore, any foreign national wishing to apply for asylum in Bolivia must inform the migration official at the border of his or her intention in order to be referred to the Commission's technical secretariat; under article 32 of the Act, any application for asylum must be submitted in writing within 90 calendar days of the applicant's entry into Bolivian territory.

62. In this connection, the Commission, in coordination with the United Nations High Commissioner for Refugees (UNHCR) and its implementing agency, conducts training workshops, on the subject of asylum and the procedure set out in Act No. 251 and its regulatory decree, for the staff of various public institutions working in this field, including the Directorate General of Migration, the International Criminal Police Organization (INTERPOL), the Bolivian Police and the Office of the Ombudsman for Children and Adolescents.

Submission and processing of asylum applications

63. As mentioned above, article 32 of Act No. 251 provides that asylum applications are to be submitted to the technical secretariat of the National Commission for Refugees, the offices of which are located at the Ministry of Foreign Affairs in the city of La Paz.

64. In 2020, however, pursuant to article 13 (II) of Act No. 251 on the most favourable treatment for asylum seekers in Bolivia, the Commission decided to move the technical secretariat to the city of Santa Cruz for the purposes of receiving and registering asylum applications and carrying out interviews of applicants. In response to the coronavirus disease (COVID-19) pandemic, the email address conare@ree.gob.bo was set up to receive asylum applications as part of the efforts of the implementing agency of UNHCR to provide support

to foreign nationals applying for asylum and in order to confirm that they are in Bolivian territory. Video calls are used to ensure compliance with the different stages of the procedure (registration, submission of temporary documents, interviews).

65. Article 6 (III) of Supreme Decree No. 1440, which concerns the expulsion of refugees or applicants for refugee status, provides that, in accordance with due process, the National Commission for Refugees first invites refugees or applicants for refugee status to a hearing so that they may submit any exculpatory evidence, statements, clarifications or supporting documentation that they deem appropriate. Once a case has been evaluated, the Commission will issue the corresponding decision, which will be duly substantiated and subject to appeal before the Appeals Commission.

66. Where legal aid is concerned, article 27 of Act No. 251 provides that one of the functions of the technical secretariat of the National Commission for Refugees is to inform applicants of their rights and duties, provide them with any other necessary information and advice, and interview them, procuring the services of an interpreter, if necessary, and keeping a written record of the interview. Under article 29 of the same Act, applicants and any family members who do not speak Spanish have the right to be assisted by a qualified interpreter during the procedure.

67. Operationally, the National Commission for Refugees and the implementing agency for UNHCR programmes in Bolivia work to facilitate the integration of refugees within the framework of their inter-agency agreement. In addition, the implementing agency (Caritas Bolivia – Pastoral de Movilidad Humana) provides free legal assistance to foreign nationals who wish to apply for asylum in Bolivia.

Replies to the issues raised in paragraph 10

Asylum applications received

68. The following information was taken from the records of the technical secretariat of the National Commission for Refugees.

Report on applicants for refugee status and refugees from 2014 to 30 June 2020

<i>Year</i>	<i>Applications</i>	<i>Refugees</i>
2014	29	18
2015	47	8
2016	17	10
2017	22	14
2018	434	17
2019	418	4
As of June 2020	679	176

Source: National Commission for Refugees.

69. In light of the principle of confidentiality set out in article 10 of Act No. 251 and article 8 of Supreme Decree No. 1440, the National Commission for Refugees is unable to provide the information requested by the Committee regarding the number of cases in which asylum was granted because the applicant had been tortured or might be tortured if returned to his or her country of origin.

Articles 5–9

Replies to the issues raised in paragraph 12

Implementation of article 5 of the Convention

70. With regard to offences involving acts of torture, article 3 of Act No. 1173, promulgated on 8 May 2019, amends article 52 (I) of the Code of Criminal Procedure,

establishing that “the trial courts are made up of three professional judges who are qualified to hear and rule on proceedings related to the following offences: (...) Article 295. (Ill-treatment and torture).”

71. The Bolivian State has signed the following extradition treaties:²³

- Treaty of friendship and extradition between Bolivia and Italy of 18 October 1890
- Treaty on trade, shipping and extradition between Portugal and the Republic of Bolivia of 10 May 1897, ratified by Decree promulgated on 1 June 1897
- Extradition treaty between the Republic of Bolivia and the Kingdom of Belgium of 24 July 1908
- Extradition treaty concluded between the Republic of Bolivia and the United States of Venezuela on 21 September 1883, ratified by law on 24 October 1911
- Extradition treaty between Chile and Bolivia of 15 December 1910, ratified by law on 12 October 1911
- Extradition treaty between Ecuador and Bolivia of 21 July 1913, ratified by law on 4 December 1914
- Extradition treaty between Brazil and Bolivia of 25 February 1938, ratified by law on 18 April 1941
- Extradition treaty between Bolivia and Spain of 24 April 1990, ratified by Act No. 1614 of 31 January 1995
- Extradition treaty between the Government of the Republic of Bolivia and the Government of the United States of America of 27 June 1995, ratified by Act No. 1721 of 6 November 1996
- Extradition treaty between the Republic of Bolivia and the Republic of Peru of 27 August 2003
- Agreement on extradition of the States parties of MERCOSUR of 10 December 1998, ratified by Act No. 2830 of 3 September 2004
- Extradition treaty between the Republic of Paraguay and the Republic of Bolivia of 11 July 2000, ratified by Act No. 3397 of 23 May 2006
- Extradition treaty between the United Mexican States and the Republic of Bolivia of 25 October 2007
- Extradition treaty between the Argentine Republic and the Plurinational State of Bolivia of 22 August 2013, ratified by Act No. 723 of 24 August 2015

Article 10

Replies to the issues raised in paragraph 13

Training programmes

72. In addition to the training activities reported on in the third periodic report, the Torture Prevention Service has run workshops to promote and raise awareness of torture prevention for police officers, the staff of citizen and family conciliation units, persons deprived of their liberty, prison officers and civil society.

²³ Ministry of Foreign Affairs, list of international instruments and bilateral agreements on international legal cooperation ratified by the Plurinational State of Bolivia, available at <https://www.cancilleria.gob.bo/webmre/node/3567>.

Year	City	La Paz	Potosí	Chuquisaca	Santa Cruz	Cochabamba	Beni	Total
2018	No. of workshops	10	1	2	1	1		15
	No. of persons trained	368	11	100	12	100		591
2019	No. of workshops	5				3	2	
	No. of persons trained	561				470	172	1 203

Source: Torture Prevention Service.

73. In 2020, the Torture Prevention Service, together with the School for State Attorneys of the Counsel General's Office, has been implementing an emergency training plan on torture prevention aimed primarily at police officers and public officials who may potentially have to deal with acts of torture or cruel, inhuman, degrading or humiliating treatment or punishment. The purpose of the plan is to ensure that police officers at the national level are properly trained, especially those responsible for the custody of persons deprived of their liberty, so that individuals' constitutional rights are upheld.

Replies to the issues raised in paragraph 14

74. The instructions issued by the Attorney General's Office, referred to in paragraphs 53, 84 (iv) and (v) and 211 (a) of the third periodic report, are documents containing technical or explanatory provisions for prosecutors.

75. With regard to training courses for judges, prosecutors, forensic doctors and medical personnel who deal with persons deprived of their liberty, the Service has conducted a training workshop on the prevention of torture and other cruel, inhuman or degrading treatment aimed at professional staff of the prison system whose work relates to the Istanbul Protocol. A total of 95 participants around the country received such training in 2017.

Article 11

Replies to the issues raised in paragraph 15

Interrogation

76. The Code of Criminal Procedure establishes the way in which interrogations should be conducted, the persons who may participate in them, the formalities that must be observed, the questions that are not permitted and the stages at which this investigative tool may be used.

77. The final part of article 92 of the Code of Criminal Procedure provides that police officers may question an accused person only in the presence of his or her defence counsel and the public prosecutor, except if the purpose of the questioning is to establish the identity of that person.

78. With regard to the time at which an interrogation may take place, article 97 of the Code states that "during the preparatory stage, the accused shall be formally summoned to make a statement before the prosecutor. Police officers may be summoned to take part in the proceedings and may question the accused under the direction of the public prosecutor. If the accused has been placed in detention, the police shall report the detention to the prosecutor within 8 hours so that he or she may be heard within a maximum of 12 hours of the receipt of the report. Failure to comply with these obligations shall be punished as a breach of duty. During the trial, the defendant shall be heard at the time and in the manner set out in articles 346 and 347 of this Code. The defendant may request to make a further statement and this request shall be granted provided that the authorities concerned do not consider it to be a delay tactic."

79. Article 351 of the Code provides that, during the course of the proceedings, "after the judge or the president of the court has asked the expert or witness to confirm his or her personal identity and general circumstances with a view to considering his or her testimony, he or she may then be examined directly, firstly by the person who proposed the examination and then by the other parties, after which he or she may be questioned by the judge or the

president and the other members of the court. The declarants shall respond directly to the questions put to them. Only the experts shall have the right to consult documents, written notes and publications and to use technical tools during their testimony. Witnesses may not be questioned by expert consultants. At the conclusion of the testimony, the judge or president of the court may instruct the declarant to continue to follow the proceedings in the court room or to withdraw.”

Measures to reduce overcrowding

80. Article 232 of Act No. 1173 makes clear the cases in which pretrial detention is inadmissible.²⁴ Article 233 of the Act stipulates that “pretrial detention shall be imposed only when other individual precautionary measures are insufficient to ensure the presence of the accused in the proceedings and the smooth running of the investigation into the facts. It will apply so long as a formal charge has been made and at the request of the prosecutor or the victim, even if he or she has not lodged a formal complaint.”

81. The Bolivian State plans to reduce the use of pretrial detention, thereby decreasing the prison population, through application of Act No. 1173. It seeks to ensure that individuals enjoy freedom of movement as a rule and are deprived of their liberty only as an exception, in accordance with the Constitution and international human rights instruments.

Statistical data on persons deprived of their liberty

82. In April 2019, the Ministry of Justice and Institutional Transparency, in coordination with the Ministry of the Interior, the Public Prosecution Service and the Supreme Court of Justice, conducted a prison census based on current standards and international conventions ratified by the State with a view to determining the number of persons deprived of their liberty in the country, the stage that they had reached in legal proceedings, their financial and social conditions in prisons and their life expectancy. The census results are to be used in developing and implementing public policies that uphold prisoners’ rights. A sample of census data can be found below.

<i>Bolivia: persons deprived of their liberty, by sex and selected categories, 2019</i>			
<i>Category</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
Bolivia	18 437	16 969	1 468
Department			
Chuquisaca	721	673	48
La Paz	4 000	3 576	424
Cochabamba	2 749	2 507	242
Oruro	967	829	138
Potosí	764	713	51
Tarija	1 061	1 011	50
Santa Cruz	6 799	6 343	456
Beni	1 038	990	48
Pando	338	327	11

²⁴ Act No. 1173, art. 232: “(1) privately actionable offences; (2) when no custodial sentence is established for the offences in question; (3) cases involving persons who are duly certified to have a terminal illness; (4) cases involving persons over 65 years of age; (5) offences punishable by a custodial sentence of 4 years or less; (6) offences related to property punishable by a custodial sentence of 6 years or less, provided that no other protected legal entitlement is affected; (7) cases involving pregnant women; (8) cases involving mothers who are breastfeeding children under the age of 1 year; and (9) where the person charged is the sole person exercising custody, guardianship or care of a child under 6 years of age or a person with a degree of disability that prevents him or her from looking after him or herself.”

Bolivia: persons deprived of their liberty, by sex and selected categories, 2019

<i>Category</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
Type of police premises or holding cell			
Police holding cell	36	35	1
Provincial	2 679	2 548	131
Urban	15 722	14 386	1 336
Age group			
Young persons (18–28 years of age)	6 612	6 139	473
Adults (29–39 years of age)	6 284	5 795	489
Adults (40–49 years of age)	3 268	2 959	309
Adults (50–59 years of age)	1 522	1 389	133
Older adults (60 years of age or older)	717	662	55
Unspecified	34	25	9
Nationality			
Bolivian	17 662	16 272	1 390
Foreign	775	697	78
Member of an indigenous original campesino people			
Member	7 147	6 593	554
Not a member	10 515	9 679	836
Status of legal proceedings			
Enforcement by committal	498	476	22
Pretrial detention	8 249	7 586	663
Executory judgment	6 589	6 059	530
Status of proceedings unknown	3 101	2 848	253

Source: Inter-institutional Commission, 2019 prison census.

Persons deprived of their liberty under 21 years of age

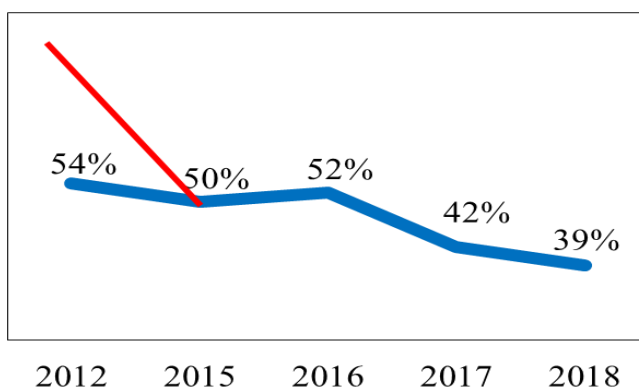
83. Following the entry into force of the Code on Children and Adolescents in August 2019, non-custodial precautionary measures and social and educational measures for children and adolescents at liberty have been promoted and deprivation of liberty has been considered a last resort.

84. According to an updated analysis of the juvenile justice system for the period 2015–2016, pretrial detention was applied in 27 per cent of cases heard by the juvenile courts in the departmental capitals and El Alto, and non-custodial precautionary measures were applied in 44 per cent of these cases. No precautionary measures were applied in 29 per cent of cases.²⁵

85. An analysis of the juvenile justice system covering the period 2017–2018, presented at the First International Congress, shows that the use of pretrial detention fell gradually between 2015 and 2018, during which year it was applied in 39 per cent of cases.

²⁵ The Ministry of Justice and Institutional Transparency – UNICEF, 2016. Updated analysis of the juvenile justice system. p. 42. Table 12.

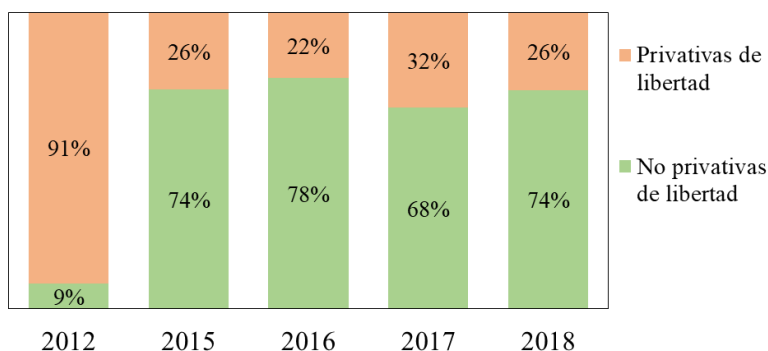
Adolescents in pretrial detention in 2018



Based on the analysis of the juvenile justice system.

86. It is clear from the graph depicting types of social and educational measures that non-custodial measures were used far more than custodial measures from 2015 to 2018. This change resulted from the monitoring of the enforcement of the Code on Children and Adolescents, and of the relevant international regulations, conducted by the Technical Office for the Juvenile Justice System of the Ministry of Justice and Institutional Transparency.

Types of social and educational measures



Based on the forthcoming analysis of the juvenile justice system to be completed shortly.

Replies to the issues raised in paragraph 16

Juvenile offenders

87. The juvenile justice system, which was established under the Code on Children and Adolescents, provides for diminished criminal responsibility for adolescents between 14 and 18 years of age and ensures that adolescents aged between 16 and 18 years are not tried in the ordinary courts and therefore do not serve sentences in adult prisons. The Code also incorporates the principle of restorative justice and provides for a punitive system consisting of social and educational measures whose primary educational purpose is to promote social reintegration and, where possible, redress for harm suffered. The Code is also aimed at preventing recidivism by ensuring that adolescents receive interdisciplinary and individualized support in the criminal justice system.

88. Mechanisms developed in connection with the specialized juvenile criminal justice system include a road map and protocol for dealing with adolescent offenders and general care guidelines for the operation of referral centres and social reintegration centres. Departmental criminal justice panels for adolescent offenders have been established throughout the country and training has been given to public officials in institutions that deal with juvenile offenders.

89. With regard to the separation of adolescents in pretrial detention from those serving a sentence, article 289 (III) of the Code on Children and Adolescents provides that children and adolescents in pretrial detention must be placed in social reintegration centres where boys are kept separate from girls and where pretrial detainees are kept apart from adolescents subject to social and educational measures involving deprivation of liberty. Furthermore, priority must be given to the speedy processing of cases involving adolescents in pretrial detention.

Replies to the issues raised in paragraph 17

Disciplinary sanctions

90. The Sentence Enforcement and Supervision Act establishes a disciplinary regime aimed at guaranteeing inmates' safety and peaceful and orderly coexistence.²⁶ Under the Act, disciplinary offences are classified²⁷ as minor, serious and very serious²⁸ and are subject to specific penalties.²⁹ The Act also provides that persons who commit a serious disciplinary offence are liable to be banned from receiving visits for a maximum of 20 calendar days while those who commit a very serious disciplinary offence are liable to be banned from receiving visits for a maximum of 30 calendar days.

91. This Act provides that pregnant inmates or those with nursing children³⁰ may not be placed in solitary confinement as a penalty and that inmates in solitary confinement must receive daily medical examinations to ensure that measures are taken to maintain their health.³¹ Such measures are consistent with international standards.

Social reintegration

92. The social reintegration policy for persons deprived of their liberty covers five areas: health, education, employment, vocational training and sports. In the area of health, medical staff working under the "My Health" programme visit prisons throughout the country to implement national treatment programmes.³² The National Tuberculosis Control Programme and the National Programme for the Prevention and Treatment of Addictions are also under way.

93. In the area of education, curricular guidelines on the use of alternative educational methods for the provision of primary, secondary and technical education in situations of confinement have been drawn up.

94. A panel of experts established under the Ministry of Labour, Employment and Social Welfare and the Ministry of the Interior is devising an employment programme for persons deprived of their liberty and a special plan to reintegrate persons who have been deprived of their liberty into the world of work.

Replies to the issues raised in paragraph 20

95. Article 7 of Act No. 251 provides that no criminal or administrative penalties may be imposed on applicants for refugee status on the grounds of their irregular entry or presence in the country.

96. The National Commission for Refugees has no information on the number of asylum seekers who are deprived of their liberty in the State party on the grounds of their irregular

²⁶ Sentence Enforcement and Supervision Act, art. 117.

²⁷ Sentence Enforcement and Supervision Act, art. 127.

²⁸ Sentence Enforcement and Supervision Act, arts. 128–130.

²⁹ Sentence Enforcement and Supervision Act, arts. 131–133.

³⁰ Sentence Enforcement and Supervision Act, art. 134.

³¹ Sentence Enforcement and Supervision Act, art. 135.

³² National Zoonosis and Vector-Borne Disease Programme, National Programme for the Prevention and Control of Dengue, National Tuberculosis Control Programme, Expanded Immunization Programme, National Programme on Sexually Transmitted Infections and HIV/AIDS, National Programme on Non-Communicable Chronic Diseases, National Food-Borne Diseases Surveillance Programme.

migration status. This is because, in application of the principle of non-punishment, such persons are not placed in detention.

Replies to the issues raised in paragraph 21

97. Recently, in August 2020, the Torture Prevention Service visited the Gregorio Pacheco National Institute of Psychiatry in Sucre, which had four wards: a serious cases ward for men and women, an intermediate cases ward for men and women, a long-stay area and a geriatrics area. It is currently housing 18 inmates from Santa Cruz, Beni and Sucre who are serving criminal sentences.

Replies to the issues raised in paragraph 22

Visits to places of detention

98. In 2018, as part of its mandate, the Torture Prevention Service carried out a total of 52 unannounced visits, as detailed below.

Unannounced visits

Type of facility	Pando	La Paz	Santa Cruz	Tarija	Potosí	Chuquisaca	Cochabamba	Oruro	Total
Detention centres	-	1	4	-	10	1	-	2	18
Prisons	-	4	3	3	3	3	6	1	23
Military barracks	-	1	-	-	3	-	-	-	4
Shelters for older persons	-	-	-	-	2	-	-	-	2
Shelters for children and adolescents	1	-	-	-	-	-	1	-	2
Special facilities for adolescent offenders	1	-	-	-	-	-	1	-	2
Military training centres	-	-	-	-	-	-	1	-	1
Overall total	2	6	7	3	18	4	9	3	52

Source: Torture Prevention Service.

99. In 2019, 66 unannounced visits were conducted around the country, as detailed below.

Type of facility	La Paz	Cochabamba	Beni	Chuquisaca	Potosí	Santa Cruz	Tarija	Oruro	Total
Police cells	8	-	3	1	-	3	3	-	18
Prisons	32	1	-	2	2	2	1	2	42
Centres for adolescent offenders	2	-	-	-	-	-	-	-	2
Police training centres	2	-	-	-	-	-	-	-	2
Barracks	-	-	-	-	-	1	-	-	1
Psychiatric hospitals	1	-	-	-	-	-	-	-	1
Overall total	45	1	3	3	2	6	4	2	66

Source: Torture Prevention Service.

100. So far in 2020, 24 unannounced visits have been carried out around the country, as detailed below.

Type of facility	Santa									Total
	La Paz	Cochabamba	Pando	Beni	Chuquisaca	Potosí	Cruz	Tarija	Oruro	
Police cells	2	-	-	-	-	-	-	-	-	2
Prisons	4	6	2	1	1	1	1	1	2	19
Centres for adolescent offenders	1	-	1	-	-	-	-	-	-	2
Police training centres	-	-	-	-	-	-	-	-	-	-
Military barracks	-	-	-	-	-	-	-	-	-	-
Psychiatric hospitals	-	-	-	-	1	-	-	-	-	1
Overall total	7	6	3	1	1	1	1	1	2	24

Source: Torture Prevention Service.

Articles 12–13

Replies to the issues raised in paragraph 23

101. The Torture Prevention Service received 11 complaints of torture from 1 September 2019 to 31 December 2019.

La Paz	Oruro	Potosí	Cochabamba	Chuquisaca	Tarija	Pando	Beni	Santa Cruz	Total
11	0	0	0	0	0	0	0	0	11

Source: Torture Prevention Service.

102. The Torture Prevention Service has referred the following complaints, which are under investigation by the Public Prosecution Service, to the departmental prosecutor's office of La Paz.

Sex		Lesbian, gay, transsexual and bisexual	IoC	Age group				Torture	Use of force	Death
F	M			20–30	30–40	40–50	Not specified			
2	9	0	0	4	2	3	2	0	11	0

Source: Torture Prevention Service.

Specific complaint mechanism

103. As mentioned in paragraph 80 of the third periodic report, articles 9 (f) and 13 (c) of Supreme Decree No. 2082³³ establish that the Torture Prevention Service is the body responsible for receiving complaints and allegations of torture and other cruel, inhuman or degrading treatment or punishment and that it has the authority to file, on its own initiative, complaints relating to torture and to follow up on investigations and prosecutions in cases of torture.

104. Since it was established, the Service has received reports of possible cases of torture via WhatsApp, text messaging, digital press publications and interviews with torture victims during unannounced visits, maintaining confidentiality in accordance with the Optional Protocol.

³³ Supreme Decree No. 2082 of 20 August 2014, implementing regulations of the Act on the Torture Prevention Service.

105. Torture is an offence that is defined in the Criminal Code and dealt with under the Code of Criminal Procedure and the Organic Act on the Public Prosecution Service.³⁴ It is therefore a publicly actionable offence, subject to standard or ordinary proceedings, for which victims submit complaints and the Public Prosecution Service is entitled to initiate criminal proceedings. In that regard, the Public Prosecution Service may order the initiation of investigations or bring formal charges or accusations, with the judicial authorities (including investigating judges, trial judges, trial courts, departmental courts) ensuring that safeguards are upheld by conducting hearings and procedures established in law, holding oral proceedings, and handing down sentences and ruling on appeals and motions.

106. With regard to other mechanisms available to persons deprived of their liberty, under Instruction No. 027/2018 of 31 July, issued by the Plurinational Public Defender Service, public defenders and departmental directors are to pay visits to the prisons under their responsibility, on Saturdays from 8.30 a.m. to 12.30 p.m. By making visits to prisons around the country, the Services seeks overall to enhance access to justice, and specifically to record consultations, complaints and queries, to provide expert legal advice and to conduct proceedings for cases necessitating public defender services.

107. If any evidence of torture or inhuman treatment is uncovered, the Torture Prevention Service must be so informed, in accordance with the public defender protocol. Similarly, if an arrested and/or detained person is found to have physical injuries, the prosecutor on duty is asked, verbally and/or in writing, to formally request the Forensic Investigations Institute to conduct a physical examination of the defendant.

Replies to the issues raised in paragraph 24

Witness protection

108. As mentioned in the third periodic report, the purpose of the Directorate for the Protection of Victims, Witnesses and Members of the Public Prosecution Service³⁵ is to promote the protection and assistance of victims of crime, witnesses, persons collaborating with criminal prosecutions and the staff of the Public Prosecution Service, whose actions are governed by the Organic Act on the Public Prosecution Service³⁶ and the Act on the Protection of Complainants and Witnesses (Act No. 458).³⁷

109. This Directorate is responsible for the victim and witness protection units located in the departmental prosecutor's offices of Beni, Chuquisaca, Cochabamba, Oruro, Pando, Potosí, Santa Cruz, Tarija and La Paz, including El Alto. These units have an interdisciplinary team of social workers and psychologists who provide assistance and protection to victims, witnesses, complainants and members of the Public Prosecution Service who assist with criminal prosecutions.

110. The Programme for the Protection of Victims, Witnesses, Complainants and Members of the Public Prosecution Service consists of specific instructions on the procedure or steps that must be followed by persons responsible for requesting, assessing, granting and monitoring protection measures.

111. The general aim of the programme is to promote the protection and assistance of victims, witnesses, complainants and members of the Public Prosecution Service who have carried out, are carrying out, or are about to carry out a protected activity in connection with the offences of organized crime, terrorism, corruption and drug trafficking, targeting children and adolescents or involving violence against women, trafficking in persons and/or violations of fundamental rights.

112. Protective measures are all those mechanisms designed to protect a particular person or group of persons who, because of their situation, role or status as victims, witnesses, complainants or members of the Public Prosecution Service, consider that their or their family

³⁴ Act No. 206 of 11 July 2012, art. 8.

³⁵ <https://fiscalia.gob.bo/index.php/institucional/escuelafisc/87-fge/1707-victimas-y-testigos>.

³⁶ Act No. 260 of 11 July 2012.

³⁷ Act No. 458 of 19 December 2013.

members' integrity and safety are in danger because of the activity that they have carried out, are carrying out, or will carry out in connection with a criminal case.

113. In accordance with article 17 of Act No. 458, any victim, witness or complainant who requires protective measures can turn to:

- The Ministry of the Interior, when the request for protective measures is issued outside of legal proceedings
- The Public Prosecution Service, when the request for protective measures is made by the competent public prosecutor in the context of criminal proceedings or when the request is made by any person who has carried out, or is about to carry out, a protected activity
- The Ministry of Labour, Employment and Social Security, when the request for protective measures concerns the protection of labour rights
- The Ministry of Justice and Institutional Transparency, when the request for protective measures relates to offences of corruption

Replies to the issues raised in paragraph 25

114. Organic Act on the Armed Forces (Act No. 1405)³⁸ is in the process of being brought into line with the Constitution. In that connection, seminars and workshops involving the Armed Forces and the Ministry of Defence have been held with a view to drafting, disseminating and assessing a draft bill to be submitted to the Plurinational Legislative Assembly.

115. Under the Constitution,³⁹ Act No. 1405, the Organic Act on Military Justice, the Military Criminal Code, and the Military Code of Criminal Procedure, the military judicial authorities and the military courts are competent to administer justice only in cases involving offences established in the Military Criminal Code, committed while the defendant was on duty or acting in the line of duty. The conduct in question must necessarily comply with Judgment No. 2540/2012 of 21 December of the Plurinational Constitutional Court, in which the Court ruled that serious human rights violations that constitute crimes against humanity do not, under any circumstances, fall under the jurisdiction of the military criminal courts.

116. In this regard, the competence of the military courts is restricted to military affairs and specifically to the duties performed by military staff, giving rise to what is known in legal doctrine as an offence committed in the line of duty, which, in order to be so constituted, must have the following elements: (1) the legal right concerned must be military; (2) the offence must be established in military criminal law (principle of legality); and (3) there must be a causal link between the duty entrusted and the offence committed and the task to which the order relates must have been carried out in legitimate pursuit of the mission entrusted to the armed forces within the bounds of the Constitution.

117. In accordance with memorandum INSP. FF.AA. S.G. 110/19, steps have been taken to disseminate and interpret Directive No. 22/14 and Instruction No. FGE/RIGO/DGFSE 181/14 of the Commander-in-Chief of the Armed Forces on the competence and jurisdiction of the military courts, to which military personnel and other public officials must have recourse for acts related to the exercise of their duties in a military setting.

118. In accordance with memorandums Dpto.: I-PERS. DIV. "G" 67/19, MD-SG.DG.U. DD.HH and DIH. 1293 of the Ministry of Defence, and in accordance with Ministerial Decision No. 0747 of 13 August of the Ministry of Defence, the Directorate General for Human Rights and Interculturality in the Armed Forces of the Ministry of Defence is empowered to issue certificates of non-violation of human rights, which must be presented by personnel of the Armed Forces who are selected for promotion.

³⁸ Act No. 1405 of 30 December 1992.

³⁹ Constitution, art. 245: "The organization of the armed forces hinges on their hierarchy and discipline. Their essential mission is to obey orders; they are not a deliberative body and are subject to laws and military regulations. As an institutional body they do not take political action; individually, their members enjoy and exercise the rights of citizens under the conditions established in law."

119. The Gender Plan in the Defence Sector and its protocols for dealing with human rights violations are being implemented. Such cases are referred to the ordinary courts when necessary or when the case involves an offence that comes under the laws protecting women, children, adolescents and other vulnerable persons.

Replies to the issues raised in paragraph 26

Truth Commission

120. As mentioned in the third periodic report, the Truth Commission was established in 2016 and was wound up in November 2019. Within the framework of its functions and the objectives established in the Truth Commission Act,⁴⁰ the Commission prepared a historical report on the geopolitical, political, social, economic and cultural conditions that led to the commission of human rights violations and crimes against humanity against the Bolivian people. The Commission also issued a final report on the serious human rights violations that were investigated.

121. The Truth Commission has provided the information below, on enforced disappearances that occurred in Bolivia between 1964 and 1982, on the basis of investigations, field work, a bibliography of the cases reviewed, descriptions and reports found in digital versions of newspapers, information gathered from the Second Intelligence Department of the General Staff of the Army, and documents issued by the Personal Identity Service, the civil registry, the Forensic Investigation Institute, the Technical Certification Commission, the Argentine Forensic Anthropology Team, the Inter-Agency Council of Inquiry on Enforced Disappearances and institutions such as the autonomous municipal government of El Alto (former cemetery of Rio Seco), the general cemetery of La Paz, and the German cemetery, among others.

Numbers of cases

(A) Detained – enforced disappearance	74
(B) Detained – enforced disappearance – bone remains found	26
(C) Disappeared person	39
(D) Reports of detainees – disappeared Bolivians in the Republic of Argentina	19
(E) Reports of detainees – disappeared Bolivians in the Republic of Argentina	2
Total number of cases reported	160

Source: Truth Commission.

122. With regard to cases of torture, the Truth Commission has identified the types and methods of torture and other cruel, inhuman and degrading treatment that were applied. During the dictatorships, 5,405 persons were subjected to some kind of torture. This figure is based on the assumption that all detainees, i.e. 5,215 persons, were subjected to some kind and degree of torture. It may be concluded that all political prisoners were tortured. The remaining 190 persons died while being tortured although some were saved by being forced into exile. Aside from the material constraints, the difficulties faced when investigating cases of torture include victims' lack of evidence beyond their verbal or written testimonies. Owing to the time that has passed since the events, confusion and inaccuracy often surround certain information, including dates, places and the identities of people tortured. Victims are still afraid to file complaints. Some people have decided not to talk about their past anymore, so as to preserve family stability. The investigations conducted by the Truth Commission have identified 1,498 oppressors who perpetrated crimes against humanity and systematically violated human rights during the 18 years of dictatorship in Bolivia. Of that total, 34 are foreign nationals.

⁴⁰ Act No. 879 of 23 December 2016.

Declassification of files

123. On 19 May 2009, the Ministry of Defence issued Ministerial Decision No. 31G, authorizing the Commander-in-Chief of the Armed Forces to facilitate access to archives, public records and existing documents by relatives and victims of regimes imposed by military dictatorships when such persons request such access and can demonstrate their legitimate interest.

124. Pursuant to Supreme Decision No. 125/2010 of 1 April of the Supreme Court of Justice, the Commander-General of the Armed Forces and a representative of the Public Prosecution Service were instructed to declassify the files in the Second Department of General Staff covering the period from June 1979 to December 1980 and the record of arrivals and departures at the General Staff of the Army between 10 and 20 July 1980 and to send notarized photocopies to the Supreme Court in order to clarify the facts.

125. Subsequently, article 7 of Act No. 879 provided for the declassification of physical and digitized military and police documents and other types of classified or restricted-access documents, dating from 4 November 1964 to 10 October 1982, that are confidential or categorized in any other way that restricts access to them.

126. The Truth Commission's technical team was given access to the archive of the Second Department of the General Staff of the Army. In addition, the Ministry of Foreign Affairs, the library and historical archives of the Plurinational Legislative Assembly, the Supreme Court of Justice and the Ministry of Justice and Institutional Transparency conveyed information and documentation on human rights violations to the Commission that have served to shed light on events.

Article 14**Replies to the issues raised in paragraph 27***Redress measures*

127. Article 14 of the Code of Criminal Procedure stipulates that “the commission of any offence gives rise to legal proceedings involving the investigation of the act, a trial and the imposition of a sentence or security measure and a civil action for reparation for the damages concerned.” With regard to the proceedings, the Code provides that, once the corresponding conviction has been handed down, the victim may choose either to take civil action or to “request the trial judge to order redress to be made for the damage caused or the corresponding compensation”, the claim being directed against “the convicted person or the person against whom a security measure has been applied on the grounds of non-liability or semi-liability and/or against third parties who, by force of law or by virtue of a contractual relationship, are responsible for the damage caused.”

Article 15**Replies to the issues raised in paragraph 28***Principle of inadmissibility of evidence obtained through torture*

128. Article 13 of the Code of Criminal Procedure establishes that “evidence shall be considered admissible only if obtained by lawful means and introduced into the proceedings in accordance with the Constitution and this Code. Evidence obtained by means of torture, ill-treatment, coercion, threats, deception or violation of the fundamental rights of persons, or evidence obtained by virtue of information originating in an unlawful procedure or medium, shall not be admissible.”

129. This provision requires officials to obtain evidence without violating procedures, formalities, rights and safeguards since, if evidence is obtained by any of these prohibited means, it becomes inadmissible in court, which means that the content or information conveyed by the evidence is not incorporated in the proceedings.

Article 16**Replies to the issues raised in paragraph 30**

130. Constitutional Court Decision No. 0206/2014 of 5 February abolished the requirement for women to obtain judicial authorization in order to undergo a legal abortion when their pregnancy is a consequence of rape, statutory rape, incest, kidnapping or when the pregnancy endangers the life or health of the woman. Consequently, a copy of the complaint submitted to the competent authorities is all that a public or private health-care provider requires to legally terminate a pregnancy.

131. The Ministry of Health has drawn up guidelines on health-care services in connection with the lawful and safe termination of a pregnancy.

132. With regard to therapeutic abortion, the Bolivian health system has clinical standards and protocols for health-care staff on the use of misoprostol in gynaecology and obstetrics.

Replies to the issues raised in paragraph 32

133. The Code on Children and Adolescents establishes that children and adolescents have the right to integrity of the person and protection against all forms of violence affecting their physical, psychological and sexual integrity. In that regard, the Code specifies that all children and adolescents have the right to “good treatment”, including a non-violent upbringing and education; the Code therefore prohibits any type of physical, violent or humiliating punishment.

134. In order to protect the right to integrity of the person, the offices of the ombudsperson for children and adolescents are empowered, without the need for a specific mandate, to submit requests, complaints and appeals to the competent authorities in relation to acts of violence and minor or major offences committed against children and adolescents, including in rural areas and those inhabited by indigenous original campesino peoples.

135. The Code on Children and Adolescents also establishes that private individuals and public officials who become aware of acts of violence against children and adolescents are required to report them to the Office of the Ombudsman for Children and Adolescents, or any other competent authority, within a maximum of 24 hours of becoming aware of such acts.

136. As for campaigns to prevent corporal punishment, the Bolivian State has fostered a culture of good treatment through the #YoPorLaNiñez campaign, which is founded on the dissemination of messages of love and protection for children and adolescents, the prevention of crimes against children and adolescents, access to justice and the restoration of victims’ rights. In this context, inter-agency agreements have been signed with decentralized State entities to raise society’s and families’ awareness with a view to building a culture of good treatment that will break the cycle of violence.

B. Other issues**Replies to the issues raised in paragraph 33**

137. Pursuant to Decision No. FGE/RJGP/DAJ 166/2017 of 3 July on establishment and restructuring, the Attorney General’s Office has established a specialized prosecutor’s office against organized crime, money-laundering and the financing of terrorism that follows up on and coordinates the activities of prosecutors who have functional oversight over national proceedings related to articles 132 bis (criminal organization), 133 bis (the financing of terrorism) and 185 bis (money-laundering) of the Criminal Code.

138. The purpose of the specialized prosecutor’s office is to coordinate and supervise public criminal proceedings for offences related to organized crime, money-laundering and the financing of terrorism and to exercise joint functional oversight over certain cases within the framework of institutional policy.

139. With regard to complaints of non-compliance with international standards in the application of anti-terrorism measures, the Counsel General's Office has a constitutional and legal mandate to represent the State in legal proceedings. In human rights cases related to the international treaties to which Bolivia is a party, the Office represents the State before the Inter-American Commission on Human Rights in connection with claims that arise from proceedings initiated for crimes of terrorism in which the claimants allege that their rights have been violated during the conduct of the proceedings.

Replies to the issues raised in paragraph 34

Actions taken during the coronavirus disease (COVID-19) pandemic

140. In order to prevent the spread of and contain the COVID-19 pandemic, it has been necessary to reduce overcrowding in prisons and release persons deprived of their liberty belonging to vulnerable and at-risk groups around the country. This measure has been taken in order to prevent the coronavirus disease from endangering their lives and to reduce the possibility of the disease spreading.

141. Pursuant to Presidential Decree No. 4226⁴¹ on amnesty and pardon on humanitarian grounds, and in response to the national health emergency established throughout the Plurinational State of Bolivia to curb the spread of the COVID-19 pandemic, provision has been made for an amnesty or pardon on humanitarian grounds in the context of the national health emergency established throughout the Plurinational State of Bolivia in order to curb the spread of the COVID-19 pandemic.⁴²

142. As the authority responsible for the national prison system, the Directorate General of Prisons has taken a series of measures to prevent, contain and mitigate the spread of the COVID-19 pandemic in Bolivian prisons. Specifically, it has developed the following instruments that set out measures for preventing the emergence of the virus and actions to be taken in response to suspected or positive cases:

- A plan for containing COVID-19 in Bolivian prisons
- An action and contingency plan for prisons in response to COVID-19
- An intervention and evacuation plan for tackling the COVID-19 health emergency in Bolivian prisons
- A protocol for dealing with suspected and confirmed cases of COVID-19 in the country's prisons

143. The administrative section of the Directorate General of Prisons has allocated resources for the purchase of biosecurity and cleaning equipment for prisoners, administrative staff and police officers, and coordination meetings have been held with the departmental health services in all the country's departments to determine the measures to be taken in response to the health emergency.

144. In addition, persons deprived of their liberty have been provided with sufficient food throughout the quarantine period and all steps have been taken to ensure that such persons receive the dignity pension and bonuses (the family shopping basket, universal bonus and family bonus).

145. In order to minimize the specific impact of the pandemic on persons deprived of their liberty, the Directorate General of Prisons has taken the following legal measures:

- Issued instructions for the setting up of areas in which to hold virtual hearings in the country's prisons with computer equipment, laptops, independent mobile phones and Internet connections, ensuring that persons deprived of their liberty are present so that

⁴¹ Promulgated on 4 May 2020.

⁴² Presidential Decree No. 4226. "Article 1. – (Purpose). The purpose of this Presidential Decree is to: (a) provide for the granting of an amnesty or pardon on humanitarian grounds in the context of the national health emergency established throughout the territory of the Plurinational State of Bolivia in order to curb the spread of the COVID-19 pandemic; and (b) establish the procedure for granting a pardon or amnesty."

scheduled hearings may take place, and avoiding delays in the justice system by offering such persons access to an alternative form of proceedings; more than 500 virtual hearings have been held, resulting in the granting of access to house arrest, probation or an alternative measure to pretrial detention⁴³

- Instructed the departmental directorates of the prison system to draw up lists of persons deprived of their liberty who belong to vulnerable groups, to be submitted to the departmental courts of justice and the Plurinational Public Defender Service so that, through those bodies, they might request an alternative penalty or house arrest⁴⁴
- Required that information be gathered on the number of virtual hearings held in each prison and coordinated with the departmental courts with a view to holding workshops on easing the burden on the legal system and recording and detailing applications for amnesty and pardon⁴⁵
- Submitted the list of potential beneficiaries of amnesty and pardon to the Plurinational Public Defender Service, in accordance with Presidential Decree No. 4226,⁴⁶ and worked in coordination with the departmental directorates of the prison system and the lawyers employed by the Plurinational Public Defender Service⁴⁷

146. Workshops on how to ease the current burden on the legal system are being held in coordination with the departmental courts of justice, the Attorney General's Office and the Plurinational Public Defender Service. At these workshops, persons deprived of their liberty are identified by type of offence, length of stay or other information so that hearings may be held and such persons may opt for an alternative outcome and obtain immediate release or some other prison privilege.

⁴³ Instruction MG-DGRP No. 055/2020 of 23 March issued by the Directorate General of Prisons.

⁴⁴ Instruction MG-DGRP No. 026/2020 of 20 April issued by the Directorate General of Prisons.

⁴⁵ Instruction MG-DGRP No. 063/2020 of 5 June issued by the Directorate General of Prisons.

⁴⁶ Promulgated on 4 May 2020.

⁴⁷ Instruction MG-DGRP No. 061/2020 of 22 May issued by the Directorate General of Prisons.