



**International Convention
on the Protection of the
Rights of All Migrant
Workers and Members
of Their Families**

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COMMITTEE ON THE PROTECTION OF THE
RIGHTS OF ALL MIGRANT WORKERS AND
MEMBERS OF THEIR FAMILIES

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 73 OF THE CONVENTION**

**List of issues to be taken up in connection with the consideration of the initial report
of Bolivia (CMW/C/BOL/1)**

I. INFORMATION OF A GENERAL NATURE

1. Please provide disaggregated data on information of the characteristics and nature of migration flows (immigrants, including those in undocumented status, transit migrants, emigrants and asylum seekers). If no exact data are available, please provide estimated figures. Please also inform the Committee about any action that has been taken to generate information providing statistics.
2. Please provide the Committee with precise information on the application of legislative, administrative and other measures pertinent to implement the Convention. In this context, please provide information on the compatibility of Decree (*Decreto Supremo*) No. 24423, of 29 November 1996, on Legal Regime of Migration, with the Convention. Please elaborate on the measures taken by the State Party to ensure that its domestic legislation on migration has been harmonized with the Convention (see para. 37 of the report). Is the State Party envisaging the adoption of a specific migration law in the near future?
3. Please elaborate on the status of the Convention in domestic law. In addition, please provide examples of cases, if any, in which the Convention was directly invoked before or by national tribunals, and with what results.
4. Please explain whether the national legislation provides for the application of the Convention to refugees and stateless persons (article 3 (d) of the Convention).

5. Please indicate if the Ombudsman office (*Defensor del Pueblo*) deals with issues of migration, and provide detailed and updated information on cases dealt with by the Ombudsman's office, if any.

6. Please indicate the steps taken to increase awareness and understanding of the Convention among the general public, migrant workers and State employees. Please also indicate whether training programmes specifically focused on the Convention are implemented for relevant public officials.

7. Please indicate the role of non-governmental organizations in the implementation of the Convention as well as in the process of preparation of the State party's report, if any (see Committee's provisional guidelines regarding the form and content of initial reports, paragraph 3(d)).

8. Please provide information on the impact of migration on children in Bolivia whose parent(s) have migrated. Please also provide information about the situation of Bolivian women migrant workers abroad as well as the treatment given to women migrant workers in Bolivia.

II. INFORMATION RELATING TO EACH OF THE ARTICLES OF THE CONVENTION

A. General principles

9. Please provide information on: a) the judicial, administrative and legislative mechanisms competent to examine and decide on complaints by migrant workers in case of violation of their rights; b) cases reported during the last five years of violations of migrant workers' rights; (c) criminal proceedings initiated and sanctions imposed; and (d) reparation granted to victims.

10. Please provide practical information on the three types of migrants mentioned in Article 6 of the Decree (*Decreto Supremo*) No. 24423, of 29 November 1996, on the Legal Regime of Migration, referred to in paragraph 51 of the State party's report. Do these three types of migrants enjoy the same rights?

11. In the light of reports that one of the main problems faced by the Peruvian migrants in Bolivia is their stigmatization resulting from the behaviour of State authorities, including the National Migration Service (SENAMIG) and Police, as well as the media, please indicate the measures taken, if any, to combat discriminatory attitudes towards migrant workers and members of their families, especially Peruvians.

B. Part III of the Convention

12. Further to information provided in paragraph 80 of the report, please indicate to what extent accused or arrested migrant workers or members of their families in Bolivia have effective recourse to consular and diplomatic authorities of their State of origin. Please also explain how, once in detention, they can in practice access the court to obtain a decision on the lawfulness of their detention.

13. The Committee has been informed that migrant children work in the cane sugar industry and mining craft areas, where they are exposed to dangers and are subjected to abuse. Please provide information on this phenomenon and on measures taken to address this.
14. Further to information provided in paragraphs 97 to 99 of the report, please indicate the number of migrants currently held in administrative or judicial custody for violations of provisions relating to migration, as well as the length and place of their detention.
15. Article 46 of the Decree (*Decreto Supremo*) No. 24423, of 29 November 1996, on the Legal Regime of Migration, prohibits persons suffering from contagious diseases, alcoholics, psychopaths, drug addicts, notorious lazy persons (“notoriamente vagos”), etc, from entering the country. Please comment on this provision in light of the rights recognized in the Convention.
16. Please explain the expulsion procedures and whether collective expulsion is prohibited. In addition, please provide information on the appeal procedures in relation to expulsion decisions and indicate whether legislative safeguards exist to ensure that foreign nationals will not be extradited where there are substantial grounds for believing that such persons would be in danger of being subjected to torture in the State requesting the extradition.
17. Please specify how the right of children of migrant workers, including undocumented workers, to be registered at birth and have a nationality is ensured in practice. In addition, please describe whether and how the basic right of access to education is ensured for children of migrant workers irregularly staying in Bolivia, or whose parents are in an irregular situation.
18. Paragraph 138 (b) of the report states that, on the issue of regular medical care in public health services, a ministerial resolution was being drafted to provide migrants with equal care under all programmes and in all areas. Please indicate whether this resolution has been adopted and provide details about its practical implementation, in particular whether it applies to migrants in undocumented situation.
19. Please elaborate on the compatibility of Articles 48(i) and 68 of the Supreme Decree 24423, which limit freedom of expression to migrant workers in political issues, with article 13 of the Convention.
20. In the light of information provided in paragraphs 128 and 129 of the report, please clarify if social security benefits are granted to migrant workers, including undocumented migrant workers. Please elaborate on measures taken by the State Party to ensure equal treatment with respect to social security benefits.
21. Please provide more detailed information on measures taken to ensure that effective consular assistance is provided to Bolivian nationals working abroad (see para. 108 of the State party’s report). In addition, in light of Articles 23, 64 and 65 of the Convention, please provide detailed information on measures taken by the State party to offer assistance to Bolivian migrant workers and members of their families, through its consulates and embassies, in other countries, including Spain.

C. Part IV of the Convention

22. Article 48 (i) of the Decree (*Decreto Supremo*) No. 24423, of 29 November 1996, on the Legal Regime of Migration sets out as grounds for expulsion any type of intervention in trade union management or trade union organizations. Please comment on this provision in light of article 40 of the Convention.

23. Please provide information about remittances transferred by Bolivian migrant workers abroad. In light of Article 47 of the Convention, please provide detailed information on appropriate measures taken by the State party to facilitate transfers of migrant workers' earnings and savings. In this connection, please also provide information on the tax of 1% on remittances sent by Bolivians living abroad, which was established by the Central Bank of Bolivia on 1 October 2007.

24. Please provide information on steps taken by the State party to facilitate the exercise by Bolivian migrant workers living abroad of the right to vote and be elected in elections held in the country.

D. Part VI of the Convention

25. In the light of article 66 of the Convention, please indicate which services are in charge of the recruitment process of Bolivian workers for employment in another State. What are the regulations in force and how are they applied in practice?

26. Further to information provided in paragraphs 205 to 208 of the report, please elaborate on the programmes and policies on migration, carried out by the National Council of Migrations, as well as on those implemented by the Migration sub-Secretary, established by Article 3 of the Supreme Decree No. 24423, of 29 November 1993.

27. Please provide detailed and updated information on the measures taken to prevent and eliminate illegal or clandestine movements and employment of migrants in an irregular situation, including measures aimed to create awareness about the dangers related to clandestine immigrations. Please also provide updated information on the extent of the phenomenon of trafficking in persons in Bolivia's territory and indicate what measures are taken by the State party to combat this phenomenon. In addition, please comment on reports of trafficking of irregular migrants from Asia and Africa in transit in Bolivia and elaborate on the measures taken by the State party to remedy this situation.

28. Please provide detailed and updated information on the bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour, programmes and other agreements concerning employment, protection, double taxation, social security, readmission, return, etc. In addition, please update and further describe the measures taken by the State party to provide support and facilities for its returning migrant workers.

29. Please indicate whether there is any mechanism to facilitate the identification of refugees or victims of trafficking among migrants. Please also provide information on the measures taken by the State party to ensure that its migration control measures safeguard the rights of vulnerable groups, such as asylum seekers, children and victims of trafficking.

30. Please indicate whether there is any government institution in the State party providing assistance to Bolivian migrant workers and members of their families abroad.
