



**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 the third periodic report  
submitted by the Plurinational State of Bolivia  
under article 73 of the Convention, due in 2018<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 29 November 2018]

\* The present document is being issued without formal editing.

\*\* The annexes to the present document are on file with the secretariat and are available for consultation.



## **I. Introduction**

1. In accordance with article 73 (1) (b) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Plurinational State of Bolivia submits its third periodic report, in which it presents the measures adopted between 2014 and 2018 to give effect to the Convention and the recommendations issued on 15 May 2013 (CMW/C/BOL/CO/2) by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in connection with its second periodic report. The present report also contains details of legislative developments in the area of migration and the related implementing measures adopted in order to uphold the rights of migrants.

2. Bolivia is one of the first countries to have enshrined a broad range of rights in its Constitution (annex 1), and is a party to all the international instruments that make up the International Bill of Human Rights and to other inter-American and universal human rights protection instruments, as well as to the Convention. The State reaffirms its commitment to the promotion and protection of the rights of migrant workers and members of their families, irrespective of their migration status.

3. A clear demonstration of this commitment is the concept of universal citizenship that the Bolivian Government proposed within the framework of the declaration issued at the World People's Conference: "Universal citizenship – for a world without walls"<sup>1</sup> (annex 2). The idea behind the proposal is to identify an alternative to the walls and restrictions used to block migrants, by drawing on the paradigms and visions of all peoples and promoting alternatives and ideas to move past the concept of borders.

4. The issue of migration is therefore a priority on the current Government's domestic and foreign policy agenda.

## **II. General information**

5. In recent years, the Bolivian State has taken significant steps in the area of migration, including the promulgation of a new Migration Act that protects and promotes the human rights of migrants in accordance with the Constitution, the establishment of the National Migration Board, the adoption of legislation providing amnesty for migrants in an irregular situation, and the application of a range of actions to uphold the full exercise of the rights of migrants, as will be described in the present report.

### **A. Disaggregated data on the characteristics and nature of migratory flows (immigration, transit and emigration) affecting the State party**

6. The census conducted by the Bolivian National Institute of Statistics in 2012 found that the country had 10,027,254 inhabitants.

#### **International immigration**

7. A total of 119,033 (1.2 per cent) of the persons recorded in the 2012 census as residing in Bolivia were born abroad; of those, 52.3 per cent were men and 47.7 per cent were women.

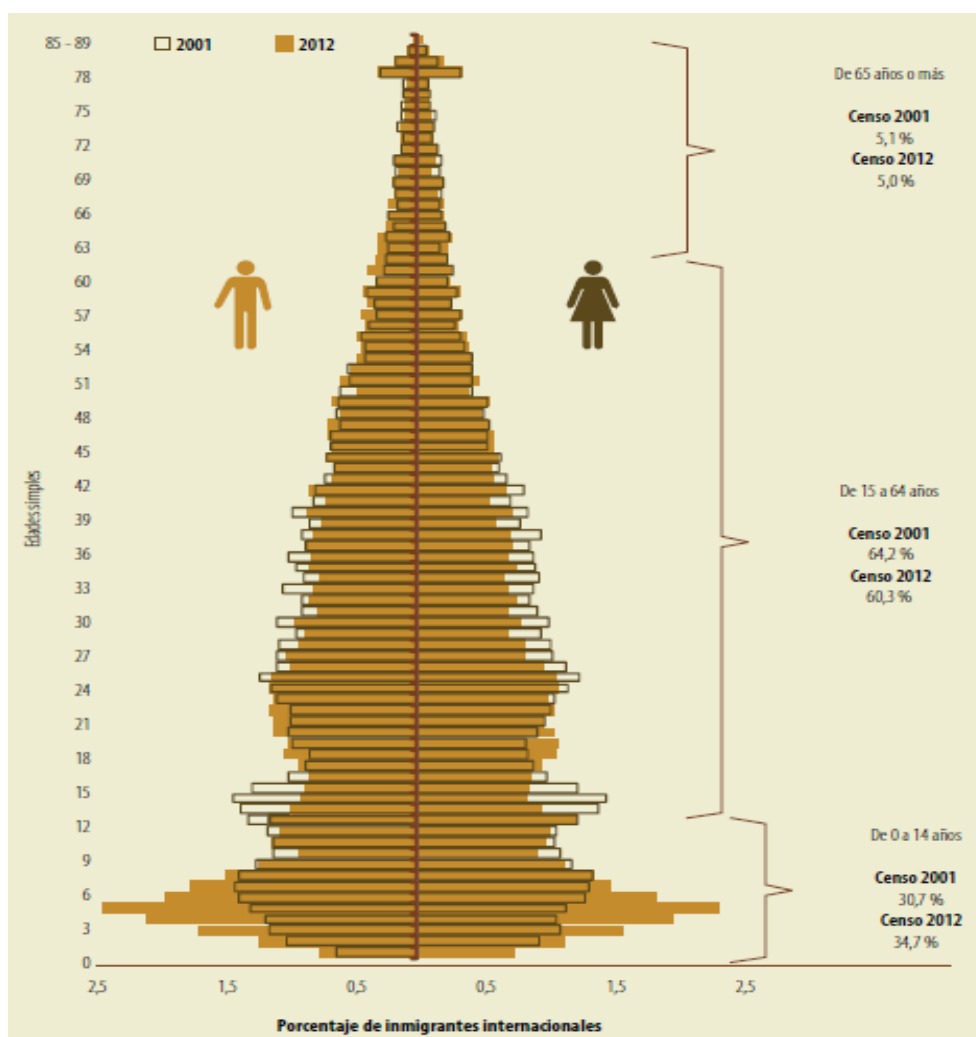
**International immigrants, by geographical area, sex and country of birth, 2012 census**

<i>Country of birth</i>	<i>Immigrant population</i>	<i>Urban</i>	<i>Rural</i>	<i>Men</i>	<i>Women</i>
<b>Total</b>	<b>119 033</b>	<b>92 407</b>	<b>26 626</b>	<b>62 216</b>	<b>56 817</b>
<b>Americas</b>	<b>94 561</b>	<b>70 948</b>	<b>23 613</b>	<b>49 130</b>	<b>45 431</b>
<i>Neighbouring countries</i>	75 021	60 914	14 107	39 128	35 893
Argentina	36 230	28 356	7 874	18 431	17 799
Brazil	22 013	19 123	2 890	11 460	10 553
Chile	3 752	3 342	410	1 976	1 776
Paraguay	3 694	1 378	2 316	1 892	1 802
Peru	9 332	8 715	617	5 369	3 963
<i>Non-neighbouring countries (Americas)</i>	19 540	10 034	9 506	10 002	9 538
Colombia	2 397	2 261	136	1 387	1 010
Ecuador	818	755	63	450	368
Bolivarian Republic of Venezuela	596	573	23	324	272
Belize	807	21	786	406	401
Cuba	1 472	1 416	56	747	725
Mexico	8 400	1 034	7 366	4 103	4 297
Canada	1 104	286	818	515	589
United States of America	3 946	3 688	258	2 070	1 876
<b>Europe</b>	<b>14 634</b>	<b>13 085</b>	<b>1 549</b>	<b>7 834</b>	<b>6 800</b>
France	715	648	67	429	286
Germany	1 478	1 234	244	750	728
Italy	1 145	1 040	105	661	484
Spain	10 242	9 243	999	5 440	4 802
Switzerland	445	406	39	233	212
United Kingdom of Great Britain and Northern Ireland	609	514	95	321	288
<b>Asia</b>	<b>2 348</b>	<b>2 114</b>	<b>234</b>	<b>1 282</b>	<b>1 066</b>
China	933	850	83	570	363
Japan	1 415	1 264	151	712	703
<b>Other countries</b>	<b>4 621</b>	<b>4 146</b>	<b>475</b>	<b>2 466</b>	<b>2 155</b>
<b>Unspecified</b>	<b>2 869</b>	<b>2 114</b>	<b>755</b>	<b>1 504</b>	<b>1 365</b>

*Source:* National Institute of Statistics.

8. Compared with the 2001 census, the 2012 census found a higher number of immigrants below 14 years of age (34.7 per cent), while the number of persons aged between 15 and 64 years who were born abroad decreased by 3.9 per cent.

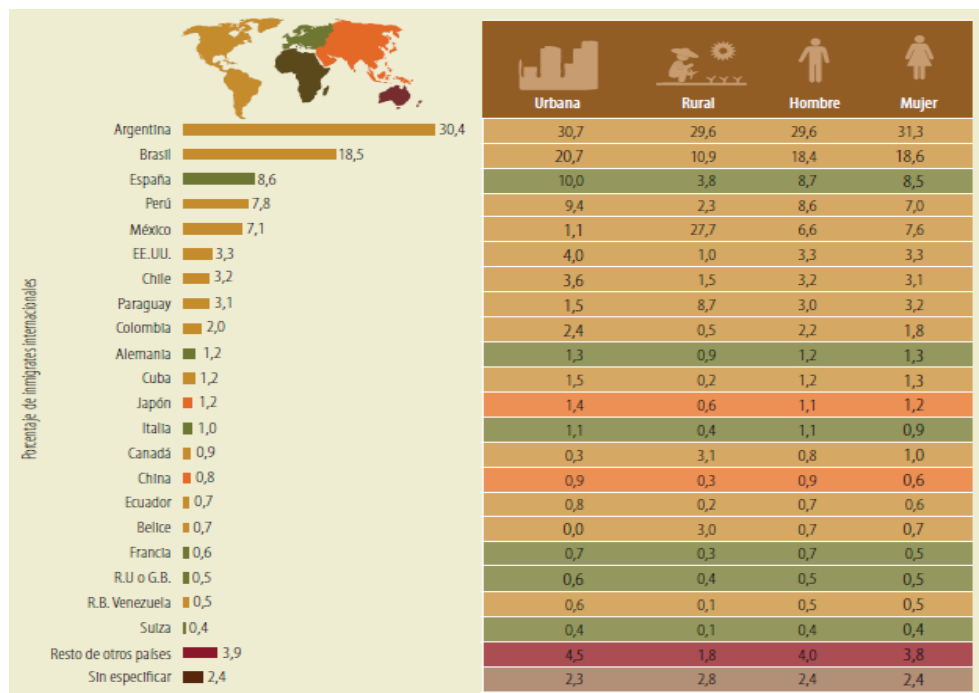
International immigrants, by sex and age, 2001 census and 2012 census



Source: National Institute of Statistics.

9. The main countries of birth of the immigrants surveyed in the 2012 census were Argentina (30.4 per cent), Brazil (18.5 per cent), Spain (8.6 per cent), Peru (7.8 per cent) and Mexico (7.1 per cent).

**International immigrants, by geographical area, sex and country of birth, 2012 census**  
(Percentage)



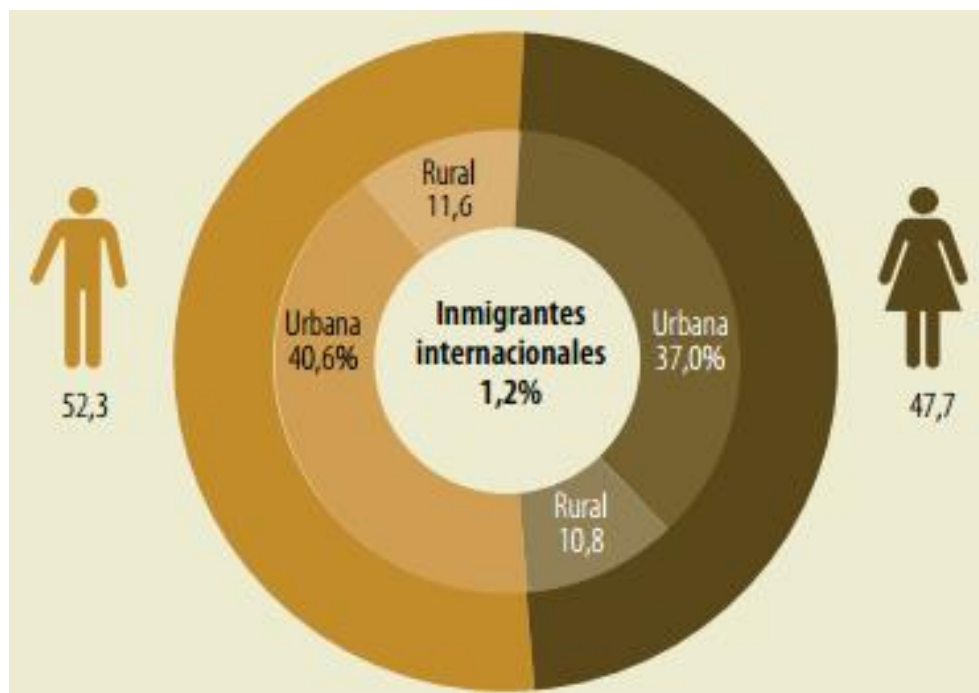
Source: National Institute of Statistics.

R.U. o G.B: United Kingdom of Great Britain and Northern Ireland.

R.B. Venezuela: Bolivarian Republic of Venezuela.

10. In terms of region of residence, 8 out of 10 immigrants (77.6 per cent) live in urban areas and 2 out of 10 (22.4 per cent) live in rural areas.

**International immigrant population by geographical area and sex, 2012 census**  
(Percentage)



Source: National Institute of Statistics.

11. The largest numbers of international immigrants in the country live in Santa Cruz (44 per cent), Cochabamba (17.6 per cent) and La Paz (14.4 per cent).

**International immigrant population, by administrative department of habitual residence and by country of birth, 2012 census**

(Number and percentage)

Country of birth	Department of habitual residence								
	Chuquisaca	La Paz	Cochabamba	Oruro	Potosí	Tarija	Santa Cruz	Beni	Pando
<b>Total</b>	<b>4 539</b>	<b>17 090</b>	<b>20 933</b>	<b>2 398</b>	<b>8 398</b>	<b>8 310</b>	<b>52 328</b>	<b>3 258</b>	<b>2 050</b>
<b>Total (per cent)</b>	<b>3.8</b>	<b>14.4</b>	<b>17.6</b>	<b>1.8</b>	<b>7.1</b>	<b>7.0</b>	<b>44.0</b>	<b>2.7</b>	<b>1.7</b>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
<b>Americas</b>	<b>80.6</b>	<b>79.6</b>	<b>75.2</b>	<b>80.1</b>	<b>90.0</b>	<b>91.4</b>	<b>77.9</b>	<b>61.9</b>	<b>94.9</b>
<i>Neighbouring countries</i>	75.3	66.7	64.7	72.6	88.5	76.0	53.2	50.9	91.5
Argentina	64.7	25.0	31.6	46.8	83.4	67.5	16.3	6.8	2.2
Brazil	4.0	13.6	19.6	7.0	0.7	1.6	23.5	35.5	79.6
Chile	1.5	5.7	3.8	10.9	2.9	0.8	2.5	1.7	0.8
Paraguay	0.5	1.2	0.6	0.3	0.2	4.1	5.6	0.8	0.1
Peru	4.7	21.2	9.1	7.7	1.4	2.0	5.3	6.2	8.7
<i>Non-neighbouring countries (Americas)</i>	5.2	12.9	10.5	7.5	1.5	15.4	24.7	11.0	3.5
Colombia	0.7	1.8	1.3	1.5	0.1	0.6	3.1	2.2	0.6
Ecuador	0.5	1.1	0.7	0.4	0.1	0.4	0.7	0.3	0.0
Bolivarian Republic of Venezuela	0.3	1.3	0.4	0.2	0.0	0.3	0.4	0.3	0.1
Belize	0.0	0.0	0.0	0.0	0.0	0.0	1.5	0.6	0.0
Cuba	0.8	1.7	1.0	3.6	0.8	0.7	1.2	1.8	2.1
Mexico	0.6	1.6	1.1	0.7	0.1	12.0	12.9	2.9	0.1
Canada	0.6	0.5	0.2	0.4	0.1	0.1	1.7	0.2	0.1
United States of America	1.7	4.7	5.7	0.8	0.3	1.1	3.1	2.6	0.3
<b>Europe</b>	<b>13.6</b>	<b>11.7</b>	<b>18.8</b>	<b>7.4</b>	<b>2.4</b>	<b>3.7</b>	<b>13.0</b>	<b>18.8</b>	<b>1.4</b>
France	0.7	1.7	0.4	0.2	0.3	0.3	0.4	0.6	0.0
Germany	2.6	2.7	1.0	0.6	0.2	0.6	1.1	1.4	0.0
Italy	0.6	1.1	1.9	0.8	0.2	0.2	0.8	2.1	0.0
Spain	8.7	4.7	14.7	5.5	1.2	2.1	9.8	12.8	1.2
Switzerland	0.4	0.8	0.4	0.1	0.1	0.2	0.3	1.1	0.0
United Kingdom of Great Britain and Northern Ireland	0.6	0.7	0.4	0.2	0.3	0.1	0.6	0.8	0.0
<b>Asia</b>	<b>0.3</b>	<b>1.5</b>	<b>0.8</b>	<b>1.1</b>	<b>0.9</b>	<b>0.3</b>	<b>3.0</b>	<b>5.5</b>	<b>0.7</b>
China	0.2	0.8	0.5	0.9	0.8	0.2	1.1	0.6	0.0
Japan	0.2	0.7	0.3	0.1	0.1	0.1	2.0	4.8	0.6
<b>Other countries</b>	<b>2.9</b>	<b>6.1</b>	<b>4.3</b>	<b>2.4</b>	<b>1.3</b>	<b>1.9</b>	<b>3.9</b>	<b>3.9</b>	<b>0.6</b>
<b>Unspecified</b>	<b>2.6</b>	<b>1.1</b>	<b>1.0</b>	<b>9.1</b>	<b>5.4</b>	<b>2.8</b>	<b>2.2</b>	<b>9.9</b>	<b>2.4</b>

Source: National Institute of Statistics.

## International emigration

12. The 2012 census was the first to feature questions designed to elicit information on the number of people leaving the country, as well as identifying details including sex, age, year of departure and country of destination. Among the 2,803,982 occupied dwellings where persons were recorded as being present, 11.1 per cent of households reported that at least one of their members had emigrated between 2001 and the time of the census exercise.

### Occupied private dwellings with persons present where one member had emigrated, by geographical area and department, 2012 census

(Number and percentage)

Department				Urban			Rural		
	Total	Households with emigrants (%)	Households without emigrants (%)	Total	Households with emigrants (%)	Households without emigrants (%)	Total	Households with emigrants (%)	Households without emigrants (%)
<b>Bolivia</b>	<b>2 803 982</b>	<b>11.1</b>	<b>88.9</b>	<b>1 826 480</b>	<b>11.8</b>	<b>88.2</b>	<b>977 502</b>	<b>9.7</b>	<b>90.3</b>
Chuquisaca	150 202	12.6	87.4	74 401	12.3	87.7	75 801	12.9	87.1
La Paz	852 573	10.2	89.8	543 729	10.7	89.3	308 844	9.2	90.8
Cochabamba	516 608	13.9	86.1	330 051	15.1	84.9	186 557	11.7	88.3
Oruro	152 061	8.5	91.5	91 617	8.8	91.2	60 444	7.9	92.1
Potosí	242 181	10.2	89.8	93 169	10.1	89.9	149 012	10.3	89.7
Tarija	126 248	10.7	89.3	81 982	9.3	90.7	44 266	13.3	86.7
Santa Cruz	644 854	11.2	88.8	529 389	12.2	87.8	115 465	6.6	93.4
Beni	93 890	8.9	91.1	68 598	10.5	89.5	25 292	4.4	95.6
Pando	25 365	4.0	96.0	13 544	5.1	94.9	11 821	2.7	97.3

Source: National Institute of Statistics.

13. The largest percentage of households from which at least one member has emigrated is found in urban areas, where 11.8 per cent reported that at least one member of the household was living outside the country.

### Emigrants by geographical area, sex and country of destination, 2012 census

Country of destination	Immigrant population	Urban	Rural	Men	Women
<b>Emigrants</b>	<b>489 559</b>	<b>334 954</b>	<b>154 605</b>	<b>239 735</b>	<b>249 824</b>
<b>Americas</b>	<b>315 463</b>	<b>196 006</b>	<b>119 457</b>	<b>167 666</b>	<b>147 797</b>
<i>Neighbouring countries</i>	284 841	169 472	115 369	152 157	132 684
Argentina	187 254	104 323	82 931	100 331	86 923
Brazil	64 675	39 988	24 687	36 137	28 538
Chile	29 081	21 931	7 150	13 764	15 317
Paraguay	3 831	3 230	601	1 925	1 906
Peru					
<i>Non-neighbouring countries (Americas)</i>	30 622	26 534	4 088	15 509	15 113
United States of America	20 610	18 432	2 178	10 024	10 586
Cuba	2 426	1 698	728	1 356	1 070
Bolivarian Republic of Venezuela	1 713	1 210	503	962	751
Mexico	1 565	1 455	110	814	751

<i>Country of destination</i>	<i>Immigrant population</i>	<i>Urban</i>	<i>Rural</i>	<i>Men</i>	<i>Women</i>
Canada	929	758	171	439	490
Other countries in the Americas	3 379	2 981	398	1 914	1 465
<b>Europe</b>	<b>136 753</b>	<b>116 088</b>	<b>20 665</b>	<b>52 989</b>	<b>83 764</b>
Spain	116 732	97 873	18 859	45 007	71 725
Italy	8 630	7 696	934	2 998	5 632
France	1 816	1 686	130	800	1 016
Germany	1 791	1 656	135	811	980
Sweden	1 423	1 290	133	748	675
Switzerland	2 354	2 205	149	808	1 546
United Kingdom of Great Britain and Northern Ireland	2 319	2 137	182	1 096	1 223
Other countries in Europe	1 688	1 545	143	721	967
<b>Asia</b>	<b>2 872</b>	<b>2 673</b>	<b>199</b>	<b>1 576</b>	<b>1 296</b>
Japan	1 986	1 850	136	1 057	929
Other countries in Asia	886	823	63	519	367
<b>Africa</b>	<b>661</b>	<b>582</b>	<b>79</b>	<b>533</b>	<b>128</b>
Central African Republic	498	424	74	423	75
Other countries in Africa	163	158	5	110	53
<b>Oceania</b>	<b>300</b>	<b>274</b>	<b>26</b>	<b>129</b>	<b>171</b>
Australia	259	234	25	115	144
Other countries in Oceania	41	40	1	14	27
<b>Other countries</b>	<b>49</b>	<b>39</b>	<b>10</b>	<b>29</b>	<b>20</b>
<b>Unspecified</b>	<b>33 461</b>	<b>19 292</b>	<b>14 169</b>	<b>16 813</b>	<b>16 648</b>

*Source:* National Institute of Statistics.

14. According to the 2012 census, the countries in the Americas most popular with emigrants are Argentina (38.2 per cent), Brazil (13.2 per cent), Chile (5.9 per cent) and the United States of America (4.2 per cent). In Europe, Spain is the most popular destination (23.8 per cent), while Italy has attracted the lowest number of emigrants (1.8 per cent). Spain is the leading destination for migrant women (28.7 per cent).

**B. Steps that have been taken to harmonize the national migration laws with the Convention, including whether the State party has plans to withdraw its reservations to the Convention, if any**

15. This point is addressed in paragraphs 136 to 143 of the present report.

**C. Any signature, accession or ratification of human rights treaties or international instruments relevant for the implementation of the present Convention; in particular, any steps taken towards ratification of the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**

16. This point is addressed in paragraphs 145 and 146 of the present report.



**D. Specific procedures to deal with mixed migratory flows, in particular to establish the special protection needs of asylum seekers and victims of trafficking. Indication of whether national legislation provides for the application of the Convention to refugees and/or stateless persons**

**Refugees and asylum seekers in Bolivia**

17. Article 29 (I) of the Constitution enshrines the legal concept of asylum and stipulates that foreigners have the right to seek and receive asylum or refuge on grounds of political or ideological persecution, in accordance with international law and treaties.

18. In line with the Constitution, article II of Act No. 370 of 8 May 2013 on migration (the Migration Act; see annex 3) stipulates that “the State ensures that foreign migrants may exercise and enjoy the following rights ... 10. to seek and receive asylum within the legal framework of the international treaties and agreements ratified by the Plurinational State of Bolivia.”

19. Similarly, Act No. 251 of 20 June 2012 on the protection of refugees (annex 4) establishes the protection regime for refugees and asylum seekers in line with the Constitution, the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees and other international human rights instruments ratified by Bolivia.

20. Act No. 251 provides for the observance of human rights and the protection of persons seeking asylum in Bolivia; sets out a definition of the term “refugee” and enshrines the principles of non-refoulement, non-expulsion, non-discrimination, unity of the family and confidentiality; and provides for free access to the asylum procedure and administrative support. The Act also sets out the rights and duties of asylum seekers and their family members and the procedure for obtaining refugee status, including the right to appeal.

21. The Act consolidates the protection of human rights by strengthening the National Commission for Refugees<sup>2</sup> and regulating the State’s involvement in the integration of refugees into Bolivian society.

22. Under the terms of Act No. 251, the following steps have been taken with respect to refugees in Bolivia:

- In Ministerial Decision No. 050/16 of 9 March 2016, the Minister of the Interior approved the introduction of a naturalization process for refugees in Bolivia. In 2016, nine individuals obtained Bolivian nationality through naturalization (annex 5).
- The first national census of the refugee population was conducted with a view to creating an up-to-date database to assist the National Commission for Refugees in promoting, designing and executing policies, programmes and strategic projects aimed at improving local integration and meeting the basic needs of refugees (annex 6).
- The National Commission for Refugees concluded inter-agency cooperation agreements with:
  - The Ministry of Education, on 22 June 2017, in order to facilitate refugees’ timely and effective access to regular, alternative and higher education in Bolivia
  - The Autonomous Government of La Paz Department, on 15 February 2017, to develop joint activities to promote and encourage civic integration activities for refugees in La Paz Department
  - The Autonomous Government of Cochabamba Department, on 14 December 2016, to establish joint activities to encourage the inclusion and civic participation of refugees living in Cochabamba Department
  - The Federation of Municipal Associations, on 12 October 2016, to include refugees in programmes run by the Federation

- The Chávez S.R.L. pharmacy chain, on 12 October 2016, to provide refugees with free medical consultations at the Chávez Solidarity Medical Centres
- Within the framework of the Borders of Solidarity and Safety Programme, the National Commission for Refugees conducts training, outreach and awareness-raising campaigns on the legal concept of asylum in Bolivia for public servants working with refugees.

23. It should also be noted that under the single transitional provision of Supreme Decree No. 1440 of 19 December 2012 (annex 7), applications by stateless persons shall be considered under the procedure set forth in Act No. 251 and the Supreme Decree. However, the Committee is informed that no cases of stateless persons have been recorded in Bolivia.

### **The fight against human trafficking**

24. Since 2011, a number of State authorities<sup>3</sup> have been working, in response to the recommendations issued by treaty bodies, on the development of indicators for nine human rights. The right to a life free from trafficking, for instance, has been assigned 50 indicators: 11 structure indicators, 29 process indicators and 10 outcome indicators<sup>4</sup> (annex 8).

25. Comprehensive Act No. 263 of 31 July 2012 on combating human trafficking (annex 9) established the Plurinational Council on Combating Human Trafficking as the highest authority for the formulation and adoption of non-discriminatory policies and plans designed to combat human trafficking and related offences, using an equality-based approach in terms of gender, generations and intercultural relations. The Council is made up of public institutions and civil society organizations.

26. In order to strengthen the State's international relations mechanisms in connection with the fight against human trafficking and related offences, and in compliance with Act No. 263,<sup>5</sup> the following agreements were signed in 2016:

(a) A bilateral agreement between Bolivia and Peru to intensify the fight against trafficking in persons, the smuggling of migrants and related offences, signed and ratified by Act No. 765 of 11 December 2015 (annex 10). Road maps for 2016 and 2017–2018 were drawn up and implemented within the framework of this agreement; these planning instruments made it possible to coordinate the following activities between the two countries:

- The “Not all dreams cross the border” campaign, a binational information and awareness-raising initiative on the fight against human trafficking. Events were held in the Desaguadero border area on 23 September 2016 and in the Bolpebra-Iñapari border area on 29 September 2017. They were attended by primary and secondary school students, social organizations, institutions and members of the general public.
- An information fair organized by the Plurinational Council on Combating Human Trafficking to raise awareness among the residents of the Desaguadero border area through games and the distribution of posters, leaflets, brochures, pocket-sized copies of legal texts and other educational materials.
- A binational seminar and workshop on prosecuting offences of human trafficking, providing protection and assistance to victims and ensuring their safe return. The event, which took place in the Peruvian city of Puno on 21 and 22 September 2016, was intended to facilitate the sharing of experiences in areas including public policy, analysis of the offence of human trafficking, protection measures, evidence and specialized services to provide care for victims and assist their recovery and reintegration.
- A binational forum on the prevention of human trafficking and the smuggling of migrants in the Amazon border area. This event was held in the city of Cobija, Pando, on 28 September 2017 with the aim of providing training to teachers, civil servants, judicial officials and final-year students from the border areas of both countries.

- Information fairs on combating human trafficking held simultaneously in the border towns of Bolpebra in Bolivia and Iñapari in Peru on 29 September 2017 with the aim of raising awareness about and preventing human trafficking.

(b) The framework agreement between Bolivia and Argentina on preventing and investigating cases of human trafficking and providing assistance and protection for victims thereof, ratified by Bolivia by Act No. 791 of 28 March 2016 (annex 11). In that connection, the Border Integration Committees of Villazón-La Quiaca, Yacuiba-Salvador and Bermejo-Aguas Blancas work with the bodies responsible for preventing and prosecuting cases of human trafficking and for providing care to the victims of such offences. The implementation of a road map of activities is currently being negotiated with the Republic of Argentina with the aim of establishing and programming multi-agency activities to prevent human trafficking.

27. Bilateral agreements are currently being negotiated with Brazil, Uruguay, Chile and Paraguay with the aim of developing bilateral activities in a number of border areas.

28. The Public Prosecution Service has created prosecutor's offices for human trafficking. The offices, which are responsible for investigating and prosecuting human trafficking and related offences, have set up multidisciplinary teams composed of social workers and psychologists who carry out their functions as outlined in Act No. 260 of 11 July 2012, the Organic Act on the Public Prosecution Service (annex 12).

29. A General Directorate for Combatting Human Trafficking has been set up within the Ministry of the Interior, and Police Anti-Trafficking Units have been created in the nine administrative departments.

30. In the area of prevention, a national communication strategy for combatting human trafficking has been developed to raise awareness among the general public regarding the causes and consequences of human trafficking. The communications strategy has three strands: prevention, under the slogan "All that glitters is not gold"; protection, under the slogan "I want to stay in Bolivia forever"; and support for victims, under the slogan "I want to go home to Bolivia".

31. In 2017, the Crime Squad carried out the following initiatives:

- Seminars and training workshops on issues relating to the prevention, identification and investigation of human trafficking offences for the staff of the Human Trafficking Unit and operational units in the city of La Paz.
- Awareness-raising workshops and outreach activities with neighbourhood groups, educational establishments, teachers and parents in coordination with a range of public and private institutions.
- Training sessions with the Gendarmería Nacional de Argentina and videoconferences involving the Argentine and Bolivian police bodies responsible for investigating human trafficking and smuggling offences, with a view to sharing information on cases under investigation.
- The first national meeting of the Crime Squad's Anti-Trafficking Units, with the aim of standardizing procedures for investigating human trafficking offences and registering and attempting to locate missing persons.
- Outreach activities involving the patrol units from the La Paz Departmental Command.

32. In accordance with Act No. 263 and the Multisectoral Comprehensive Development Plan on Anti-Trafficking (2016–2020), the Plurinational Council on Combating Human Trafficking arranged the following training activities, diploma courses and workshops for civil servants:

- An online course on improving investigations and prosecutions of human trafficking offences in Bolivia, Brazil, Colombia, Chile, Ecuador and Peru, organized by the International Organization for Migration and the Ministry of the Interior, for public servants in Brazil, Bolivia, Colombia, Chile, Ecuador and Peru

- A diploma course on human trafficking, for members of the Plurinational Council on Combating Human Trafficking
- A refresher course in migration management, for public servants in the General Directorate of Migration
- A course on legal and academic perspectives on the road map for inter-agency involvement in the fight against human trafficking and related offences
- International courses for trainers on the investigation of human trafficking offences, human rights and prevention mechanisms for students and social entities
- Training for 20,194 teachers doing prevention work through curricular activities in educational communities
- The national meeting of the Police Anti-Trafficking Units, with the aim of standardizing procedures for investigating human trafficking offences and for registering and attempting to locate missing persons

33. In addition, the State Judicial Academy<sup>6</sup> has organized the following training courses on the issue of human trafficking for public servants working in judicial and administrative support services in the courts:

- District-level training workshops on human trafficking and enforced disappearances
- A massive online course on human trafficking in the framework of Act No. 263

34. The Ministry of Foreign Affairs, through the Plurinational Diplomatic Academy, has conducted the following academic activities:

<i>Activity</i>	<i>Theme</i>	<i>Target audience</i>	<i>Year</i>
Online course: Consular Policy	Human trafficking	Civil servants working in consulates and Departmental Offices of the Ministry of Foreign Affairs	2014 and 2015
Workshop on human trafficking in the Consular and Diplomatic Law module of the International Law Diploma	Human trafficking	Civil servants working in the central services of the Ministry of Foreign Affairs	2015
Course: Consular Policy	Human trafficking	Students of the Sixteenth Master’s Degree in Diplomacy and International Relations at the Plurinational Diplomatic Academy	2016
Consular and Diplomatic Law module of the International Law Diploma	Human trafficking	Civil servants working in the central services of the Ministry of Foreign Affairs	2017
Consular Policy module of the International Law Diploma	Human trafficking	Civil servants working in the central services of the Ministry of Foreign Affairs	2017

*Source:* Ministry of Foreign Affairs – Plurinational Diplomatic Academy.

35. The Ministry of the Interior, through the General Directorate for Combatting Human Trafficking, the General Directorate of Migration and the Police Anti-Trafficking Units, has carried out the following initiatives:

(a) Outreach activities on Act No. 263 and information and awareness-raising campaigns about human trafficking to encourage the most vulnerable groups to adopt self-care and prevention measures in the towns of Yacuiba, Bermejo, Villazón, Desaguadero, Kasani, Bolpebra, Cobija, Puerto Quijarro, Copacabana and Guayaramerín;

(b) Training courses for students from educational establishments in La Paz and El Alto (12,000 students trained);

(c) Film screenings, preventive education events, training workshops, national and international courses in capacity-building for operational research into human trafficking offences, with a focus on border areas.

**E. Steps taken to ensure that migrant children who are detained, including for violations of provisions relating to migration, are held separately from adults and information on any specific procedures in place to determine the age of juvenile migrants; data on the number of migrant children detained**

36. In Bolivia, no foreign migrants are detained on account of being in an irregular situation. This includes children and adolescents, who are rights holders and enjoy the guarantees set forth in the Constitution, Act No. 548 of 17 July 2014, the Code on Children and Adolescents (annex 13) and the international human rights treaties ratified by Bolivia, including those concerned with the rights of children.

37. With regard to the juvenile justice system, the Code on Children and Adolescents reflects the provisions of articles 37, 39 and 40 of the Convention on the Rights of the Child, the Beijing Rules, the Riyadh Guidelines and the Havana Rules, as well as the general comments of the Committee on the Rights of the Child, with a particular focus on general comments No. 10 on children's rights in juvenile justice and No. 14 on the right of the child to have his or her best interests taken as a primary consideration.

38. More information on the juvenile justice system can be found in paragraphs 70 to 72 of the present report.

**F. Procedures assisting victims of trafficking, especially women and children**

39. In 2015, the Plurinational Council on Combating Human Trafficking adopted:

- A protocol for the repatriation of Bolivian victims of human trafficking (annex 14)
- A guide on combating trafficking of Bolivian nationals and non-nationals in the context of migration (annex 15)
- Special arrangements for victims of human trafficking, adopted on 9 March 2018, to help victims re-enter the labour market

40. The Plurinational Council on Combating Human Trafficking has developed an overview and baseline study of shelters run by the public and private sectors for victims of human trafficking and related offences, providing an analysis of the status of shelters for victims of trafficking and sexual violence for commercial purposes nationwide (annex 16). It has also produced guidelines for the protection, care and reintegration of victims of human trafficking.

41. The Ministry of Labour, Employment and Social Welfare has designed a programme for 2018–2020 to help victims of human trafficking back into employment. Once it has been approved by the Plurinational Council on Combating Human Trafficking, the programme will be introduced during the current year, with the aim of increasing employability and facilitating entry into the workforce for human trafficking victims seeking employment. It provides for the following pathways:

(a) Direct employment through the job bank run by the National Public Employment Service, providing victims with career guidance and an occupational profile assessment to facilitate direct employment in existing vacant posts. Victims receive ongoing assistance to help them adapt to their new job;

(b) Job placements for victims, including on-site training, a stipend and technical employment assistance, with a focus on improving employability, from the training stage through to seeking or finding employment. This pathway comprises seven steps: career guidance and occupational profile assessment, on-the-job training, financial support or

subsidies for vocational training, short courses, additional support for mothers, assistance with adapting to a new job, and employment.

42. In parallel, the Office of the Deputy Minister of Justice and Fundamental Rights, which acts as the technical secretariat<sup>7</sup> for the Plurinational Council on Combating Human Trafficking, is working to expand existing specialized shelters for victims of human trafficking and to establish new ones. The aim of this initiative is to ensure that, beyond providing a physical space for temporary accommodation, the shelters can offer multidisciplinary services, including psychological, social and legal support and vocational training, to boost victims' self-esteem and help them rebuild their lives.<sup>8</sup> As of the end of 2017, there were two specialized centres managed by the Autonomous Governments of the departments of Potosí and La Paz respectively.

43. Health services approved by the Ministry of Health are being provided at border points on the southern border, including at 11 health centres in the municipality of Bermejo, Tarija Department. The centres are part of the Bermejo health network and provide prevention and care services relating to combating human trafficking.

44. The network of Bolivian consulates provides assistance and repatriation services for Bolivians abroad who are victims of human trafficking, in application of the protocol for the repatriation of Bolivian victims of human trafficking, established pursuant to Ministerial Decision No. 588/2012 of 7 November 2012, issued by the Ministry of Foreign Affairs, and in accordance with Supreme Decree No. 1486 of 6 February 2013, regulating Act No. 263. The Government has begun for the first time to cover the cost of repatriating mortal remains of children and adolescents, victims of human trafficking and Bolivian nationals living on the streets.

45. As a result of the efforts of the network of Bolivian consulates and the Ministry of Foreign Affairs, 22 victims of human trafficking received assistance with their return and reintegration in 2013. In 2014, 138 Bolivian victims of human trafficking abroad received assistance with their return and reintegration. In 2015, 152 victims of human trafficking received assistance from those bodies; in 2016, 64 victims received consular protection and assistance; and in 2017, 28 victims received consular protection and assistance.<sup>9</sup>

46. The Ministry of the Interior, through the General Directorate for Combatting Human Trafficking and with support from the United Nations Population Fund, is in the process of developing a therapeutic care model for victims of human trafficking.

#### **G. Measures taken by the State party to provide assistance to its migrants abroad**

47. These issues are addressed in paragraphs 180 to 185 of the present report.

#### **H. Measures taken to facilitate migrants' reintegration in case of return to the State party**

48. The Migration Act established the National Migration Board, which is tasked with, inter alia, developing effective policies to protect Bolivian nationals abroad who apply to return to Bolivia voluntarily, providing them with support and referrals and assisting them in returning home and reintegrating into society.

#### **I. Multilateral or bilateral agreements relating to migration the State party has entered into, including regional agreements**

49. The agreements signed by the competent bodies over the past few years are listed below:

- Inter-agency agreement on local border traffic, concluded between the General Directorate of Migration of the Bolivian Ministry of the Interior and the National

Directorate of Migration of the Argentine Ministry of Internal Affairs and Transport of Argentina, 15 July 2015

- Agreement on electronic registration of migrants, MERCOSUR-XXXVIIRMI/Agreement No. 01/15, Decision No. 01/2015 of 6 November 2015
- Agreement on travel documents and arrangements for returns, signed by the member States and associated States of the Southern Common Market (MERCOSUR), MERCOSUR-XXXVIIRMI/Agreement No. 02/15, Decision No. 02/15 of 6 November 2015
- Agreement on the establishment of a network of specialists in security measures for migration documents, MERCOSUR and associated States, MERCOSUR/CMC/DEC No. 25/14 of 16 December 2014
- Second agreement amending the annex to the Agreement on Travel Documents, MERCOSUR and associated States, MERCOSUR/CMC/DEC No. 37/14 of 16 December 2014
- Agreement on the establishment of a network of specialists in security measures for migration documents, MERCOSUR and associated States, MERCOSUR/CMC/DEC No. 08/12 of 29 June 2012

#### **J. Measures to prevent clandestine movements and employment of migrants in an irregular situation**

50. Pursuant to the Migration Act, the General Directorate of Migration conducts migrant checks on the streets and highways, as well as in other locations including fairs, vehicle checkpoints, bus stations, nightclubs, art events and festivals. It also carries out inspections in travel and tourism agencies, hotels and other types of accommodation, vocational training and higher education establishments and workplaces with the aim of regularizing the migration status of foreign nationals present in the country unlawfully.

51. Contraventions of the Migration Act by natural or legal persons, whether they are Bolivian or foreign nationals, can give rise to charges of migration-related administrative offences that are punishable by fines and, as a last resort, compulsory departure from the country.

52. Supreme Decree No. 1923 of 12 March 2014 (annex 17) sets out the offences and related penalties, calculated in Housing Development Units (UFV), applicable to natural and legal persons. A natural person or a foreign national who engages the services of foreign nationals not in possession of the required authorization can be issued a fine of 100 UFVs, which may rise to 200 UFVs for a second or further offence.

### **III. Specific provisions of the Convention**

#### **A. General principles**

##### **Articles 1 and 7: Non-discrimination**

53. The Migration Act is based on the principles set out in the Constitution, including the principle of non-discrimination, and full respect for human rights (see paragraphs 162 to 167 for more information).<sup>10</sup>

##### **Article 83: Right to an effective remedy**

54. The State provided information on the implementation of this article in paragraph 80 of its second periodic report to the Committee.

55. It should also be noted that the Migration Act stipulates that foreign migrants who enter or stay temporarily or permanently in Bolivian territory are covered by the guarantees set forth in the Constitution and domestic law,<sup>11</sup> including the right to a remedy.

56. In addition, the State ensures access to justice through the Plurinational Service for Assistance to Victims,<sup>12</sup> which provides legal, social and psychological assistance to people with limited resources during the initial stages of the investigation, the criminal proceedings and the execution of the sentence, promoting reparation for the damage caused and essentially helping to avoid revictimization. As far as foreign migrants with limited resources are concerned, they are granted and provided with the same service as any Bolivian national.

57. The functions performed by the Plurinational Service for Assistance to Victims for each of its users include the following:

- Reparation for the damage caused:
  - Promoting measures to facilitate or ensure the provision of reparation for the damage suffered as a result of the offence
  - Claiming compensation for the damage and harm suffered

#### **Article 84: Duty to implement the Convention**

58. The State provided information on the fulfilment of its duty to implement the Convention in paragraphs 81 and 82 of its second periodic report to the Committee.

### **B. Part III of the Convention: Human rights of all migrant workers and members of their families**

#### **Article 8: Right to leave any State, including their State of origin, and to return**

59. The Migration Act guarantees foreign migrants the right to migration<sup>13</sup> based on the principles of equality, universality and reciprocity.<sup>14</sup>

#### **Articles 9 and 10: Right to life, prohibition of torture and prohibition of cruel, inhuman or degrading treatment**

60. The Constitution guarantees the right to life and expressly prohibits all forms of torture and cruel, inhuman, degrading or humiliating treatment. It establishes torture as a crime against humanity and an offence that is not subject to limitation.

61. In this context, in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the State established the Service for the Prevention of Torture (annex 18), by means of Act No. 474 of 30 December 2013. This Service is a decentralized public institution that aims to prevent torture and other cruel, inhuman, degrading or humiliating treatment or punishment, within the scope of article 17 of the Optional Protocol.

62. The Service for the Prevention of Torture is responsible for conducting unannounced visits to detention centres, prisons, special facilities, facilities for young offenders, military prisons, police and military training centres, military barracks and any other institution, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.<sup>15</sup>

63. Since being established, the Service for the Prevention of Torture has carried out the following activities:

- Receipt of 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
- Training and awareness-raising workshops



Year	Pando	Lpz	Beni	Scz	Tja	Chuq	Cbba	Or	Total
2016		4		1	2		1		8
2017	2	5	2	3	2	1	4	2	21
June 2018		8							8
<b>Total</b>	<b>2</b>	<b>17</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>37</b>

Source: Service for the Prevention of Torture.

- Number of civil servants and civil society representatives trained

Year	Pando	Lpz	Beni	Scz	Tja	Chuq	Cbba	Or	Total
2016		285		51	84		56		476
2017	45	183	80	80	60	77	365	50	940
June 2018		293							293
<b>Total</b>	<b>45</b>	<b>761</b>	<b>80</b>	<b>131</b>	<b>144</b>	<b>77</b>	<b>421</b>	<b>50</b>	<b>1 709</b>

Source: Service for the Prevention of Torture.

- Unannounced visits conducted in 2016 (July–December), 2017 and 2018 (January–June)

## 2016

Number of facilities	Pando	Lpz	Beni	Scz	Tja	Cbba	Or	Total
Detention centres	3	4	2	1	2	1	1	14
Prisons	1	3	4	2	4	4		18
Specialized centres for adolescents	1		2	1	1			5
Military barracks		1	1					2
Hospitals	2	2	3	1	2			10
Shelters for children and adolescents	1							1
Shelters for older persons	1							1
<b>Total</b>	<b>9</b>	<b>9</b>	<b>12</b>	<b>5</b>	<b>9</b>	<b>5</b>	<b>1</b>	<b>51</b>

Source: Service for the Prevention of Torture.

## 2017

Number of facilities	Pando	Lpz	Beni	Scz	Tja	Ptsi	Chuq	Cbba	Or	Total
Detention centres	3	9	4	1	2		3	4		26
Prisons	1	3	5	2	1	2	4		2	20
Special facilities							2	1		3
Specialized centres for adolescents		2					1	1		4
Military prisons		1								1
Police training centres			1							1
Military training centres										
Military barracks	3	3		1	2		1			10
Hospitals	2	6	3	3	1	1	2	3		21
Shelters for children and adolescents		2					1			3
Shelters for women		1						1		2

<i>Number of facilities</i>	<i>Pando</i>	<i>Lpz</i>	<i>Beni</i>	<i>Scz</i>	<i>Tja</i>	<i>Ptsi</i>	<i>Chuq</i>	<i>Cbba</i>	<i>Or</i>	<i>Total</i>
Shelters for older persons							1			1
Shelters for persons with disabilities										
<b>Total</b>	<b>9</b>	<b>27</b>	<b>13</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>13</b>	<b>10</b>	<b>2</b>	<b>92</b>

*Source:* Service for the Prevention of Torture.

## 2018

<i>Number of facilities</i>	<i>La Paz</i>	<i>Santa Cruz</i>	<i>Cochabamba</i>	<i>Oruro</i>	<i>Total</i>
Detention centres	1	4		2	7
Prisons	4	2	1	1	8
<b>Total</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>15</b>

*Source:* Service for the Prevention of Torture.

- Recommendations to State authorities aimed at preventing torture

## 2016

<i>Number of facilities</i>	<i>Pando</i>	<i>La Paz</i>	<i>Total</i>
Detention centres		1	1
Prisons	1		1
Hospitals		1	1
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>

*Source:* Service for the Prevention of Torture.

## 2017

<i>Number of facilities</i>	<i>La Paz</i>	<i>Santa Cruz</i>	<i>Total</i>
Detention centres	1		1
Prisons	2		2
Specialized centres for adolescents	2	1	3
Hospitals	1		1
<b>Total</b>	<b>6</b>	<b>1</b>	<b>7</b>

*Source:* Service for the Prevention of Torture.

## 2018

<i>Number of facilities</i>	<i>La Paz</i>	<i>Cochabamba</i>	<i>Total</i>
Detention centres	1		1
Prisons	2		2
Shelters for women		1	1
<b>Total</b>	<b>3</b>	<b>1</b>	<b>4</b>

*Source:* Service for the Prevention of Torture.

- Coordination meetings with public institutions and civil society

**2017**

<i>Name of institution</i>	<i>Pando</i>	<i>Lpz</i>	<i>Beni</i>	<i>Scz</i>	<i>Tja</i>	<i>Chuq</i>	<i>Cbba</i>	<i>Or</i>	<i>Total</i>
Autonomous municipal governments	2	5	2	2	1		1		13
Autonomous departmental governments		1	1		1				3
Non-governmental organizations		1							1
Courts		4	5				1		10
Departmental federations		1	1						2
Prosecution services		2	4	1					7
Departmental Offices of the Ombudsman				1			1		2
Plurinational Public Defender Service			1			1	1		3
Parishes		4	1	2			1		8
Offices of the Ombudsmen for Children and Adolescents		4	2	1			2		9
Media		2							2
Prison system			2						2
Unit for older persons and persons with disabilities							1		1
Permanent Human Rights Assembly				2					2
<b>Total</b>	<b>2</b>	<b>24</b>	<b>19</b>	<b>9</b>	<b>2</b>	<b>1</b>	<b>8</b>		<b>65</b>

*Source:* Service for the Prevention of Torture.

**2018**

<i>Name of institution</i>	<i>Lpz</i>	<i>Scz</i>	<i>Chuq</i>	<i>Or</i>	<i>Total</i>
Non-governmental organizations	1				1
Prosecution services		5	1		6
Supreme Court			1		1
Constitutional Court			1		1
Council of the Judiciary			1		1
Departmental Offices of the Ombudsman	1			1	2
Municipal comprehensive legal services		1			1
Prison system	2			1	3
Ministries	2				2
Offices of deputy ministers	3				3
Police	1				1
Hospital		1			1
<b>Total</b>	<b>10</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>23</b>

*Source:* Service for the Prevention of Torture.

- Follow-up to possible cases of torture (non-migrants)

Year	Pando	Lpz	Beni	Scz	Tja	Ptsi	Chuq	Cbba	Or	Total
2016	2	1	1		1				2	7
2017	3	13	4	3	1	1	2	4	3	34
2018	3	6	6	4	2		1	1	2	25
<b>Total</b>	<b>8</b>	<b>20</b>	<b>11</b>	<b>7</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>7</b>	<b>66</b>

Source: Service for the Prevention of Torture.

- Assistance to possible victims of torture (non-migrants)

Year	Beni	Scz	Total
2016	1		1
2017	3	3	6
2018	3	2	5
<b>Total</b>	<b>7</b>	<b>5</b>	<b>12</b>

Source: Service for the Prevention of Torture.

**Articles 11–13 and 26: Prohibition of slavery and servitude; freedom of expression; freedom of thought, conscience and religion; and the right to join freely any trade union**

64. In accordance with the Constitution, the Migration Act guarantees migrants the right to freedom of thought, spirituality, religion and worship and the right to express and disseminate thoughts and opinions freely.<sup>16</sup>

65. The Act also guarantees the right of migrant workers not to be subjected to servitude, slavery, exploitation or forced labour and to participate in labour associations and trade unions on an equal basis with others.<sup>17</sup> In addition, Act No. 263 amended some articles of the Criminal Code to include the offence of trafficking in persons<sup>18</sup> and to establish penalties for that offence.

**Articles 14 and 15: Prohibition of arbitrary or unlawful interference with privacy, family, home, correspondence and other communications; and prohibition of arbitrary deprivation of property**

66. In addition to the information contained in paragraphs 100 to 102 of the second periodic report, it should be noted that article 130 of the Constitution provides for actions for the protection of privacy:

An action for protection of privacy may be brought by any natural or legal person who believes that he or she has been wrongfully or unlawfully prevented from having access to, challenging, deleting or correcting data that have been recorded by any physical, electronic, magnetic or computerized means and stored in public or private archives or databanks, or that may affect his or her basic right to personal or family privacy or his or her own image, honour and reputation.

Actions of this kind are regulated by Act No. 254 of 5 July 2012, the Code of Constitutional Procedure (annex 19).

**Articles 16 (1–4), 17 and 24: Right to liberty and security of persons; safeguards against arbitrary arrest and detention; and recognition as a person before the law**

67. As mentioned in the second periodic report (paras. 103–108, 110 and 111), foreign migrants are covered by the legal safeguards established in the Constitution and domestic law, regardless of their migration status.

68. As regards article 17 (4) of the Convention, the Code on Children and Adolescents:

- Establishes the diminished criminal responsibility of adolescents aged 14 to 17 years old.
- Establishes a special procedure for the trial of such adolescents.
- Establishes a specialized criminal justice system for adolescents.<sup>19</sup>
- Incorporates the concept of restorative justice, which focuses on ensuring that juvenile offenders take responsibility for the consequences of their behaviour, seek to repair the harm caused to the victim and the community and are reintegrated into society, in order to avoid recidivism.
- Provides for a system of penalties, including a set of socioeducational measures, and establishes supporting entities, namely social reintegration centres<sup>20</sup> and guidance centres; these are special centres responsible for overseeing the social reintegration of juvenile offenders and fostering changes in their behaviour in order to prevent recidivism.
- Enshrines a broad range of rights and guarantees, establishing that adolescents are criminally responsible but not in the same way as adults.<sup>21</sup>

69. The State provided information on the implementation of article 24 of the Convention in paragraph 118 of its second periodic report to the Committee.

#### **Articles 16 (5–9), 18 and 19: Right to procedural guarantees**

70. As mentioned in the second periodic report (paras. 119–143), foreign migrants are covered by the legal safeguards established in the Constitution and domestic law.

71. In accordance with the Constitution, the Migration Act establishes that foreign migrants are entitled to the assistance of an interpreter during their trial.<sup>22</sup>

72. In addition, the Protocol for Public Defenders<sup>23</sup> (annex 20) stipulates that public defenders should request that the relevant prosecutor take steps to ensure the presence of a diplomatic representative of the country of origin, in order to protect the migrant's right to consular assistance, and the presence of an interpreter in court and while statements are taken.

#### **Article 20: Prohibition of imprisonment, deprivation of authorization of residence and/or work permit and expulsion merely on the ground of failure to fulfil an obligation arising out of a work contract**

73. In keeping with the Constitution, article 48 of the Migration Act provides:

Foreign migrants admitted to and authorized to remain in the Plurinational State of Bolivia on a short-term, temporary or permanent basis may engage in any paid or profitable task or activity, as a self-employed worker or an employee, while enjoying the protection and rights enshrined in labour and social security legislation. Employers must strictly observe the employment laws in force, and the rights and social benefits enjoyed by foreign migrants shall not be affected by the work that they may perform, regardless of their migration status. In addition, companies that provide services in Bolivian territory and employ foreign workers must be subject to the Bolivian regulations in force.

74. Supreme Decree of 24 May 1939, the General Labour Act, which was raised to the status of an act on 8 December 1942, provides that, in cases of total or partial failure to fulfil a work contract, the employer may terminate that contract.<sup>24</sup>

75. Thus, the labour rights of foreign migrant workers are ensured and protected in the Plurinational State of Bolivia, for such workers cannot be expelled on the ground of failure to fulfil an obligation arising out of a work contract, let alone imprisoned or deprived of their work permit (possible grounds for obligatory departure are described below).

**Articles 21–23: Protection from confiscation and/or destruction of identity papers and other documents; protection against collective expulsion; and the right to recourse to consular or diplomatic protection and assistance**

76. As regards article 21 of the Convention, under article 25 (II) of the Constitution<sup>25</sup> and the Migration Act, the General Directorate of Migration does not have the authority to confiscate the personal documents, including passports, of foreign migrants; therefore, if the Directorate ascertains, upon verification, that a foreign migrant is in possession of fake or falsified documents, he or she will be denied entry to Bolivian territory.<sup>26</sup>

77. In addition, the Criminal Code defines the suppression or destruction of documents as a criminal offence,<sup>27</sup> stipulating that anyone who suppresses, conceals or destroys all or part of a document to the detriment of the holder of that document is liable to a prison sentence of 2 to 8 years.

78. As regards the application of article 22 of the Convention, the Migration Act does not provide for collective expulsions; on the contrary, when it comes to obligatory departure, each case is examined and assessed individually, with due regard for the relevant constitutional guarantees, once the relevant administrative procedure<sup>28</sup> has been carried out by the General Directorate of Migration.

79. Article 38 of the Migration Act establishes that obligatory departure may be imposed on the following persons:

...

1. Persons who have entered or left national territory in an irregular manner and have not regularized their migration status, failing to comply with warnings issued and notified to them within the time frames established by the migration authority, except persons whose legal domicile is in a border area and who have documentary proof of that fact.

2. Persons who have remained in national territory irregularly without having regularized their migration status, failing to comply with warnings issued and notified to them within the time frames established by the migration authority.

3. Persons who have been convicted, without provision for rehabilitation, for crimes against humanity, human smuggling or trafficking, arms trafficking, money-laundering, controlled substances, genocide, war crimes or terrorism, in accordance with the relevant treaties and international conventions.

4. Persons subject to an expulsion order issued in accordance with the law who have failed to comply with it, or who have complied with such an order but failed to observe the time period established therein, if the order was a temporary one.

5. Persons who have avoided border controls.

6. Persons who have presented fake or falsified documents.

80. If the obligatory departure affects the rights of children and adolescents, the General Directorate of Migration must immediately notify the Office of the Ombudsman for Children and Adolescents and the consulate of the country of origin.<sup>29</sup>

81. In addition, the Migration Act stipulates that, if migrant workers are ordered to leave the country, they must receive the wages, social benefits and other entitlements due to them;<sup>30</sup> this provision protects their labour rights.

82. Obligatory departure is suspended when it is proved that he or she is an immediate family member, adoptive parent or child, or legal guardian or ward of a Bolivian person, provided that any marriage or de facto union recognized by judicial authority was solemnized prior to the commission of the act giving grounds for the decision of obligatory departure, except as provided in article 38 (I) (3) of the Migration Act.

**Articles 25, 27 and 28: Principle of equality of treatment in respect of: remuneration and other conditions of work and terms of employment; social security; and the right to receive urgent medical care**

83. As mentioned in the second periodic report to the Committee, articles 14 (V) and (VI),<sup>31</sup> 49 (II) and (III),<sup>32</sup> 35<sup>33</sup> and 46<sup>34</sup> of the Constitution remain in force, ensuring the application of articles 25, 27 and 28 of the Convention.

**Articles 29–31: Right of a child of a migrant worker to a name, registration of birth and nationality; access to education on the basis of equality of treatment; and respect for the cultural identity of migrant workers and members of their families**

84. Article 108 of the Code on Children and Adolescents, which takes precedence in its application to all children and adolescents in the country, guarantees the right to a nationality, stipulating that “children and adolescents shall acquire Bolivian nationality at the time of their birth in the territory of the Plurinational State”. The right to an identity is also guaranteed, subject to article 109 of the Code, which provides: “Children and adolescents have the right to their own individual name and two surnames, paternal and maternal; or a single surname of either the mother or the father and a conventional surname; or, failing that, two conventional surnames.”

85. In that regard, the Civil Registration Service is developing short, free procedures to enable all children and adolescents to exercise their right to an identity and filiation; one innovation is the installation of booths for the registration of newborns in maternity centres and hospitals.

86. In addition, as regards access to education, article 115 of the Code on Children and Adolescents provides:

I. Children and adolescents have the right to free, comprehensive and quality education, aimed at the full development of their personality, abilities, and physical and mental capacities.

II. Children and adolescents have the right to a high-quality, nurturing, intracultural, intercultural and multilingual education that allows them to develop fully as individuals, prepares them for the exercise of their rights and civic responsibilities, teaches them respect for human rights, intercultural values and the importance of looking after the environment, and qualifies them for work.

87. Accordingly, the Ministry of Education issued Ministerial Decision No. 001/2018, laying down procedures for the planning, organization, implementation, monitoring and evaluation of education management in the mainstream education subsystem in 2018, as part of the universalization of the productive social and community educational model established by the Avelino Siñani – Elizardo Pérez Education Act No. 070 of 20 December 2010 (annex 21). This Decision prohibits all members of the education community from showing or engaging in any racist, discriminatory or exclusionary attitude or action during student enrolment, pursuant to Act No. 045 of 8 October 2010 against racism and all forms of discrimination.<sup>35</sup> It also stipulates that the children of foreign migrants should be given priority when enrolling in State, private and faith schools.<sup>36</sup>

88. The right to culture is also guaranteed, under article 120 of the Code on Children and Adolescents: “Children and adolescents have the right to: (a) Enjoy recognition, respect and encouragement of their knowledge and experience of the culture to which they belong or with which they identify; (b) Participate freely and fully in cultural and artistic life in keeping with their identity and community.”

**Articles 32 and 33: Right to transfer earnings, savings and personal belongings; right to be informed on the rights arising from the Convention and dissemination of information**

89. The Migration Act, in keeping with the Constitution and the Convention, guarantees the right of migrant workers to transfer their earnings and savings, including the funds necessary to support their families, to their country of origin or any other country, in accordance with the relevant international agreements and national legislation.

90. In the Plurinational State of Bolivia, the transfer of earnings is regulated by Financial Services Act No. 393 of 21 August 2013 (annex 22), which stipulates that the Financial System Supervisory Authority is responsible for monitoring compliance with the regulations that govern financial intermediation and supplementary financial services; it also stipulates that such services include transfers and remittances.

91. Regulations on the transfer of international remittances, which govern incoming and outgoing transfers of that kind, were approved by the Central Bank of Bolivia through Decision No. 071/2012 of 19 June 2012 of the Board of Directors.

92. As regards article 33 of the Convention, the General Directorate of Migration has disseminated information that is relevant to foreign migrants through print and audiovisual media; this has involved the design, production and widespread dissemination of material nationwide, in line with its communication strategy. Over the course of 2014, it printed 349,265 copies of material such as the INFOMIG newsletter, posters, leaflets, flyers, handbooks, stickers, signs and so on; it also produced television and radio advertisements to be broadcast on various media.

93. The General Directorate of Migration has also set up migration advice and guidance desks for users at the national level. Each desk handles more than 2,000 queries per month.

94. The General Directorate of Migration responds promptly and responsibly to questions, complaints and suggestions from users via social networks, which serve as useful and efficient tools for interacting with users.

95. Through the website of the General Directorate of Migration, Bolivian and foreign nationals are provided with prompt and transparent access to information on migration issues, including institutional information and the applicable national and international regulations; they are also able to track the progress of their immigration procedures and learn about the requirements associated with new administrative procedures, as well as other benefits and services offered by the Directorate.

### **C. Part IV of the Convention: Other rights of migrant workers and members of their families who are documented or in a regular situation**

#### **Article 37: Right to be informed before departure of the conditions of admission to the State of employment and of the conditions applicable to remunerated activities**

96. The State provided information on the implementation of this article of the Convention in paragraph 167 of its second periodic report to the Committee.

#### **Articles 38 and 39: Right to be temporarily absent without effect upon their authorization to stay or work in the country; right to liberty of movement and to freely choose their residence in the territory of the State of employment**

97. Reaffirming the rights enshrined in the Constitution, the State ensures that foreign migrants are able to exercise and enjoy the right to migration on the basis of the principles of equality, universality and reciprocity and the freedom to reside, stay and travel anywhere within Bolivian territory, as stipulated in article 12 (II) (1) of the Migration Act.

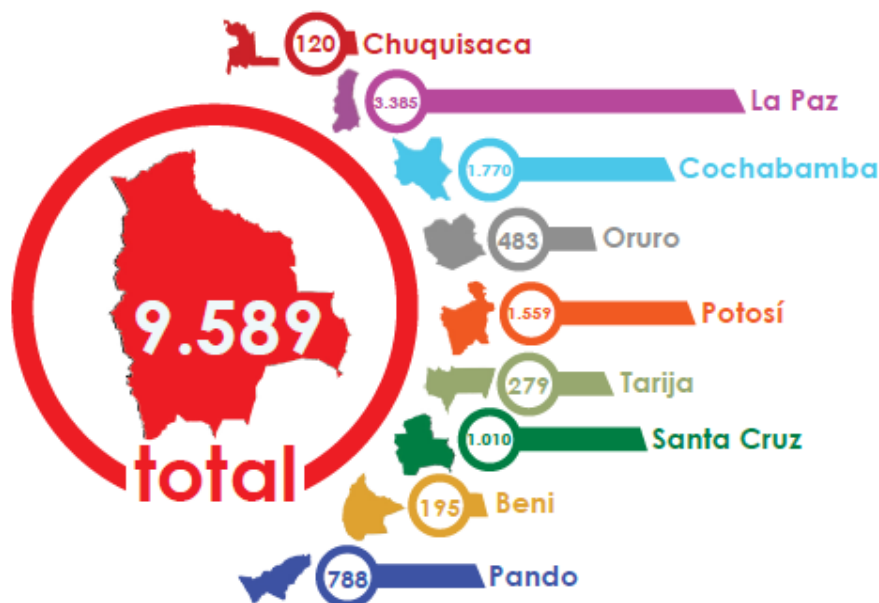
#### **Articles 40–42: Right to form associations and trade unions; right to participate in public affairs of their State of origin and to vote and be elected at elections of that State; procedures and institutions taking care of the needs of migrant workers and possible enjoyment of political rights in the State of employment**

98. As stated in the second periodic report to the Committee, articles 21 (4) and 51 (I) of the Constitution remain in force, ensuring the implementation of article 40 of the Convention.

99. In addition, the Ministry of Labour, Employment and Social Welfare has been providing training for workers on trade union rights, thus helping to ensure the exercise of these rights. Training of this kind was provided nationwide for 9,589 workers in 2016 and 11,205 workers in 2017.



Figure 1  
**Number of workers who received training on trade union rights in 2016**  
 (By department)



Source: Ministry of Labour, Employment and Social Welfare, General Directorate of Trade Union Affairs.

Figure 2  
**Number of workers who received training on trade union rights in 2017**  
 (By department)



Source: Ministry of Labour, Employment and Social Welfare, General Directorate of Trade Union Affairs.

100. In accordance with the Constitution, the Migration Act reaffirms the right of foreign migrants to establish and join associations and to take part in municipal elections.<sup>37</sup>

**Articles 43, 54 and 55: Principle of equality of treatment with nationals of the State of employment in relation to the issues indicated; equality of treatment as to protection against dismissal, unemployment benefits and access to public work schemes and alternative employment; and equality of treatment in the exercise of a remunerated activity**

101. Reaffirming the provisions of the Constitution, article 12 of the Migration Act stipulates that: “Foreign migrants shall enjoy, on an equal basis with nationals, the rights enshrined in the Constitution, national legislation and the international instruments to which the State is a party.” The State therefore fully upholds the principle of equality of treatment with respect to the rights enshrined in articles 43, 54 and 55 of the Convention.

**Articles 44 and 50: Protection of the unity of the families of migrant workers and reunification of migrant workers with their families; consequences of the death of a migrant worker or dissolution of marriage**

102. The Family and Family Procedure Code (annex 23), which was promulgated by means of Act No. 603 of 19 November 2014, governs the rights of families, family relations and the rights, duties and obligations of family members, without discrimination or distinction of any kind.

103. Article 3 of the Code sets forth the principles and values that underpin the rights of families, such as responsibility, respect, solidarity, comprehensive protection, prevailing interests, the principle of benefit of law, family unity, equal opportunities and the common good. It also states that the social rights of families include, but are not limited to, the following:

- (a) The right to practise *buen vivir* (the right way of living), which is a condition for the development of a well-balanced material, spiritual and physical life, in harmony with the natural, social and family environment;
- (b) The right to work of the person or people responsible for taking care of the family;
- (c) The right to social security;
- (d) The right to decent housing;
- (e) The right of family members to training and continuous learning, in keeping with human rights principles and values;
- (f) The right to express their identity and culture and to use cultural practices and material that promote intercultural dialogue and peaceful and harmonious coexistence;
- (g) The right of families to privacy, autonomy, equality and dignity, without discrimination;
- (h) The right to safety and protection for a life without violence or discrimination, with access to specialized advice for each and every family member;
- (i) The right to participate and be included in the overall development of society and the State;
- (j) The right to rest and recreation as a family;
- (k) The right to social recognition of family life;
- (l) Other rights arising from situations of vulnerability, family recomposition, migration and forced displacement, natural disasters or other situations.

104. The Code also reaffirms the State's obligation to protect families, respecting their diversity and taking steps to ensure their integration, stability, well-being and social, cultural and economic development so that all family members are able to perform their duties effectively and exercise their rights.

**Articles 45 and 53: Enjoyment of equality of treatment for members of the families of migrant workers in the areas indicated and measures taken to ensure the integration of children of migrant workers in the local school system; and the right of members of a migrant worker's family to freely choose a remunerated activity**

105. Information about the implementation of articles 45 and 53 of the Convention is provided in paragraphs 83, 86, 87 and 133.

**Articles 46–48: Exemption from import and export duties and taxes in respect of personal effects; right to transfer earnings and savings from the State of employment to the State of origin or any other State; imposition of taxes and avoidance of double taxation**

106. As mentioned in the State's second periodic report, household goods are governed by General Customs Act No. 1990 of 28 July 1999 and are not subject to import tax.

107. As regards the implementation of article 47 of the Convention, Financial Services Act No. 393 of 21 August 2013 specifies the rights of financial consumers, including both Bolivians and foreign nationals, as follows:

Article 74. ...

(a) To gain equal access to financial services, without discrimination on the basis of age, gender, race, religion or cultural identity;

(b) To receive financial services that correspond to their economic interests in terms of quality, quantity, timeliness and availability;

(c) To receive reliable, comprehensive, complete, clear, understandable, timely and accessible information from financial institutions on the characteristics and conditions of the financial products and services that they offer;

(d) To receive good service and decent treatment from financial institutions, which must practise due diligence at all times;

(e) To have access to efficient means or channels of complaint if the financial products and services received do not meet the requirements set out in the paragraphs above;

(f) To enjoy confidentiality, subject to the exceptions established by law;

(g) To make enquiries, claims and requests.

108. Migrant workers are therefore guaranteed the right to transfer their earnings and savings, including the funds necessary to support their families, to their country of origin or any other country.<sup>38</sup>

109. Regarding the implementation of article 48, all persons, whether natural or legal, Bolivian or foreign, are required to meet their tax obligations,<sup>39</sup> which depend on the type of economic activity they carry out. Economic activities may be subject to national taxes such as value added tax (VAT), transaction tax, business profit tax, personal income tax and excise duty. Foreign nationals and members of their families are subject to the same tax regulations as nationals, which means they face the same tax burdens.

**Articles 51 and 52: Right of migrant workers who are not permitted freely to choose their remunerated activity to seek alternative employment in case of termination of the remunerated activity for which they were admitted; and the conditions and restrictions that apply to migrant workers who can freely choose their remunerated activity**

110. Under article 49 of the Migration Act, migrant workers may freely choose a remunerated activity or seek alternative employment in the event of termination of their activity.

**Articles 49 and 56: Authorization of residence and authorization to engage in a remunerated activity; general prohibition and conditions of expulsion**

111. Article 27 of the Migration Act refers to authorization to stay, which is granted by the General Directorate of Migration to foreign migrants, allowing them to remain in Bolivian territory provided they meet the requirements set forth in the Act and its implementing regulations. Authorization to stay may also be granted under the international agreements and conventions ratified by the State.

112. Article 28 of the Migration Act lists the following types of residence permit:

1. Short-term residence permit for a specific purpose:
  - (a) Tourism or visit;
  - (b) Study;
  - (c) Work;
  - (d) Health;
  - (e) Family;
  - (f) Transit.

In such cases, the person is entitled to stay or reside in the country for a maximum of 180 days.

2. Temporary residence permit:
  - (a) Study;
  - (b) Work;
  - (c) Health;
  - (d) Family.

In such cases, the person is entitled to stay in the country for up to three years.

3. Permanent residence permits, which allow migrants to reside or remain in the country indefinitely, are granted to foreign migrants with a three-year residence permit, at their express request. Such permits may be extended to the migrant's spouse, dependent children and dependent parents, without the need for those persons to have a three-year residence permit.

113. The implementation of article 56 of the Convention is covered in paragraphs 75 to 82 of the present report.

**D. Part V of the Convention: Provisions applicable to the particular categories of migrant workers and members of their families specified in articles 57 to 63 of the Convention**

114. The Migration Act identifies labour migration as a category of migration and defines it, in article 4 (14), as “the voluntary transfer of persons from one State to another, either temporarily or permanently, for the purpose of work”. The Act also contains a chapter devoted to the rights of migrant workers.

115. The Act provides for temporary residence permits for the purpose of work, which are intended for persons who engage in a profitable paid activity as a self-employed person or an employee or who carry out activities under State or private agreements or conventions, in Bolivian territory; their validity period depends on the duration of the activity (up to a maximum of three years). The Act also provides for short-term residence permits for the purpose of work, which share the same characteristics but are limited to a period of 180 days.

**E. Part VI of the Convention: Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families**

**Article 65: Establishment of appropriate services to deal with questions concerning international migration of workers and members of their families**

116. When it comes to international migration and consular affairs, the State works to foster and consolidate the concept of diplomacy of the peoples for life, respect for and promotion and protection of human rights, decent living conditions, the right to migrate and the right not to migrate, as well as sovereignty, integration and solidarity among the peoples of the world, particularly in the Latin American region.

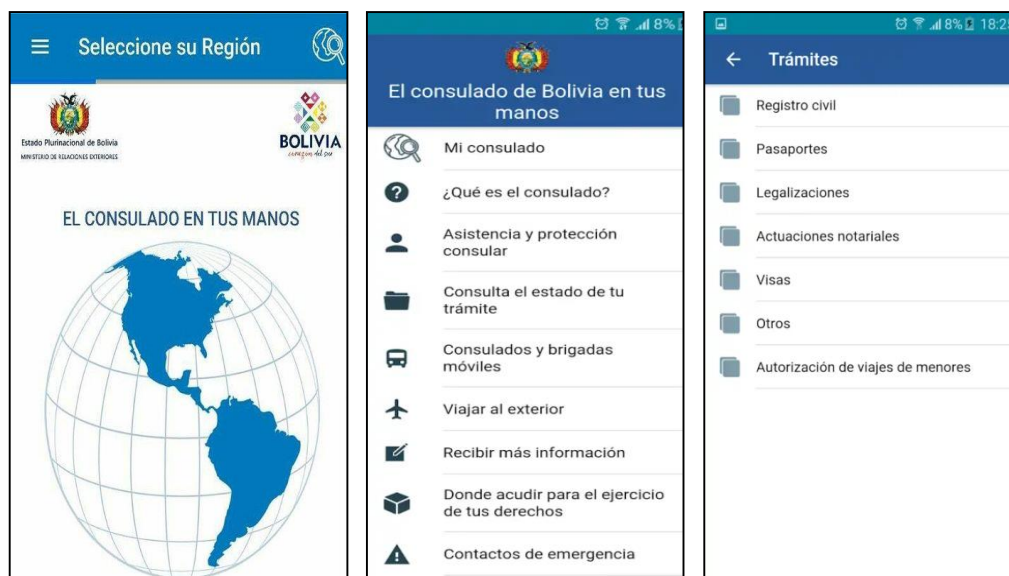
117. The General Directorate of Migration is the entity that is responsible for managing the migration system at the national level; its task, as an institution, is to regulate the movement of persons entering, travelling through, staying in and leaving Bolivian territory and to establish institutional forums for coordination to ensure the rights of Bolivian and foreign migrants, in accordance with the Constitution, the international human rights instruments ratified by the State and the legislation in force.

118. Accordingly, the General Directorate of Migration has adopted various measures to ensure the right of foreign migrants to the provision of appropriate information, as mentioned in paragraphs 92 to 94 of the present report.

119. The Bolivian Consular Network has been set up to ensure quality of service through assistance, protection, defence and promotion of the rights of Bolivians, as well as the development and implementation of policies, plans, programmes and projects within its areas of competence.

120. There is a mobile telephone application called “Consular Application: the Consulate in Your Hands” that enables Bolivians abroad to access basic information on consular assistance and support services, both to protect their rights and to monitor procedures concerning them.

### “Consular Application: the Consulate in Your Hands”



121. Websites for the various Bolivian consular posts around the world have been developed and launched as a means of providing information about services, procedures, consular and tourist assistance and other matters.<sup>40</sup>

122. In addition, since September 2017, the Office of the Ombudsman has been operating a migrant support system whereby Bolivians abroad can file complaints about violations of their rights through a virtual platform<sup>41</sup> in order to receive support and guidance from the Office of the Ombudsman.

#### **Article 66: Authorized operations and bodies for the recruitment of workers for employment in another State**

123. The Public Employment Service is a free national service that can be used by anyone over 18 years old who needs to find a job. The Service aims to:

- Facilitate coordination between jobseekers (supply) and labour needs (demand)
- Help companies to find candidates to fill their vacancies (job placement)
- Advertise job vacancies through an online platform
- Link labour supply and demand with employment projects

124. In addition, the Ministry of Labour, Employment and Social Welfare has launched the Employment Support Programme II, with a view to enabling more than 25,000 persons over 18 years old to find employment in economic units in departmental capitals, regardless of their educational background.

#### **Article 67: Measures regarding the orderly return of migrant workers and members of their families to the State of origin, their resettlement and their cultural reintegration**

125. With regard to the benefits granted to returning Bolivians, the Migration Act provides for:

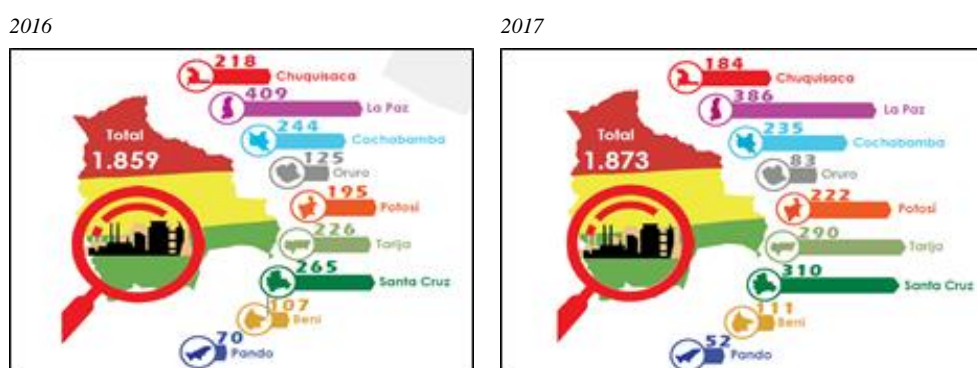
- The duty-free import of household goods (personal belongings and work tools)
- The recognition of skills and abilities acquired abroad through a certificate issued by the Ministry of Education
- Unrestricted access to inclusive education for the children of returning Bolivians

**Article 68: Measures aimed at the prevention and elimination of illegal or clandestine movements and employment of migrant workers in an irregular situation**

126. The Ministry of Labour, Employment and Social Welfare and the police carry out joint inspections and operations in employment agencies in cities along the country’s central axis, in order to monitor compliance with labour regulations and protect workers’ rights.

127. The Ministry of Labour, Employment and Social Welfare also carries out labour and technical inspections in workplaces in order to monitor compliance with labour regulations. It performed 1,859 labour inspections in 2016 and 1,873 labour inspections in 2017 nationwide.

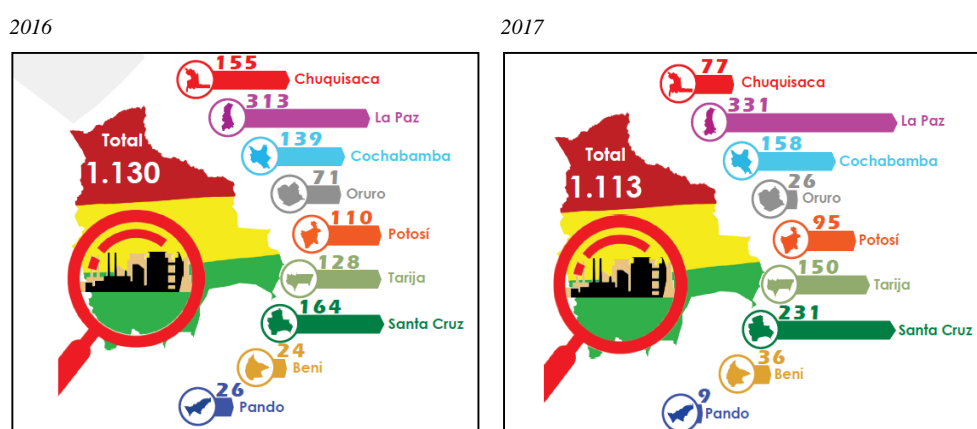
Figure 3  
**Number of labour inspections carried out**  
 (By department)



Source: Ministry of Labour, Employment and Social Welfare.

128. The Ministry of Labour, Employment and Social Welfare also carried out 1,130 technical inspections in 2016 and 1,113 technical inspections in 2017 nationwide; these inspections, which focus on aspects such as lighting, ventilation, fire protection and electrical equipment, are designed to ensure compliance with occupational health and safety regulations.

Figure 4  
**Number of technical inspections carried out**  
 (By department)



Source: Ministry of Labour, Employment and Social Welfare.

129. Information on the number of employment-related complaints from migrant workers that have been handled by the Ministry is provided below.

**2017**

<i>Department</i>	<i>Number of complaints</i>
La Paz	42
Cochabamba	61
Santa Cruz	117
<b>Total</b>	<b>220</b>

*Source:* Ministry of Labour, Employment and Social Welfare.<sup>42</sup>

**Article 69: Measures taken to ensure that migrant workers who are within the territory of the State party and are in an irregular situation do not remain in that situation and circumstances that should be taken into account in regularization procedures**

130. Since 2013, the General Directorate of Migration has been designing and implementing plans for regularization of the status of migrants, pursuant to article 7 (II) (1) of the Migration Act, as detailed below.

<i>Year</i>	<i>Title of plan</i>	<i>Persons concerned</i>	<i>Legal instrument</i>	<i>Outcome</i>
2013–2016	Regularization of the status of Mennonite migrants and the exercise of rights and obligations under current legislation	Mennonites residing in Bolivian territory	Administrative Decision No. 05/2013 of 12 June 2013	Approximately 5,100 Mexican, Canadian and Paraguayan nationals belonging to Mennonite communities regularized their migration status
2013–2014	Amnesty and regularization for foreign migrants	Foreign migrants of irregular status residing in Bolivian territory	Supreme Decree No. 1800 of 20 November 2013	1,373 foreign nationals were granted two-year residence permits 9,178 foreign nationals were issued with foreign national identity cards
2015	Plan for regularization of the status of foreign university students in Bolivia – 2015	Foreign university students of irregular status residing in Bolivian territory	Administrative Decision No. 69/2015 of 6 June 2015	685 students in Santa Cruz Department 444 students in Cochabamba Department 68 students in La Paz Department 177 students in Oruro Department
	Plan for regularization of the status of foreign nationals working in public enterprises	Foreign nationals of irregular status residing in Bolivian territory		33 foreign nationals
	Approval of new costs for refugees wishing to obtain Bolivian nationality by naturalization	Foreign nationals with refugee status in Bolivian territory	Ministerial Decision No. 050/2016 of 9 March 2015	9 persons



<i>Year</i>	<i>Title of plan</i>	<i>Persons concerned</i>	<i>Legal instrument</i>	<i>Outcome</i>
	Plan for regularization of the status of foreign nationals from member States and associated States of the Southern Common Market (MERCOSUR) residing in the Provinces of Ángel Sandoval and Velasco; in San Matías from 3 to 17 November 2015 and in San Ignacio from 18 November 2015 to 3 December 2015	Foreign nationals of irregular status residing in the Provinces of Ángel Sandoval and Velasco in Santa Cruz Department.	Administrative Decision No. 162/2015 of 6 October 2015	92 persons were granted a MERCOSUR two-year residence permit in San Matías  79 persons were granted a two-year residence permit in San Ignacio

*Source:* General Directorate of Migration.

131. On 1 November 2016, Supreme Decree No. 2965 was promulgated; this decree provided for the exceptional regularization of the status of foreign nationals residing in Bolivian territory in an irregular situation. Applications had to be submitted within 12 months of the publication of the decree. The results were as follows:

<i>Type of permit</i>	<i>Quantity</i>
Two-year residence permit – migration regularization for family reasons	269
Two-year residence permit – migration regularization for family reasons, minors	30
Two-year residence permit – migration regularization for study	140
Two-year residence permit – migration regularization for work	100
Two-year residence permit – migration regularization for work under a private agreement	1
<b>Total</b>	<b>540</b>

*Source:* General Directorate of Migration.

132. Supreme Decree No. 3676, which provides for regularization of the status of foreign nationals residing in Bolivian territory in an irregular situation, was promulgated on 3 October 2018.

**Article 70: Measures taken to ensure that the living conditions of migrant workers and members of their families in a regular situation are in keeping with standards of fitness, safety and health and with the principles of human dignity**

133. Pursuant to the Constitution, foreign migrants enjoy the rights enshrined in the Constitution, national legislation and the international instruments to which the State is a party, on an equal basis with nationals.

**Article 71: Repatriation of the bodies of deceased migrant workers or members of their families and compensation matters relating to the death**

134. The State provided information on the implementation of this article of the Convention in paragraph 227 of its second periodic report to the Committee.

## IV. Compliance with the Committee's recommendations

### A. Principal subjects of concern, suggestions and recommendations

#### 1. General measures of implementation (arts. 73 and 84)

##### Legislation and application

###### *Recommendation in paragraph 11*

135. The State party has taken full cognizance of the observations and recommendations made by the Committee after its consideration of the initial report (CMW/C/BOL/1) and the second periodic report of the Plurinational State of Bolivia (CMW/C/BOL/2). For that reason, and in conformity with the provisions of the Convention, the competent bodies of the Bolivian State have adopted legislative measures and taken steps towards the full recognition of the rights of foreign migrants.

###### *Recommendation in paragraph 13*

136. The adoption of Act No. 370 of 8 May 2013, the Migration Act, was a major step forward in recognizing the rights of foreign migrants, since this Act regulates the situation of foreign migrants in the country and establishes institutional coordination mechanisms to protect the rights of Bolivian and foreign migrants in accordance with the Constitution and the international human rights instruments ratified by the State.<sup>43</sup>

137. The Act is guided by the principles<sup>44</sup> set forth in the Constitution and by unconditional respect for human rights. Thus, it is established under article 12 (II) of the Act that foreign migrants have rights on an equal footing with nationals, including health and sexual and reproductive rights, and the right to migrate, to engage in a remunerated activity independently or for an employer, to vote in municipal elections, to seek and be granted refuge, and to establish and join associations. Other rights provided for under the article in question include the right to an adequate environment and housing, work, social security, basic social services and benefits, access to basic and higher education, individual and collective petition, freedom of residence, sojourn and movement throughout Bolivian territory, family reunification with parents, spouses, dependent children or older children with disabilities, freedom of thought, spirituality, religion and worship, freedom to express and disseminate thoughts or opinions, access to information, and freedom from gender-based violence and situations of vulnerability that women may suffer owing to migrant status.

138. The Act also sets forth the duties of foreign migrants who are in the country.

139. It further provides for the award of an identity card with indefinite validity for foreigners aged over 60 years of age who hold permanent residence.<sup>45</sup>

140. Moreover, in compliance with the Convention, the Migration Act contains a chapter on the rights of migrant workers admitted to and authorized to work in the Plurinational State of Bolivia, including the following rights:

##### Article 49 ...

1. To be informed by the competent State authorities of all conditions applicable to their admission and particularly those relating to their residence.
2. To freely choose their remunerated activity and to seek alternative employment in the event of the termination of their activity.
3. To participate with equal opportunity in labour associations and trade unions, except in situations that might jeopardize State security or public order.
4. To not be subjected to servitude, slavery, exploitation or forced labour.
5. To have the consular or diplomatic authorities of their country of origin be informed in the event of their arrest or detention.

6. To receive wages earned, social benefits and other entitlements, in the event of obligatory departure from the country.

7. To transfer their earnings and savings, in particular those funds necessary for the support of their families, to their country of origin or to any other country, in accordance with international agreements and national regulations.

8. If they are students, to exercise fixed-term or part-time remunerated activities to the extent that they do not hinder the pursuit of their studies.

9. To exercise other rights recognized in bilateral, regional or international conventions, treaties or agreements in the sphere of labour and social security, ratified by the Plurinational State of Bolivia.

10. To enjoy protection from gender discrimination, vulnerability to informal employment, job insecurity, a wage gap in comparison with national workers, and sexual harassment and gender-based bullying in the workplace, and to enjoy access to information and social support networks.

141. The Migration Act incorporates the guarantees laid down in the Constitution and the legal system in force in Bolivia for foreign migrants who enter or stay temporarily or permanently in the country. It also stipulates that organizations for the protection of immigrants that are legally constituted in the Plurinational State of Bolivia and registered with the General Directorate of Migration have an obligation to assist in safeguarding the rights of migrants.

142. The Act also establishes the National Migration Board, defines categories of sojourn and naturalization, enshrines the labour protection of migrant workers and the rights of Bolivians abroad, regulates migration caused by climate change and establishes specific regulations for operators involved in migration processes, including hotels, travel agencies and other service providers.

143. By virtue of the above, the Migration Act guarantees and promotes the fundamental rights of migrants, as required by the Constitution and in conformity with the international human rights instruments ratified by the Bolivian State, specifically the Convention.

*Recommendation in paragraph 15*

144. The Government, responding to the request made by the Committee in an official note sent in 2017, stated that it would make no declaration for the time being, but would re-examine the advisability of doing so at a later date.

*Recommendation in paragraph 17*

145. Bolivia ratified the ILO Domestic Workers Convention, 2011 (No. 189)<sup>46</sup> pursuant to Act No. 309 of 20 November 2012, thereby affirming its commitment to ensuring the promotion and protection of the human rights of domestic workers in the country.

146. In recent years the Government has taken steps and measures for the benefit of foreign migrants in compliance with the ILO Migration for Employment Convention (Revised), 1949 (No. 97), and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

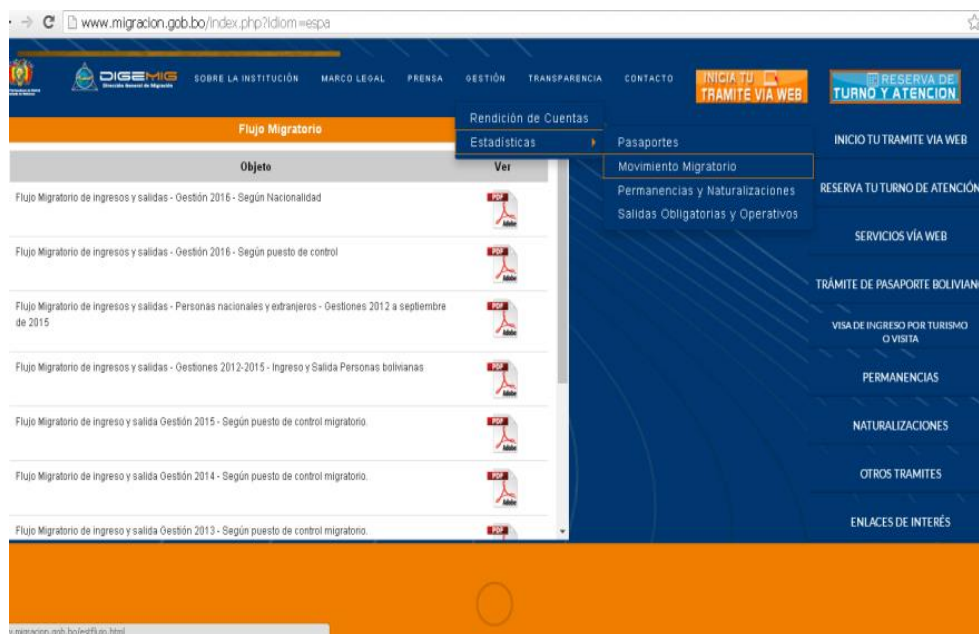
**Data collection**

*Recommendation in paragraph 19*

147. The National Institute of Statistics, as the technical executive body of the national statistical information system, is responsible for directing, conducting, monitoring and coordinating statistical activities, and for collecting, processing and officially publishing statistical information on Bolivia, including on the subject of migration.

148. Furthermore, the registration and systems unit of the General Directorate of Migration – the authority responsible for managing migration statistics<sup>47</sup> for the purposes of public policy design – developed and implemented a single immigration database that

includes information on the migration status of foreign persons, the issuance of regular passports for nationals, migratory movements and impediments to travel.<sup>48</sup> It is located in and designed to be accessed and updated from the central database of the integrated migration monitoring system.



149. In addition, the Ministry of Labour, Employment and Social Welfare has a results-oriented annual operational programming system which allows departmental and regional labour offices to keep computerized records on attestations of foreign workers’ contracts, disaggregated by department and by month.

**Attestations of foreign workers’ contracts**

Department	2014	2015	2016	2017	Total
Chuquisaca	7	14	60	11	92
La Paz	238	-	26	131	395
Cochabamba	181	165	115	70	531
Oruro	86	95	76	33	290
Potosí	44	15	15	39	113
Tarija	53	56	55	19	183
Santa Cruz	721	1 173	873	497	3 264
El Beni	48	-	6	55	109
Pando	1	-	37	52	90
<b>Total</b>	<b>1 379</b>	<b>1 518</b>	<b>1 263</b>	<b>907</b>	<b>5 067</b>

Source: Ministry of Labour, Employment and Social Welfare – results-oriented annual operational programming system, as at 31 December 2017.

150. Furthermore, the Ministry of Labour, Employment and Social Welfare, in coordination with the Ministry of Health, the Ministry of Justice and Institutional Transparency and the Agency of Electronic Government and Information and Communication Technologies has been relying on a virtual administrative procedure office which, together with the Compulsory Register of Employers, is used to generate information on immigrants working in the Bolivian public and private sectors. That information may be used by other entities to give effect to the Committee’s recommendation and to Supreme Decree No. 3433 of 13 December 2017.<sup>49</sup>

151. Therefore, there is close and continuous coordination between the National Institute of Statistics and other authorities charged with generating data on migration.

### Training in and dissemination of the Convention

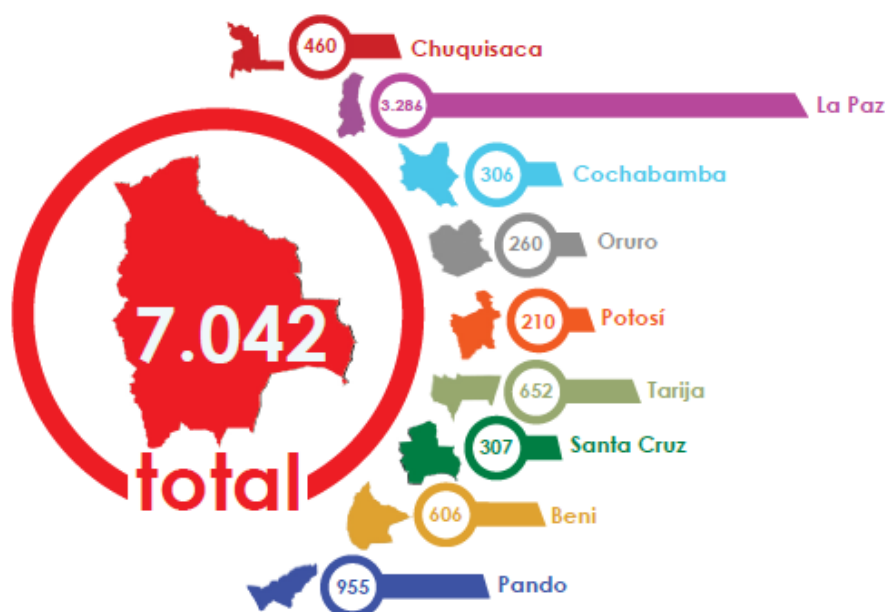
#### *Recommendation in paragraph 21 (a)*

152. The Ministry of Labour, Employment and Social Welfare has steadily promoted the training of public servants, of whom 4,319 in 2016 and 2,723 in 2017 received training on ethics, the administrative appeals system, workplace harassment, the labour regime, protection from dismissal and discrimination in selection processes, among other topics.

Figure 3

#### **Number of public servants trained, 2016 and 2017**

(By department)



Source: Ministry of Labour, Employment and Social Welfare.

153. In addition, in April 2018 the National Human Rights Directorate of the Bolivian police held a training workshop on protection of the rights of migrant workers and members of their families for police officials from the National Central Bureau of the International Criminal Police Organisation (INTERPOL), the National Directorate of Borders, the Crime Squad, the migration control police unit, the tourism police, the rural and frontier police, the Police Community of the Americas and the civil support group of the Bolivian police.

154. For the past five years, the General Directorate of Migration has run successive annual refresher courses in migration management with the aim of building institutional capacities to improve migration management at the border through the training of personnel involved in the protection of migrants, with a human rights perspective.

#### *Recommendation in paragraph 21 (b)*

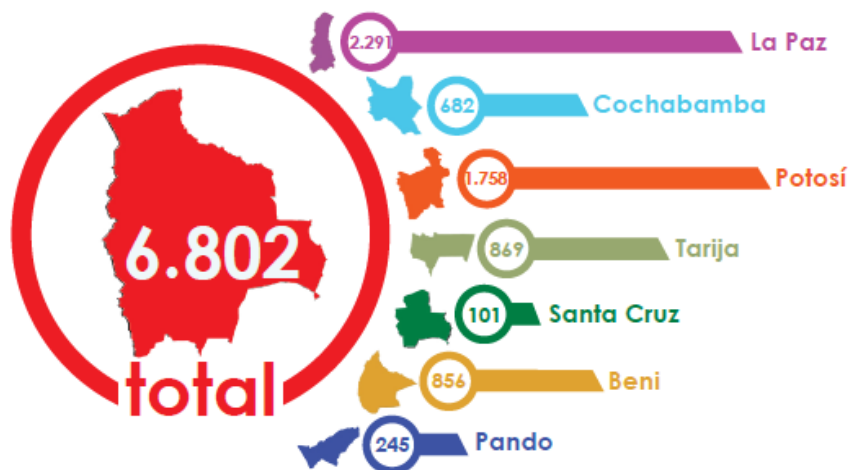
155. The public servants of the General Directorate of Migration who are responsible for migration control, upon admitting a foreign migrant who declares an intention of staying for work purposes, must inform him or her about his or her rights in Bolivia and the protection of those rights. Similarly, when foreign migrants are allowed to stay temporarily or permanently for work purposes, they are informed of their rights in accordance with the Migration Act.<sup>50</sup>

156. The Ministry of Labour, Employment and Social Welfare carries out training and educational processes, on the understanding that education empowers workers. Thus, in 2016 and 2017, education and training activities were carried out on subjects including

social and labour rights, occupational health and safety, trade union rights, fundamental rights, and issues related to cooperatives, the civil service and the ethics of change, thus increasing awareness of the laws and regulations that protect workers.

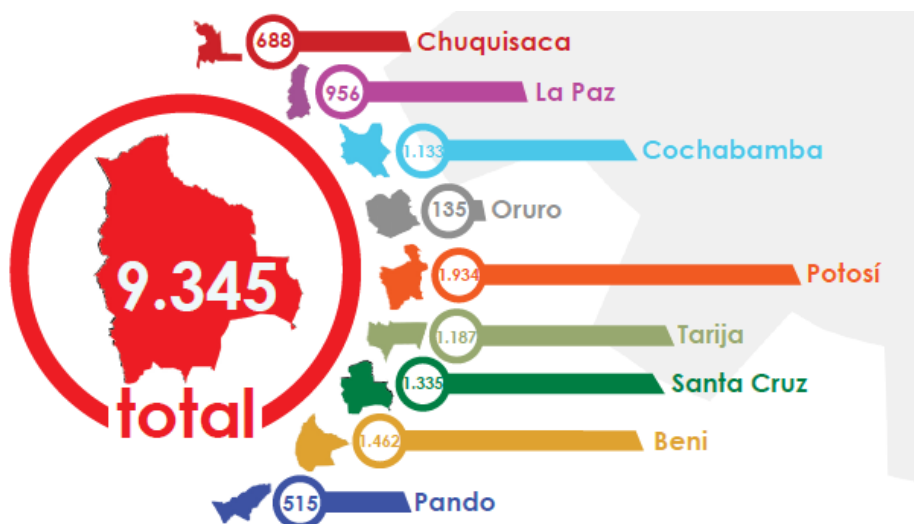
157. In terms of training on social and labour rights, workers are informed about the rights and obligations of workers and employers under labour legislation and are provided with printed educational materials. The Ministry of Labour, Employment and Social Welfare held 6,802 training events on social and labour rights in 2016, and 9,345 in 2017, significantly increasing coverage and reaching all departments of the country.

Figure 4  
**Number of workers and employers trained on labour rights, 2016**  
 (By department)



Source: Ministry of Labour, Employment and Social Welfare.

Figure 5  
**Number of workers and employers trained on labour rights, 2017**  
 (By department)



Source: Ministry of Labour, Employment and Social Welfare.

158. Since 2016, the Ministry has provided a user service platform whereby it deals with enquiries, complaints and formalities initiated by workers and employers at its service counters. These are open without interruption from 7.30 a.m. until 7.30 p.m. at the departmental labour offices in La Paz, Cochabamba and Santa Cruz; other departmental offices provide the same service during regular office hours. Opening the counters for 12

hours has afforded greater convenience for workers, allowing them to seek assistance at a time when they are available.

159. The Ministry also operates a free national helpline, 800-101044, so that workers, employers and the general public can make enquiries and receive information about labour law and employment promotion. Lastly, the Ministry website disseminates news in its area of competence, institutional information, press releases, labour regulations, newsletters, books through its “labour library” section, links of interest, forms, and other documents relevant to Bolivian and migrant workers. It also makes use of technological tools such as Facebook and Twitter.

*Recommendation in paragraph 21 (c)*

160. The General Directorate of Migration and the Ministry of Labour, Employment and Social Welfare plan to carry out further dissemination activities on the rights and obligations of migrant workers in Bolivia.

161. With a view to the adoption of the Global Compact for Safe, Orderly and Regular Migration, on 29 August 2017 the Ministry of Foreign Affairs held an international seminar on “Peoples’ Proposals for the Global Compact for Migration”, with the participation of civil society. Topics discussed included the Convention and recommendations related to the issue of combating human trafficking and smuggling.

## **2. General principles (arts. 7 and 83)**

### **Non-discrimination**

*Recommendation in paragraph 23*

162. As mentioned in paragraph 137 above, with the promulgation of the Migration Act, which recognizes rights enshrined in the Convention, the Government has taken a major step forward in recognizing the labour rights of migrant workers.

163. With regard to the Committee’s recommendation that the State party should train public servants; article 9 of Supreme Decree No. 762 of 5 January 2011<sup>51</sup> stipulates that public servants are under an obligation to: “1. Apply the principle of equality and non-discrimination in all actions undertaken in the exercise of public service; and 2. Take the refresher courses on values, public ethics, human rights, equality and non-discrimination taught by the Plurinational Public Management School, irrespective of the manner of their recruitment, contracting, appointment or designation.”

164. The National Committee against Racism and All Forms of Discrimination<sup>52</sup> adopted a multisectoral plan of action to combat racism and all forms of discrimination for the period 2016–2020,<sup>53</sup> which includes an action of “strengthening the education, training and awareness of members of the Bolivian police, border personnel and public servants in general on issues of human rights, racism and discrimination, so as to treat with dignity peoples affected by racism and discrimination, with an emphasis on ... migrants”.

165. Accordingly, from 2014 to 2016 four editions of a diploma course in human rights for the prevention of racism and discrimination<sup>54</sup> were held to develop public servants’ knowledge, abilities and attitudes for the formulation and implementation of public policies to prevent and combat racism and all forms of discrimination within the framework of human rights.

166. Similarly, in conformity with Act No. 139 of 14 June 2011, which declared that National Day against Racism and All Forms of Discrimination would take place on 24 May each year, a Plurinational Day against Racism and All Forms of Discrimination was held during the week of 24 May 2016 in the city of Cochabamba to raise awareness of the goals of eliminating discriminatory practices and racism in the educational, social and family spheres and building a generation that respects cultural differences. A plurinational campaign was conducted in support of National Day against Racism and All Forms of Discrimination.

167. In addition, the migration control police unit – an operational entity made up of trained and specialized personnel of the Bolivian police – held the following training courses:

- Awareness-raising workshops on institutional principles and values and on the ancestral principles of Ama Llulla, Ama Qhilla and Ama Suwa in the performance of police duties, with the goal of transmitting ethical and moral principles and values relating to the proper, equal and non-discriminatory treatment of persons in a human rights framework. The workshops were conducted in 2017 for 30 officials from the migration control police unit and the National Central Bureau of INTERPOL.
- Training in the detection of fake and/or falsified travel documents, within the framework of the human rights of nationals and foreigners. The training was carried out in 2016 for 40 police officials from the National Central Bureau of INTERPOL, the migration control police unit and the tourism police.
- An awareness-raising workshop on the rights, duties and guarantees of foreign migrants under Act No. 370, emphasizing the rights to work, to social security, to basic social services and benefits and to engage in a remunerated activity independently or for an employer. Held in 2016, the workshop was aimed at 20 representatives of foreign embassies, consulates and diplomatic missions in Bolivia and was designed to be shared with nationals of the countries represented.

### **Right to an effective remedy**

#### *Recommendation in paragraph 25*

168. In the framework of the control and monitoring powers attributed under Act No. 025 of 24 June 2010, the Judiciary Act (see annex 24), from 2012 to 2017 the national transparency unit of the Council of the Judiciary carried out activities in three functional areas: prevention of corruption, access to institutional information and the fight against corruption.

169. In the area of prevention, the Council of the Judiciary organized fairs with slogans such as “Justice Is Free” and “Let’s Build Justice for the People”, which were aimed at the whole population in all nine departments of the country, and at which information on the free Bolivian justice system was distributed in the form of leaflets, stickers and brochures.

170. Additionally, in keeping with an institutional policy of zero tolerance for corruption in the judiciary, a guide to complaints against the judiciary was published to inform litigants and the general public about recurrent misconduct involving public servants of the judiciary.

171. Regarding access to institutional information, the Council of the Judiciary held 12 public accountability hearings, ensuring social control through the presence of social organizations, authorities from various judicial bodies and courts, and the general public.

172. In 2016 and 2017, as part of its efforts to prevent corruption and enhance access to information, the Council of the Judiciary carried out two projects using the radio to disseminate information about the judiciary’s competences, powers, achievements and reach. The projects also concerned the fight against corruption, promoting a culture of reporting and zero tolerance for corruption in the judiciary.

173. Meanwhile, as mentioned in paragraphs 92 to 94, the General Directorate of Migration uses different mechanisms to provide foreign migrants with information about their rights and the authorities to which they should turn.

174. With regard to the second part of the Committee’s recommendation, it should be noted that the Public Prosecution Service maintains support and guidance platforms for citizens, including a unit that assists all those who contact the Service by providing them with information and advice on the services it offers. These include receiving written and oral complaints and reports on preventive police “direct action” procedures and, if necessary, referring non-criminal matters to the public and/or private institutions that may be able to resolve them. This mechanism preserves the secrecy of victims’ identity and



domicile, if they so request, thereby safeguarding their rights. Any person, without distinction as to sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religion, ideology, political or philosophical affiliation, marital status, social, economic or health status, profession, occupation or trade, level of education, different abilities and/or intellectual, sensory or physical disability, may approach the Public Prosecution Service to make a complaint.

175. The Public Prosecution Service has reported that it has been made aware of two cases<sup>55</sup> in the department of Cochabamba in which the victims appear to be migrant workers.

*Recommendation in paragraph 27*

176. According to information provided by the Ministry of Economy and Public Finance, 99.59 per cent of the total budget available to the Ombudsman's Office for 2018 is funded from the National Treasury.

**3. Human rights of all migrant workers and members of their families (arts. 8–35)**

*Recommendation in paragraph 29*

177. Article 32 of Supreme Decree No. 1923 establishes the following administrative procedure for obligatory departure, under the responsibility of the General Directorate of Migration:

...

(a) Notify the foreign national of the properly reasoned administrative decision ordering the obligatory departure;

(b) The foreign national shall have a period of three working days in which to challenge the administrative decision ordering his or her departure, before the authority that issued it, through an application for reconsideration;

(c) The authority to which the application for reconsideration is addressed shall have a period of 24 hours in which to uphold, reject or dismiss this remedy;

(d) The respondent authority shall notify the foreign national of its decision on the application for reconsideration, at the indicated address or electronically, 24 hours after it was issued;

(e) The foreign national shall then have a period of three working days to apply for hierarchical remedy from the level of authority above that which decided upon the application for reconsideration; the respondent authority, within 24 hours of receiving an application for hierarchical remedy, shall transmit the same to the higher authority;

(f) The higher authority shall have five working days in which to uphold or reject the disputed administrative decision;

(g) Within a further 24 hours, the higher authority shall transmit the disputed administrative decision upholding, dismissing or rejecting the challenge to the General Directorate of Migration;

(h) The General Directorate of Migration, within 24 hours of receiving the disputed administrative decision upholding, dismissing or rejecting the challenge, shall notify the foreign national at the indicated address or electronically;

(i) In the event that the disputed administrative decision of obligatory departure is rejected by the higher authority, then the foreign national must immediately take steps to regularize his or her migration status;

(j) In the event that the disputed administrative decision of obligatory departure is upheld by the higher authority, then the General Directorate of Migration must enforce it ...

178. Obligatory departure is determined in response to a serious administrative infringement and is applied with respect for due process and other guarantees established in the Constitution and the Migration Act, safeguarding the rights of the individuals subjected to this penalty, especially children and adolescents.

179. Obligatory departure is put into effect when the administrative decision is enforceable. However, on no account shall a foreign migrant be forced to leave the country when there are substantial grounds for believing that there is a danger or risk to his or her life and integrity.<sup>56</sup>

*Recommendation in paragraph 31*

180. Bolivia has targeted efforts to provide Bolivians abroad with a decent consular service that safeguards and protects their rights and interests. Accordingly, the network of Bolivian consulates was established following the adoption of Act No. 465 of 19 December 2013, the Foreign Service Act. An important component of the Ministry of Foreign Affairs, its purpose is to ensure the quality of the service by assisting, protecting, defending and promoting the rights of Bolivians abroad, with particular emphasis on vulnerable groups such as victims of human trafficking and smuggling, children and adolescents, detainees, people living on the streets and others. The consular network also issues and handles public documents which allow Bolivians living abroad to fully exercise their fundamental rights.

181. Pursuant to Act No. 967 of 2 August 2017, Bolivia ratified the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (the Apostille Convention) – concluded on 5 October 1961 in The Hague – with the objective of eliminating bureaucracy and saving Bolivians abroad and foreigners in Bolivia from having to legalize public documents.

182. Furthermore, the Migration Act establishes that diplomatic missions and consular offices have an obligation to protect and promote respect for the fundamental rights of Bolivians abroad and to take the relevant steps before the authorities of the host country to ensure respect for the rights and interests of Bolivians abroad.<sup>57</sup>

183. In that context, the consular network implemented programmes for the assistance and documentation of Bolivians in the main countries where they reside, improving coverage and service.

184. At the same time, the Ministry of Foreign Affairs has:

(a) Developed a consular border policy so that Bolivian consular offices are able to meet the needs of Bolivians residing in or transiting through border areas, in a timely and effective manner. The policy addresses consular and migration-related issues such as human trafficking and smuggling, penalties for illegal entry, seizure of foreign currency when crossing national borders, departure of unaccompanied minors, detention for drug trafficking, and discriminatory practices and ill-treatment perpetrated by immigration and customs authorities, among others. Its aim is to ensure the respect, promotion and protection of the human rights of all Bolivians residing abroad, especially in border regions;

(b) Through its consular network, contacted the authorities that are legally responsible for searching for missing persons in the host country, so that they can provide information on the whereabouts and situation of Bolivians who have gone missing. Similarly, in the framework of reciprocity and international cooperation, the Bolivian consular service sends requests to the competent authorities in Bolivia, including the National Police Command, the General Directorate of Migration, the judiciary and the General Directorate of Prisons, to conduct searches in Bolivia for foreign citizens who have lost contact with their families;

(c) Facilitated access to the right to an identity through the issuance of documents. The Bolivian consular service issues and handles public documents which permit and ensure the exercise of the right to an identity of Bolivians abroad, and consequently allows them to exercise other fundamental rights, such as the rights to work, to health and to education;

(d) Since 2013, the consular service has drawn up official certificates of birth, recognition of children, marriage and death, in all Bolivian consular offices worldwide, in accordance with the inter-institutional agreement of 23 November 2012 between the Supreme Electoral Court and the Ministry of Foreign Affairs. This agreement also establishes mechanisms for the integration of information technology systems in the area of civil registry and communication, thereby alleviating the heavy cost burden for those who visit consular offices to apply for a document;

(e) With regard to notarial acts, Act No. 465 and Act No. 483 of 25 January 2014, the Notarial Services Act, empower consular officials to authenticate signatures and to provide notarial services;

(f) Under Supreme Decree No. 449 of 17 March 2010 and Supreme Decree No. 705 of 20 November 2010, the Ministry authorized the establishment of data-collection centres to enable the issuance of machine-readable Bolivian passports to Bolivian citizens residing abroad. All offices of the Bolivian consular network now have public servants trained in the use of the relevant tools and have the equipment necessary for this work. The Ministry also prints and issues machine-readable passports from offices in Washington, D.C. and Madrid, allowing Bolivians residing in Europe, North America, Asia and Oceania to quickly receive their passport, with delivery time reduced from one year to just seven days;

(g) The Ministry has strengthened the Bolivian consular network by creating decent working conditions for staff and taking several measures to guarantee and ensure the provision of a high quality consular services for Bolivians abroad, including:

(i) The opening of new consular offices in the main cities where Bolivians reside;

(ii) The reorganization of consular districts, thus extending the supportive arm of the State in countries where the assistance demanded by Bolivians abroad was not provided previously;

(iii) The creation of “mobile consulates” and visiting teams to provide effective and timely consular assistance, protection, documentation and services to Bolivians abroad, even in the most remote locations, benefiting the Bolivian communities that live there and making it unnecessary for them to travel to the consulate, thus generating a financial saving for people with limited income;

(iv) The creation of the Colibrí (Hummingbird) consular computer system, a technological tool that modernizes consular administration by organizing, standardizing and disclosing data and information on the correct application of consular fees, accounting for the sale of revenue stamps, administrative procedures and documents issued, among others. This allows consular offices to provide an adequate service to Bolivian and foreign nationals abroad, while giving transparency to the functions performed by public servants and forestalling any initiatives to participate in criminal activities such as illegal demands for payment or bribes;

(v) Infrastructure improvements and refurbishment of consular offices.

185. Through all of these actions, the Government has positioned the consular authorities in such a way that their work benefits members of the Bolivian community living abroad, including by regularizing their migration status, protecting and defending their rights and strengthening their ties with the Plurinational State of Bolivia.

*Recommendation in paragraph 33*

186. As mentioned in paragraphs 137 and 140, the right to health of migrants is guaranteed under the Constitution and the Migration Act.

187. With the adoption of Act No. 475 of 30 December 2013, the Act on the Provision of Comprehensive Health Care of the Plurinational State of Bolivia, and Supreme Decree No. 1984 of 30 April 2014, inhabitants and residents in Bolivian territory gained the right to receive comprehensive health care,<sup>58</sup> including the following benefits: actions for the promotion of health and the prevention of disease, comprehensive outpatient treatment, hospitalization, complementary medical, dental and surgical treatment and diagnostic

services, and the provision of essential medicines, medical supplies and traditional natural products.

188. Concerning emergency medical treatment, the Ministry of Health published a national standard characterizing the national system for health emergencies<sup>59</sup> and national standards on ambulances and air ambulances,<sup>60</sup> all of which were developed under a programme for the strengthening of emergency medical care supported by the Spanish Agency for International Development Cooperation and the Pan American Health Organization<sup>61</sup> and designed to ensure timely, high-quality emergency medical care for all inhabitants and residents, including migrant workers and their families (annex 25).

189. The Ministry has also launched the 168 helpline, which has national coverage and allows the public to access emergency care and other services; it operates year round and can be used by foreign migrants.

190. Regarding social security benefits, the Migration Act reaffirms that foreign migrants may exercise and enjoy the right to social security and to basic social services and benefits. For that reason, the Social Security Code and its regulations must be applied to all nationals and foreigners who work in the country and who provide remunerated services for a natural or legal person.

191. In addition, Act No. 065 of 10 December 2010, the Pensions Act, establishes that employers have an obligation to act as withholding agent and to pay the insured person's obligatory and voluntary monthly contributions, obligatory contributions to the solidarity fund, a premium for common disability and survivors' insurance, administrative fees based on the insured person's total earnings, a further contribution to the solidarity fund that depends on the insured person's income, and third-party contributions in favour of their dependants.

#### **4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)**

##### *Recommendation in paragraph 35*

192. The right to freedom of association and the right to organize are expressly enshrined in articles 21<sup>62</sup> and 51<sup>63</sup> of the Constitution, in keeping with the Migration Act, and therefore both rights are fully guaranteed.

193. Furthermore, Supreme Decree No. 29894 of 7 February 2009 establishes that the Minister of Labour, Employment and Social Welfare has a duty to guarantee workers' representation, the freedom to form and join unions and to organize for the effective defence of their interests, and the preservation of their heritage.<sup>64</sup>

194. For this reason, the Ministry of Labour, Employment and Social Welfare, through Ministerial Decision No. 832 of 14 September 2016, established the requirements and the procedures that trade union organizations should observe before the Ministry, such as obtaining recognition of leadership and a declaration that leaders are assigned to union duties, obtaining legal personality, adopting a founding statute and internal regulations, and changing the name of the union and/or amending its statute and/or internal regulations, (annex 26).

195. Regarding the Committee's concern that certain articles of labour legislation might impede the exercise by migrant workers of the right to form or join a trade union, it is stated in paragraphs 65 and 140 above that the Migration Act recognizes this right. Articles 6 (c) and 7 of Decree-Law No. 2565 are no longer in force.

##### *Recommendation in paragraph 37*

196. In preparation for the 2014 general elections, in 2013 the Supreme Electoral Court, as the highest authority of the Plurinational Electoral Bureau, conducted a continuous voter registration exercise in which 183 registration points were deployed in two phases at 67 consulates in 33 countries. In total 195,309 Bolivian voters living abroad were registered (annex 27).

197. The Supreme Electoral Court also carried out voter registration for the constitutional referendum of 21 February 2016, in 69 consulates in 33 countries, eventually registering 258,990 Bolivians living abroad (annex 28).

198. Through the Supreme Electoral Court, the Plurinational State of Bolivia has made significant human, technical and logistical efforts to register Bolivian voters abroad and it will take the necessary steps to register an even greater number for the 2019 general elections.

199. Furthermore, in accordance with article 57 (II) (2) of the Migration Act<sup>65</sup> and in the framework of the inter-institutional cooperation agreement between the Ministry of Foreign Affairs and the Supreme Electoral Court, it was decided that both entities should contribute to the registration of Bolivians residing abroad on the biometric electoral roll, and should oversee the voting process (annex 29).

*Recommendation in paragraph 39*

200. The Bolivian State fully guarantees foreign migrants' right to family reunification with parents, spouses, dependent children or older children with disabilities,<sup>66</sup> thus upholding family unity as a fundamental principle enshrined in the Constitution.

201. Moreover, in accordance with the principle of family unity, the Migration Act<sup>67</sup> extends the right of permanent stay to the spouse, dependent children and parents in the care of the foreign migrant, without their having to meet the minimum three years' residence requirement.

202. Also in keeping with the principle of family unity, article 38 (II) of the Migration Act provides that obligatory departure of a foreign migrant is suspended "when it is proved that he or she is an immediate family member, adoptive parent or child, or legal guardian or ward of a Bolivian person, provided that any marriage or consensual union recognized by judicial authority was solemnized prior to the commission of the act giving grounds for the decision of obligatory departure".

**5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64–71)**

*Recommendation in paragraph 41*

203. The National Migration Board is the body responsible for coordinating migration policies and actions and for cooperation, communication and information in that regard; it lays the groundwork and sets the criteria for public policy on the social integration and employment of migrants.<sup>68</sup>

204. Civil society bodies recognized for their work on migration can participate in the formulation of public policy on the social integration and employment of migrants, at the request of the National Migration Board.

*Recommendation in paragraph 43*

205. The National Migration Board is the competent authority for formulating effective policies to protect, assist and connect Bolivians abroad and to facilitate their return and reintegration should they submit a request through the appropriate diplomatic and consular missions to return voluntarily to the country.<sup>69</sup>

206. At the same time, article 19 (I) (15) of Act No. 465 stipulates that consular officials should "contribute to the implementation of any policies, plans, programmes or projects that the National Migration Board may have developed in coordination with other governmental authorities for the repatriation or return of Bolivians and their families, when such is requested in the proper form".

207. In certain cases of imminent danger, vulnerability, necessity and/or emergency, Bolivian consulates issue safe-conducts<sup>70</sup> for the return of Bolivian nationals as part of their work to protect and assist Bolivians living abroad.

208. In that context, the Ministry of Foreign Affairs, through the Bolivian consular service, has facilitated repatriations in cases involving humanitarian assistance, mortal remains, children in vulnerable situations and victims of human trafficking and smuggling. Details are provided in the table below.

### Repatriations, 2012 to 2017

(By country)

Country	Year						Total
	2012	2013	2014	2015	2016	2017	
Spain	1	14	8	12	11	11	57
Germany		1	1	0	2	0	4
Argentina		4	9	8	19	9	49
Brazil		10	9	15	29	25	88
Chile		7	16	44	31	26	124
Egypt		1	0	0	0	1	2
Cuba			1	0	0	0	1
Italy			3	9	7	6	25
Peru			1	0	1	2	4
Uruguay			1	0	1	0	2
Colombia				1	2	0	3
Costa Rica				2	1	0	3
Ecuador				2	3	2	7
Venezuela				1	3	1	5
Panama					1	0	1
Sweden						1	1
<b>Total</b>	<b>1</b>	<b>37</b>	<b>49</b>	<b>94</b>	<b>111</b>	<b>84</b>	<b>376</b>

Source: General Directorate of Consular Affairs, according to C-31 expense vouchers.

#### Recommendation in paragraph 45

209. The Plurinational Council on Human Trafficking and Smuggling has adopted the Multisectoral Comprehensive Development Plan on Anti-Trafficking (2016–2020),<sup>71</sup> which is an instrument that provides for prevention, care and prosecution in relation to the crime of human trafficking and smuggling, incorporating gender, generational and equity perspectives in a framework of respect for human rights. It responds to mandates and commitments set forth in national and international law<sup>72</sup> and to the new Comprehensive State Planning System (annex 30).

210. The Plan was drafted with the participation of State institutions and non-State organizations that are involved in and committed to resolving the issue of human trafficking and smuggling.

211. The Plan envisages the following measures:

- (a) Awareness-raising and education to combat human trafficking and smuggling;
- (b) Creation of conditions for the reintegration of victims;
- (c) Ensuring the upholding of rights;
- (d) Training of justice officials;
- (e) Prompt and effective justice in the area of human trafficking and smuggling;
- (f) Promotion of international coordination mechanisms to combat human trafficking and smuggling;

(g) Knowledge generation and management;

(h) Creation of an institutional environment conducive to the fight against human trafficking and smuggling.

212. The Plan contains an assessment of human trafficking and smuggling in Bolivia based on the number of cases handled by the Crime Squad and the Public Prosecution Service, respectively, the number of prosecutions for human trafficking and smuggling that resulted in a conviction, and the number of trafficking victims identified in shelters. It also provides for an accountability mechanism, consisting in a procedure for: “the continuous dissemination of statistics and analysis by the National Citizen Security Observatory and the technical secretariat”.

213. The Plan also envisages an annual budget, for reference purposes, initially with two components: (i) an institutional budget for the implementing bodies of the Plurinational Council on Human Trafficking and Smuggling; and (ii) a budget to be managed in the framework of international cooperation. It is emphasized that the budget is for reference purposes only and may change in the recommendations for the follow-up and evaluation of the Plan.

214. Furthermore, article 13 of Act No. 263 stipulates that the executive branch must progressively ensure the allocation of resources from the National Treasury to the budgets of the public authorities responsible for attaining the objectives of the Act, while autonomous territorial entities and decentralized institutions also assign sufficient financial resources, as required, in their annual operational planning budget.

215. Since 2016, the Ministry of Economy and Public Finance has included programme structures in its budget formulation guidelines so that central government bodies may implement gender and social protection policies and programmes for the benefit of various vulnerable population groups, including projects and activities to combat human trafficking and smuggling.

216. The institutional budgets of central government entities engaged in policies and actions to combat human trafficking and smuggling – including details of specific programmes implemented by autonomous territorial entities for that purpose – are provided below, according to records from the Integrated Public Management System.

### **Budgets allocated to anti-trafficking policies by autonomous departmental and municipal governments, 2018**

(Bolivianos)

<i>Entity</i>	<i>Detail</i>	<i>Initial budget</i>	<i>Current budget</i>
Autonomous departmental governments		2 314 615	2 314 615
0907	Autonomous departmental government of Santa Cruz	2 314 615	2 314 615
	Programme implemented at the specialized centre for prevention and therapeutic care of child and adolescent victims of violence and trafficking	2 314 615	2 314 615
	Autonomous municipal governments	1 709 000	1 709 000
1301	Autonomous municipal government of Cochabamba	400 000	400 000
	Prevention of human trafficking and smuggling	400 000	400 000
1501	Autonomous municipal government of Potosí	100 000	100 000
	Prevention of human trafficking and smuggling	100 000	100 000
1526	Autonomous municipal government of Sacaca	6 000	6 000
	Workshop on human trafficking and smuggling	6 000	6 000
1701	Autonomous municipal government of Santa Cruz de la Sierra	1 203 000	1 203 000
	Prevention of situations of human trafficking and smuggling	1 203 000	1 203 000

*Source:* Ministry of Economy and Public Finance, based on information from the Integrated Public Management System as at 9 March 2018.

**Institutional budget**  
**Plurinational Council on Human Trafficking and Smuggling, 2018**

(Bolivianos)

<i>Entity</i>	<i>Detail</i>	<i>Initial budget</i>	<i>Current budget</i>
Executive branch		4 523 971 990	5 153 493 361
0010	Ministry of Foreign Affairs	372 604 540	394 772 140
0015	Ministry of the Interior	3 530 597 353	3 750 168 145
0016	Ministry of Education	288 589 149	545 867 576
0030	Ministry of Justice and Institutional Transparency	63 826 836	70 588 065
0070	Ministry of Labour, Employment and Social Welfare	118 182 622	120 118 006
0087	Ministry of Communication	150 171 490	271 979 429
State oversight and defence institutions		249 062 810	249 195 123
0681	Public Prosecution Service	217 144 543	217 144 543
0682	Ombudsman's Office	31 918 267	32 050 580
Decentralized public institutions		22 171 949	22 268 934
0129	Plurinational Public Management School	15 435 851	15 532 836
0343	State Judicial Academy	6 736 098	6 736 098
<b>Overall total</b>		<b>4 795 206 749</b>	<b>5 424 957 418</b>

*Source:* Ministry of Economy and Public Finance, based on information from the Integrated Public Management System as at 9 March 2018.

*Recommendation in paragraph 45 (c)*

217. This point is addressed in paragraphs 26, 27, 30 and 35 of the present report.

*Recommendation in paragraph 45 (d)*

218. This point is addressed in paragraphs 39 to 46 of the present report.

*Recommendation in paragraph 45 (e)*

219. This point is addressed in paragraphs 31, 33 and 36 of the present report.



## Annex

- <sup>1</sup> La Conferencia Mundial de los Pueblos: “Por un mundo sin muros, hacia la ciudadanía universal” se realizó en Tiquipaya, Cochabamba los días 20 y 21 de junio de 2017. Se emitió la Declaración de Tiquipaya que expresa un compromiso de acción a través de un “Decálogo para la construcción de la Ciudadanía Universal” referente a la creación del defensor mundial de los derechos del migrante, ciudadanía universal a partir de las ciudadanías regionales, tratamiento del tema con respeto y ejercicio pleno de los Derechos Humanos, la eliminación de los “centros de detención de migrantes”, luchar contra las redes criminales que trafican con seres humanos, y declarar la trata y el tráfico de personas como delito lesa humanidad, promover la movilización popular a escala mundial entre otros.
- <sup>2</sup> Ley N° 251, Artículo 21. (Competencia) I. La Comisión Nacional del Refugiado – CONARE – constituye la instancia competente para determinar la condición de refugiada de una persona, así como la exclusión, cesación, cancelación, revocatoria y expulsión. II. Asimismo, contribuirá en la protección y búsqueda de soluciones duraderas de las personas reconocidas como refugiadas, conforme a las atribuciones conferidas en la presente Ley.
- <sup>3</sup> Integrantes del Comité Técnico Temático – Derecho a una Vida Libre de Trata y Tráfico: INE, MJTI, MRE, MTEPS, CM, Ministerio de Planificación del Desarrollo, Ministerio de Gobierno, Policía Boliviana, Ministerio Público, Ministerio de Salud, Ministerio de Educación, Ministerio de Comunicación e Instituto de Investigaciones Forenses.
- <sup>4</sup> Los Indicadores sobre el Derecho a una Vida Libre de Trata y Tráfico buscan medir los alcances, causas y consecuencias vinculadas a esta problemática y contar con información estadística actualizada que permita al Estado boliviano desarrollar políticas públicas para combatir este problema y lograr así la realización y disfrute de los derechos humanos en el país.
- <sup>5</sup> Ley N 263 de 31 de julio de 2012, Ley Integral contra la trata y Tráfico de Personas – Artículo 45. (Gestión de cooperación internacional). El Estado Plurinacional de Bolivia mediante los Ministerios de Relaciones Exteriores, y de Gobierno, procurará y fortalecerá las relaciones bilaterales, multilaterales o regionales para la protección de las víctimas de Trata y Tráfico de Personas, y delitos conexos, y la persecución y sanción de estos delitos.
- <sup>6</sup> La Escuela de Jueces del Estado, dependiente del Tribunal Supremo de Justicia, es la entidad académica, especializada y descentralizada, que tiene a su cargo la formación y especialización de las y los postulantes a la carrera judicial; así como, la capacitación integral de las servidoras y los servidores judiciales, con la finalidad de contribuir a la labor de impartir justicia con prontitud, solvencia, eficacia y eficiencia.
- <sup>7</sup> Decreto Supremo N° 1486 de 6 de febrero de 2013, Artículo 4. – (Secretaría Técnica Del Consejo Plurinacional). Se ejercerá desde el Ministerio de Justicia, a través del Viceministerio de Justicia y Derechos Fundamentales.
- <sup>8</sup> Ley N° 263 de 31 de julio de 2012, Ley Integral contra la Trata y Tráfico de Personas, Artículo 31. (Atención y reintegración). (...) II. Las entidades territoriales autónomas, en el marco de sus competencias, crearán Centros de Acogida especializados para la atención y la reintegración a víctimas de Trata y Tráfico de Personas, y delitos conexos.
- <sup>9</sup> Datos registrados en los Informes de Gestión del Consejo Plurinacional Contra la Trata y Tráfico de Personas de las gestiones 2013, 2014, 2015, 2016 y 2017.
- <sup>10</sup> Ley N° 370 de 8 de mayo de 2013, de Migración, Artículo 2. (Principios). (...) 2. No Discriminación. El Estado garantiza a las bolivianas y los bolivianos, extranjeras y extranjeros, el goce y ejercicio de todos los derechos establecidos por la [Constitución Política del Estado](#), sin distinción, exclusión o preferencia fundada en el sexo, color, edad, origen, cultura, nacionalidad, idioma, credo religioso, estado civil, condición económica, social, política, grado de instrucción, discapacidad u otras orientadas a menoscabar la vigencia de sus derechos humanos y libertades fundamentales reconocidos por la [Constitución Política del Estado](#).
- <sup>11</sup> Ley N° 370 de 8 de mayo de 2013, de Migración, Artículo 15. (Garantías Constitucionales). I. La persona migrante extranjera que ingrese o permanezca, temporal o definitivamente en el Estado Plurinacional de Bolivia, tendrá las garantías previstas en la [Constitución Política del Estado](#) y el ordenamiento jurídico.
- <sup>12</sup> Ley N° 464 de 19 de diciembre de 2013, del Servicio Plurinacional de Asistencia a la Víctima., Artículo 1. (Objeto). La presente Ley tiene por objeto crear el Servicio Plurinacional de Asistencia a la Víctima, regular su estructura, organización y sus atribuciones.
- <sup>13</sup> Ley N° 370 de 8 de mayo de 2013, de Migración, Artículo 12. (Derechos). (...) II. El Estado garantiza a las personas migrantes extranjeras, el ejercicio y goce de los siguientes derechos: 1. A la migración sobre la base de los principios de igualdad, universalidad y reciprocidad.
- <sup>14</sup> Ley N° 370 de 8 de mayo de 2013, de Migración, Artículo 4. (Definiciones). Para efectos de la presente Ley se entenderá por: (...) 13. Migración. Es el acto libre de una persona o grupo de personas de trasladarse de un Estado a otro; para efectos de la presente Ley, trasladarse del Estado Plurinacional de Bolivia a otro Estado, trasladarse de otro Estado al Estado Plurinacional de Bolivia.

- <sup>15</sup> Decreto Supremo N° 2082 de 20 de agosto de 2014, Artículo 9. (Atribuciones). El SEPRET tiene las siguientes atribuciones: a. Realizar visitas no planificadas a los Centros de Custodia, Penitenciarias, Establecimientos Especiales, Establecimientos para Menores de Edad Imputables, Penitenciarias Militares, Centros de Formación Policial, Militar, Cuarteles Militares y cualquier otra institución sin ningún tipo de discriminación, para prevenir la tortura y otros tratos o penas crueles, inhumanos o degradantes. (...)
- <sup>16</sup> Ley N° 370 de 8 de mayo de 2013, de Migración, Artículo 12. (Derechos). (...) II. El Estado garantiza a las personas migrantes extranjeras, el ejercicio y goce de los siguientes derechos: 11. A la libertad de pensamiento, espiritualidad, religión y culto. (...) 12. A expresar y difundir libremente pensamientos u opiniones.
- <sup>17</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 49. (Derechos de las trabajadoras y los trabajadores migrantes). (...) 3. A participar en igualdad de oportunidades en asociaciones laborales y sindicatos, excepto en situaciones que pudieran afectar la seguridad del Estado o el orden público. 4. A no ser sometidos a servidumbre, esclavitud, explotación ni trabajos forzados.
- <sup>18</sup> Ley N° 263 de 31 de julio de 2012, Ley Integral contra la Trata y Tráfico de Personas, “Artículo 281 Bis. (Trata De Personas). I. Será sancionado con privación de libertad de diez (10) a quince (15) años, quien por cualquier medio de engaño, intimidación, abuso de poder, uso de la fuerza o cualquier forma de coacción, amenazas, abuso de la situación de dependencia o vulnerabilidad de la víctima, la concesión o recepción de pagos por sí o por tercera persona realizare, indujere o favoreciere la captación, traslado, transporte, privación de libertad, acogida o recepción de personas dentro o fuera del territorio nacional, aunque mediare el consentimiento de la víctima, con cualquiera de los siguientes fines:(...) 3. Reducción a esclavitud o estado análogo. 4. Explotación laboral, trabajo forzoso o cualquier forma de servidumbre. 5. Servidumbre costumbrista.6. Explotación sexual comercial.
- <sup>19</sup> Conformado por un conjunto de instituciones, instancias, entidades que se encargan del establecimiento de la responsabilidad de la persona adolescente: Ministerio Público, Órgano Judicial, Servicio Plurinacional de Defensa Pública, Policía Boliviana, Gobiernos Autónomos Departamentales, instancias técnicas de política social y entidades de atención, cuyo ente rector es el MJTI.
- <sup>20</sup> Ley N° 548 de 17 de julio de 2014, Código Niña, Niño y Adolescente, Artículo 332. (Clasificación). Para el cumplimiento de las medidas socio-educativas en libertad y en privación de libertad, los centros especializados se clasifican en: a) Centros de Orientación. En los que se brindará atención y se hará seguimiento y evaluación en el cumplimiento de los mecanismos de justicia restaurativa, las medidas socio-educativas en libertad y las de permanencia en régimen domiciliario, así como las medidas cautelares en libertad; y b) Centros de Reintegración Social. En los que se cumplirán la detención, las medidas socio-educativas de permanencia en régimen en tiempo libre, semiabierto y de internación.
- <sup>21</sup> Ley N° 548 de 17 de julio de 2014, Código Niña, Niño y Adolescente, Artículo 289. (Requisitos para la Detención Preventiva). (...) III. La detención preventiva se practicará en los centros de reintegración social, en forma diferenciada por género y separada de adolescentes en cumplimiento de medida socio-educativa con privación de libertad, debiendo ser priorizada la celeridad de su tramitación”.
- <sup>22</sup> Ley N° 370 de 8 de mayo de 2013, de Migración, Artículo 15. (Garantías Constitucionales). (...) III. La persona migrante extranjera tiene derecho a la asistencia de un intérprete, en el caso que no hable la lengua con la que se lo juzga.
- <sup>23</sup> El Protocolo de Actuación del Defensor Público fue aprobado mediante Resolución Administrativa N° 039/2017 de 27 de julio de 2017.
- <sup>24</sup> Decreto Supremo de 24 de mayo de 1939, Ley General del Trabajo. Artículo 16. – No habrá lugar a desahucio ni indemnización cuando exista una de las siguientes causales:(...) e) El incumplimiento total o parcial del convenio. Artículo 17. – El contrato a plazo fijo podrá rescindirse por cualesquiera de las causas sindicadas en el artículo anterior.
- <sup>25</sup> Constitución Política Del Estado, Artículo 25. (...) II. Son inviolables la correspondencia, los papeles privados y las manifestaciones privadas contenidas en cualquier soporte, éstos no podrán ser incautados salvo en los casos determinados por la ley para la investigación penal, en virtud de orden escrita y motivada de autoridad judicial competente.
- <sup>26</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 26. (Prohibición de ingreso). II. Las causales de prohibición de ingreso a personas migrantes extranjeras a territorio nacional son las siguientes: 3. Cuando presenten documentos falsos o adulterados previa verificación.
- <sup>27</sup> Ley N° 1768 de 10 de marzo de 1997, Código Penal, Artículo 202. (Supresión o destrucción de documento). El que suprime, ocultare o destruyere, en todo o en parte, un expediente o un documento, de modo que pueda resultar perjuicio, incurrirá en la sanción del artículo 200.
- <sup>28</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 37. (Salida obligatoria). I. La Dirección General de Migración, previa sustanciación de un proceso administrativo, resolverá la expulsión de la persona migrante extranjera del territorio nacional.

- <sup>29</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 37. (Salida obligatoria). (...) IV. Si como efecto de la salida obligatoria se afectará derechos de las niñas, niños, y adolescentes, la Dirección General de Migración deberá comunicar inmediatamente el caso a la Defensoría de la Niñez y Adolescencia y a la representación consular del país de origen en los casos que correspondan.
- <sup>30</sup> Ley N° 370 de 8 de mayo de 2013, de Migración, Artículo 49. (Derechos De Las Trabajadoras Y Los Trabajadores Migrantes). Las trabajadoras y los trabajadores migrantes además de los derechos establecidos en la Constitución Política del Estado, Instrumentos Internacionales de Derechos Humanos ratificados por el Estado y leyes nacionales, tendrán los siguientes derechos: (...) 6. En caso de salida obligatoria del país, la trabajadora o el trabajador migrante deberá recibir el pago de los salarios devengados, beneficios sociales y otras prestaciones que se le adeuden.
- <sup>31</sup> Constitución Política Del Estado, Artículo 14. (...) V. Las leyes bolivianas se aplican a todas las personas, naturales o jurídicas, bolivianas o extranjeras, en el territorio boliviano. VI. Las extranjeras y los extranjeros en el territorio boliviano tienen los derechos y deben cumplir los deberes establecidos en la Constitución, salvo las restricciones que éste contenga.
- <sup>32</sup> Constitución Política Del Estado, Artículo 49. (...) II. La ley regulará las relaciones laborales relativas a contratos y convenios colectivos; salarios mínimos generales, sectoriales e incrementos salariales; reincorporación; descansos remunerados y feriales; cómputo de antigüedad, jornada laboral, horas extra, recargo nocturno, dominicales; aguinaldos, bonos, primas u otros sistemas de participación en las utilidades de la empresa; indemnizaciones y desahucios; maternidad laboral; capacitación y formación profesional, y otros derechos sociales. III. El Estado protegerá la estabilidad laboral. Se prohíbe el despido injustificado y toda forma de acoso laboral. La ley determinará las sanciones correspondientes.
- <sup>33</sup> Constitución Política Del Estado, Artículo 35. I. El Estado, en todos sus niveles, protegerá el derecho a la salud, promoviendo políticas públicas orientadas a mejorar la calidad de vida, el bienestar colectivo y el acceso gratuito de la población a los servicios de salud.
- <sup>34</sup> Constitución Política Del Estado, Artículo 46. I. Toda persona tiene derecho: 1. Al trabajo digno, con seguridad industrial, higiene y salud ocupacional, sin discriminación, y con remuneración o salario justo, equitativo y satisfactorio, que le asegure para sí y su familia una existencia digna. 2. A una fuente laboral estable, en condiciones equitativas y satisfactorias. II. El Estado protegerá el ejercicio del trabajo en todas sus formas.
- <sup>35</sup> Resolución Ministerial N° 001/2018 de 4 de enero de 2018, Artículo 26, Párr. I.
- <sup>36</sup> Resolución Ministerial N° 001/2018 de 4 de enero de 2018, Artículo 30, Párr. III.
- <sup>37</sup> Ley N° 370 de 8 de mayo de 2013, Ley de Migración, Artículo 12. (Derechos). II. El Estado garantiza a las personas migrantes extranjeras, el ejercicio y goce de los siguientes derechos: 9. A sufragar en las elecciones municipales conforme a normativa específica. (...) 14. A establecer y formar parte de asociaciones con las limitaciones establecidas en la Constitución Política del Estado, las leyes y la normativa vigente.
- <sup>38</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 49. (Derechos de las trabajadoras y los trabajadores migrantes). (...) 7. A transferir sus ingresos y ahorros, en particular los fondos necesarios para el sustento de sus familiares, sea a su país de origen o a cualquier otro, de conformidad a Acuerdos Internacionales y a la normativa nacional vigente.
- <sup>39</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 14. (Deberes). II. Las personas extranjeras se encuentran sujetas al cumplimiento de los siguientes deberes: 4. Cumplir con las obligaciones tributarias y de seguridad social, según las normas vigentes aplicables en estas materias.
- <sup>40</sup> Sitios web: [www.bolivia.de](http://www.bolivia.de); [www.consuladoboliviano.com.ar](http://www.consuladoboliviano.com.ar); <https://embajadadebolivia.eu/>; [www.emboliviacanada.com](http://www.emboliviacanada.com); <http://www.consuladodebolivia.cl/>; [www.embajada-boliviacostarica.com](http://www.embajada-boliviacostarica.com); <http://embassyofbolivia.dk/>; [www.embajadabolivia.ec](http://www.embajadabolivia.ec); [www.consuladodebolivia.es/index.html](http://www.consuladodebolivia.es/index.html); [www.boliviawdc.com](http://www.boliviawdc.com); [www.bolivianembassy.co.uk](http://www.bolivianembassy.co.uk); [www.consuladodebolivia.it](http://www.consuladodebolivia.it); [www.embassyofboliviainjapan.org](http://www.embassyofboliviainjapan.org); [www.embol.org.mx](http://www.embol.org.mx); [www.embassyofbolivia.nl](http://www.embassyofbolivia.nl); [www.emboliviapanama.com.pa](http://www.emboliviapanama.com.pa).
- <sup>41</sup> Sitio Web: [http://www.defensoria.gob.bo/dp/denuncias\\_migrantes.asp](http://www.defensoria.gob.bo/dp/denuncias_migrantes.asp); [www.emboliviegypt.com](http://www.emboliviegypt.com).
- <sup>42</sup> Información preliminar facilitada por el MTEPS, sujeta a depuración.
- <sup>43</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 1. (Objeto). La presente Ley tiene por objeto regular el ingreso, tránsito, permanencia y salida de personas en el territorio del Estado Plurinacional de Bolivia, y establece los espacios institucionales de coordinación que garanticen los derechos de las personas migrantes bolivianas y extranjeras de conformidad a la Constitución Política del Estado y los Instrumentos Internacionales en materia de Derechos Humanos ratificados por el Estado y normas vigentes.
- <sup>44</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 2. (Principios). La presente Ley se rige por los principios establecidos en la [Constitución Política del Estado](#) y el respeto irrestricto de los Derechos Humanos, basados en lo siguiente: (...) 2. No Discriminación. El Estado garantiza a las bolivianas y los bolivianos, extranjeras y extranjeros, el goce y ejercicio de todos los derechos establecidos por la [Constitución Política del Estado](#), sin distinción, exclusión o preferencia fundada en el sexo, color, edad, origen, cultura, nacionalidad, idioma, credo religioso, estado civil, condición

- económica, social, política, grado de instrucción, discapacidad u otras orientadas a menoscabar la vigencia de sus derechos humanos y libertades fundamentales reconocidos por la [Constitución Política del Estado](#). 3. Equidad de Género. El Estado garantiza la igualdad efectiva entre hombres y mujeres, generando las condiciones y los medios que contribuyan al logro de la justicia social, la igualdad de oportunidades, la aplicación de acciones afirmativas y la eliminación de estereotipos contra las mujeres migrantes.
- <sup>45</sup> Ley N° 997 de Modificación de la Ley N° 370 de Migración de 8 de mayo de 2013, de 13 de noviembre de 2017, Artículo 2. (Modificaciones). Se modifica el Artículo 13 de la [Ley N° 370](#) de 8 de mayo de 2013, de Migración, con el siguiente texto: Artículo 13. (Beneficio en la otorgación de la cédula de identidad). Las y los extranjeros residentes en Bolivia con más de sesenta (60) años de edad, que cuenten con residencia permanente, podrán obtener la cédula de identidad para extranjeros con validez indefinida.
- <sup>46</sup> Convenio sobre el Trabajo decente para las Trabajadoras y los Trabajadores Domésticos de la OIT adoptado el 16 de junio de 2011.
- <sup>47</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 7. (Dirección General De Migración). (...) II. La Dirección General de Migración tiene las siguientes facultades y responsabilidades: (...) 22. Gestionar la información y datos estadísticos migratorios para un correcto diseño de las políticas públicas, asegurando la disponibilidad de indicadores diferenciados por género.
- <sup>48</sup> Información disponible en la página web de la DIGEMIG: <http://www.migracion.gob.bo/index.php?idiom=espa>.
- <sup>49</sup> Decreto Supremo N° 3433 de 13 de diciembre de 2017, Artículo 1. – (Objeto). El presente Decreto Supremo tiene por objeto constituir el Registro Obligatorio de Empleadores – ROE – a cargo del Ministerio de Trabajo, Empleo y Previsión Social.
- <sup>50</sup> Manual de Procedimientos de la Dirección General de Migración: Control Migratorio – Ingreso y Salida de Personas Nacionales y Extranjeras al y del territorio boliviano.
- <sup>51</sup> Reglamento de la Ley N° 045 de 8 de octubre de 2010, contra el Racismo y toda forma de Discriminación.
- <sup>52</sup> El Comité Nacional contra el Racismo y toda forma de Discriminación es la instancia encargada de promover, diseñar e implementar políticas y normativas integrales contra el racismo y discriminación.
- <sup>53</sup> Aprobado mediante Resolución de la Sesión Extraordinaria del Consejo Permanente CN-N° 001/2016 de 7 de diciembre de 2016.
- <sup>54</sup> La ejecución del Diplomado estuvo coordinado por cuatro instituciones: Viceministerio de Descolonización, Escuela de Gestión Pública Plurinacional, Defensoría del Pueblo y la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en Bolivia.
- <sup>55</sup> Casos: FELCC-CBBA 1702409 y FELCC-CBA-QUILL 1700039.
- <sup>56</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 37. (Salida obligatoria). La salida obligatoria se efectivizará cuando la resolución se encuentre ejecutoriada, al efecto, la Dirección General de Migración dispondrá el traslado de la persona migrante extranjera al país de origen, o a un tercer país que lo admita. En ningún caso la persona migrante extranjera será obligada a salir del territorio del Estado a un país, en el que por razones fundadas exista peligro o riesgo sobre su vida e integridad.
- <sup>57</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 57. (Promoción y protección de derechos). I. El Ministerio de Relaciones Exteriores, a través de sus Misiones Diplomáticas y Consulares, promoverá el respeto y protección de los derechos fundamentales de las bolivianas y los bolivianos en el exterior, además de presentar ante las autoridades del país donde se encuentren, las acciones pertinentes para garantizar el respeto de los derechos e intereses de las personas naturales principalmente y de las personas jurídicas cuando corresponda, de conformidad con los principios y normas del Derecho Internacional.
- <sup>58</sup> Ley N° 475 de 30 de diciembre de 2013 de Prestaciones de Servicios de Salud Integral del Estado Plurinacional de Bolivia, Artículo 5. (Beneficiarias y beneficiarios). Son beneficiarias y beneficiarios de la atención integral y protección financiera de salud, todos los habitantes y estantes del territorio nacional que no cuenten con algún seguro de salud y que estén comprendidos en los siguientes grupos poblacionales: 1. Mujeres embarazadas, desde el inicio de la gestación hasta los seis (6) meses posteriores al parto. 2. Niñas y niños menores de cinco (5) años de edad. 3. Mujeres y hombres a partir de los sesenta (60) años. 4. Mujeres en edad fértil respecto a atenciones de salud sexual y reproductiva. 5. Personas con discapacidad que se encuentren calificadas según el Sistema Informático del Programa de Registro Único Nacional de Personas con Discapacidad – SIPRUNPCD. 6. Otros que se determinen por Resolución del Consejo de Coordinación Sectorial de Salud, refrendado y aprobado por Decreto Supremo, de acuerdo con lo establecido en el Artículo 12 de la presente Ley.
- <sup>59</sup> La Norma Nacional de Caracterización del Sistema de Emergencias de Salud establece la gestión pre-hospitalaria e interhospitalaria, la estructura orgánico-funcional de los Centros Coordinadores de Emergencias en Salud, los recursos humanos, prototipo de infraestructura y equipamiento esencial.

- <sup>60</sup> La Norma Nacional de Ambulancias Terrestres y Norma Nacional de Ambulancias Aéreas que clasifica las ambulancias por tipo de atención, establece, el equipamiento, instrumental, medicamentos e insumos, los recursos humanos y estructura de gestión.
- <sup>61</sup> El Ministerio de Salud, la AECID y la OPS/OMS, en junio de 2013 firmaron un Convenio para implementar el Programa de Fortalecimiento de la Atención de Urgencias y Emergencias.
- <sup>62</sup> Constitución Política Del Estado – Artículo 21. Las bolivianas y los bolivianos tienen los siguientes derechos: 4. A la libertad de reunión y asociación, en forma pública y privada con fines lícitos.
- <sup>63</sup> Constitución Política Del Estado – Artículo 51. I. Todas las trabajadoras y los trabajadores tienen derecho a organizarse en sindicatos de acuerdo con la ley.
- <sup>64</sup> Decreto Supremo N° 29894 de 7 de febrero de 2009, Estructura Organizativa del Órgano Ejecutivo del Estado Plurinacional, Artículo 86. (Atribuciones de la ministra(o) de trabajo, empleo y previsión social). Las atribuciones de la Ministra(o) de Trabajo, Empleo y Previsión Social, en el marco de las competencias asignadas al nivel central por la Constitución Política del Estado, son las siguientes: i) Garantizar el derecho de los trabajadores a la libre sindicalización y organización para la defensa de sus intereses, representación, la preservación de su patrimonio tangible e intangible.
- <sup>65</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 57. (Promoción y protección de derechos). (...) II. Asimismo, las Misiones Consulares atenderán a las bolivianas y bolivianos en: 2. Coadyuvar en el registro y participación democrática en los procesos electorales del Estado Plurinacional de Bolivia en el exterior, a cargo del Tribunal Supremo Electoral – TSE.
- <sup>66</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 12. (Derechos). (...) II. El Estado garantiza a las personas migrantes extranjeras, el ejercicio y goce de los siguientes derechos:(...) 8. A la reunificación familiar con sus padres, cónyuges, hijos dependientes o hijos mayores con discapacidad.
- <sup>67</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 31. (Permanencia definitiva). I. Es la autorización para residir o permanecer en el país de manera definitiva, otorgada a las personas migrantes extranjeras que cuenten con una permanencia mínima de tres (3) años y así lo soliciten expresamente. II. La permanencia definitiva será ampliada al cónyuge, hijas e hijos dependientes y padres a su cargo, sin necesidad de contar con la permanencia mínima de tres (3) años.
- <sup>68</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 6. (Consejo nacional de migración). I. El Consejo Nacional de Migración es la instancia de coordinación, cooperación, comunicación e información de las políticas y actuaciones migratorias y está constituido por las Ministras o los Ministros de Gobierno, de Relaciones Exteriores, y de Trabajo, Empleo y Previsión Social. (...) III. El Consejo Nacional de Migración establecerá las bases y los criterios de la Política Pública en materia de integración social y laboral de los migrantes, (...).
- <sup>69</sup> Ley N° 370 de 8 de mayo de 2013 de Migración, Artículo 59. (Protección, atención, vinculación y retorno). El Consejo Nacional de Migración, a través de los Ministerios competentes, generará políticas efectivas de protección, atención, vinculación, retorno y reintegración de las bolivianas y los bolivianos en el exterior, que voluntariamente soliciten su retorno al país y lo hagan conocer a las respectivas Misiones Diplomáticas y Consulares de nuestro país en el exterior.
- <sup>70</sup> El salvoconducto es un documento de viaje que se extiende una sola vez y de forma gratuita para retornar al país de origen, lo otorga la representación consular respectiva y sólo en casos especiales, generalmente deportaciones, expulsiones, personas que se encuentran en situación de indigencia, o algún caso que se considere de emergencia.
- <sup>71</sup> Aprobado mediante Resolución del Consejo CPCTTP N° 01/2017 de 28 de mayo de 2017.
- <sup>72</sup> Declaración Universal de Derechos Humanos, Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional, Protocolo para Prevenir, Reprimir y Sancionar la Trata de Personas, especialmente Mujeres y Niños, Convención de los Derechos del Niño, Convención sobre la Eliminación de todas las formas de Discriminación contra la Mujer, Protocolo Facultativo de la Convención sobre la Eliminación de todas las formas de Discriminación contra la Mujer, Convención Interamericana para prevenir, sancionar y erradicar la violencia contra la mujer – Belem do Para, Convención de los Derechos Humanos, Pacto San José de Costa Rica, Convención contra la Tortura y otros Tratos o Penas Cruelles e Inhumanas o Degradantes, Convenios 29, 105 y 182 de la OIT, Estatuto de Roma y la Convenio para la Eliminación de la Trata de Personas y la Explotación de la Prostitución.