



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

Distr.
GENERAL

CMW/C/BOL/Q/1/Add.1
10 April 2008

ENGLISH
Original: SPANISH

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

**WRITTEN REPLIES BY THE GOVERNMENT OF BOLIVIA CONCERNING
THE LIST OF ISSUES (CMW/C/BOL/Q/1) RECEIVED BY THE COMMITTEE
ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND
MEMBERS OF THEIR FAMILIES RELATING TO THE CONSIDERATION OF
THE INITIAL REPORT OF BOLIVIA (CMW/C/BOL/1)***

[Received on 10 April 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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I. GENERAL INFORMATION

Q1. Please provide disaggregated data on information of the characteristics and nature of migration flows (immigrants, including those in undocumented status, transit migrants, emigrants and asylum-seekers). If no exact data are available, please provide estimated figures. Please also inform the Committee about any action that has been taken to generate information providing statistics.

1. According to the latest National Population and Housing Census (2001), Bolivia's population totalled 8,274,325 inhabitants. A National Migration Service (SENAMIG) report of August 2004 indicated that nearly 1,366,821 Bolivians were living outside the country.
2. The Ministry of Foreign Affairs and Worship reports that, according to the figures of the consulate registry (May 2007), approximately 1,676,177 Bolivians reside in other countries.
3. With regard to immigrants, it is estimated that between 10,000 and 12,000 foreigners enter the country each day through Bolivia's 17 border points. Projects are currently being implemented with the International Organization for Migration (IOM) to improve border procedures in general.
4. Additional information from the National Statistical Institute is attached to the present document.¹
5. With regard to action taken by the Bolivian Government to generate statistical data, an airport hub inspection and information system project is being developed in conjunction with IOM and will be implemented initially in the country's three main airports (Cochabamba, Santa Cruz and La Paz).
6. According to data provided by the National Commission for Refugees (CONARE), the Commission is currently examining 130 applications for refugee status.

Q2. Please provide the Committee with precise information on the application of legislative, administrative and other measures pertinent to implement the Convention. In this context, please provide information on the compatibility of Decree (Decreto Supremo) No. 24423, of 29 November 1996, on Legal Regime of Migration, with the Convention. Please elaborate on the measures taken by the State party to ensure that its domestic legislation on migration has been harmonized with the Convention (see paragraph 37 of the report). Is the State party envisaging the adoption of a specific migration law in the near future?

7. Based on an understanding of migration as a phenomenon of national and international dimensions that deserves the full attention of States, the Government of President Evo Morales Ayma adopted the National Development Plan 2007-2010. Paragraph 5.3.1 (b) of the Plan

¹ See Annex 1.

provides for the establishment of the Programme of Assistance to Bolivian Nationals Abroad, which is carried out through the Department of Consular Affairs under the Ministry of Foreign Affairs and Worship and which, in keeping with the provisions and principles of the Convention, is intended for the protection of Bolivian migrant workers.

8. Furthermore, as part of the administrative activities of the National Migration Service (SENAMIG), and in accordance with the Legal Migration Regime and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, mechanisms have been introduced to document workers in export-processing zones, where, among other occupations, migrant workers are engaged in vehicle manufacturing.

9. In addition, work is being undertaken jointly by the Bolivian Ministry of Foreign Affairs and SENAMIG on a preliminary draft of a Migration Act that addresses the current migration situation and complies with the international treaties that Bolivia has ratified.

Q.3 Please elaborate on the status of the Convention in domestic law. In addition, please provide examples of cases, if any, in which the Convention was directly invoked before or by national tribunals, and with what results.

10. The provisions and principles set forth in the Convention have, generally speaking, been reflected in the National Development Plan. It is important to note that, in order to incorporate the provisions of the Convention into domestic legislation, migration norms are being updated through the adoption of a new Migration Act, as described in the last paragraph of the reply to question 2.

11. Moreover, pending completion of the new Migration Act, certain provisions of Supreme Decree No. 24423 are also being updated.

12. However, in addition to the provisions of the General Labour Act, mechanisms are available to enable migrants whose rights have been violated to bring proceedings before the Ombudsman. In order to illustrate this, we have transcribed below information from the web page of the Office of the Ombudsman concerning complaints filed in 2006:

“Complaints.

6. Complainants according to nationality

13. With regard to the nationality of complainants, it was observed that nearly all the persons who filed complaints with the Office of the Ombudsman were Bolivian (97.6 per cent). This trend is identical to that noted in 2005, with one slight difference: whereas in 2005 there were no complainants from Central America and the Caribbean or from Mexico and the United States, in 2006, there were four and one respectively.”

Source: <http://www.defensor.gov.bo/index.php?mc=33>.

Q4. Please explain whether the national legislation provides for the application of the Convention to refugees and stateless persons (article 3 (d) of the Convention).

14. As provided for in the Convention, the Bolivian legislation applicable to the treatment of refugees is contained in Supreme Decree No. 28329.

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

15. The Office of the Ombudsman does deal with migration issues. In its forthcoming official publication on migration and external population displacement, it provides a diagnosis of the situation and reports that, in the past five years, there has been a considerable increase in the number of Latin American and Caribbean migrants. The publication also asserts that “[i]n this century, one of the main challenges to society and to the State, as far as migration is concerned, is the development of public migration policies and systems that protect the human rights of migrants and their families, as well as the fulfilment of the obligations undertaken by Bolivia as party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the broad set of rules that prohibit trafficking in persons and the smuggling of migrants”.

16. As illustrated by the foregoing quotation, the Bolivian State is firmly committed to taking all necessary steps to allow for the full and effective implementation of the Convention.

17. Among other activities related to this issue, the Office of the Ombudsman has carried out a study of the departures of children and adolescents from seven Bolivian border points (Yacuiba, Villazon, Bermejo, Desaguadero, Puerto Suárez, Cobija and Guayaramerín).

18. The Bolivian Government has entered into bilateral negotiations with neighbouring countries to develop protection and control mechanisms, with the assistance of international organizations such as the United Nations Children's Fund (UNICEF).

Q6. Please indicate the steps taken to increase awareness and understanding of the Convention among the general public, migrant workers and State employees. Please also indicate whether training programmes specifically focused on the Convention are implemented for relevant public officials.

19. Efforts to increase awareness and understanding of the provisions and principles of the Convention have been conducted primarily through workshops and seminars. Among these, it is worth mentioning the eighth meeting of national human rights institutions on the topic of migration, which was organized by the Office of the Ombudsman in December 2006, and the first national seminar on migration policy, development and human rights, which was held in June 2007 at the Ministry of Foreign Affairs and Worship, with the participation of State institutions, civil society, representatives of migrants and their families, and international organizations. There are plans to hold the next national seminar in June 2008.

Q7. Please indicate the role of non-governmental organizations in the implementation of the Convention as well as in the process of preparation of the State party's report, if any (see Committee's provisional guidelines regarding the form and content of initial reports, paragraph 3 (d)).

20. Based on the work of the Technical Migration Board, non-governmental organizations (NGOs) have become increasingly involved in this issue.

21. For example, the Bolivian Human Rights, Democracy and Development Chapter, the Human Mobility Pastoral and the Technical Migration Board organized the Alternative South American Encounter on Migration.

Q8. Please provide information on the impact of migration on children in Bolivia whose parent(s) have migrated. Please also provide information about the situation of Bolivian women migrant workers abroad as well as the treatment given to women migrant workers in Bolivia.

22. With regard to children whose father or mother has emigrated, this situation has been found to affect primarily the family structure.

23. Regarding Bolivian women migrant workers, their situation is directly linked to their migrant status, which affects the enjoyment of their labour rights, their economic, social and cultural rights, and their rights to non-discrimination and to integration in the host societies.

24. Available data indicates that the majority of foreign female workers are engaged in occupations in the informal sector.

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

A. General principles

Q9. Please provide information on: (a) the judicial, administrative and legislative mechanisms competent to examine and decide on complaints by migrant workers in case of violation of their rights; (b) cases reported during the last five years of violations of migrant workers' rights; (c) criminal proceedings initiated and sanctions imposed; and (d) reparation granted to victims.

25. There are administrative procedures and bodies competent to examine and settle complaints relating to labour issues, including those lodged by migrant workers.

26. The procedure consists in the worker lodging an oral or written complaint with one of the inspectorates attached to the Ministry of Labour, which summons the employer and settles the dispute through a fast-track procedure. In the event that one of the parties does not agree with the decision, he or she may refer the matter to the courts.

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

27. The Constitution of Bolivia establishes as a general principle that foreigners in Bolivia are to be protected by and subject to the law. Accordingly, these three types of migrants, each within its sphere and migration category, are entitled to the rights granted to them by law.

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

28. Under the Migration Regularization Agreement concluded with Peru on 26 January 2002, simplified procedures were established for documenting nationals of both countries. These complement the provisions of Andean Community of Nations Decision No. 503 of 2001, which facilitate the transit of nationals of the countries included in this integration system by eliminating the need for a visa or passport.

29. In this connection, it may be pointed out that steps have been taken to facilitate the opening of a new Peruvian consulate in the town of El Alto, which has the largest concentration of Peruvian citizens in Bolivia.

30. We also wish to report that various human rights organizations and the Ombudsman are engaged in active and ongoing vigilance against potential abuses directed at Peruvian migrants.

B. Part III of the Convention

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

31. In conformity with the provisions of the Vienna Convention on Consular Relations, accused or arrested migrant workers have the same right as nationals to make representations for the preservation of their rights and interests to the courts of law and other authorities established by domestic law.

32. Without prejudice to the foregoing, several of the consulates accredited to the Government of Bolivia have requested that communications regarding arrested foreign nationals should be transmitted through the Ministry of Foreign Affairs and Worship, even when this implies lengthier formalities.

Q.13 The Committee has been informed that migrant children work in the cane sugar industry and mining craft areas, where they are exposed to dangers and are subjected to abuse. Please provide information on this phenomenon and on measures taken to address this.

33. The Government of Bolivia has, through the appropriate agencies, established State policies for children and adolescents, paying particular attention to child labour, in keeping with Bolivia's ratification of International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. These policies are in conformity with the Children and Adolescents Code and direct assistance programmes.

34. The Ministry of Labour, in Supreme Decision No. 220849 of June 2001, promoted the establishment of the Inter-Agency Commission for the Elimination of Child Labour, which is made up of officials of the three branches of Government, the Bolivian Private Employers' Confederation (CEPB), the Bolivian Workers' Confederation (COB), civil society, ILO and UNICEF, and allows for joint action in favour of the gradual elimination of child labour.

35. The Inter-Agency Commission formulated the National Plan for the Gradual Elimination of Child Labour, which was adopted by Supreme Decision No. 220849. Its lines of action include promotion, prevention, control and direct support in three strategic areas of intervention:

- (a) Reducing the number of working children under the age of 14;
- (b) Protecting working adolescents over the age of 14;
- (c) Eliminating the worst forms of child and adolescent labour.

36. Accordingly, the National Commission charged with implementing the National Plan has set up three subcommissions to deal with: mining (gold and traditional); the sugarcane harvest; and urban areas, where the worst forms of child labour have been identified and where action is currently being taken.

37. In accordance with the Three-Year Plan, an inter-agency and inter-ministerial cooperation agreement to implement the components of the plan was signed as an expression of the Bolivian State's commitment to meet its international obligations arising from ILO Conventions Nos. 138 and 182, which Bolivia has ratified.

Q.14 Further to information provided in paragraphs 97 to 99 of the report, please indicate the number of migrants currently held in administrative or judicial custody for violations of provisions relating to migration, as well as the length and place of their detention.

38. The data provided in paragraphs 97-99 of the report refer to information that was valid at the time of preparation of the main report related to foreign nationals charged with ordinary, not migration-related, offences.

39. According to the regulations of the National Migration Service (SENAMIG), foreigners who infringe administrative provisions may not be detained for more than 24 hours - a rule that always applies.

Q.15 Article 46 of the Decree (Decreto Supremo) No. 24423, of 29 November 1996 on the Legal Regime of Migration, prohibits persons suffering from contagious diseases, alcoholics, psychopaths, drug addicts, notorious lazy persons (“notoriamente vagos”), etc., from entering the country. Please comment on this provision in light of the rights recognized in the Convention.

40. The provisions of Supreme Decree No. 24423 to which reference is made do not reflect the State's obligations under the Convention, owing mainly to the fact that this Decree was adopted three years prior to Bolivia's ratification of the Convention.

41. Consequently, several institutions, such as the National Migration Service, the Ministry of Foreign Affairs and Worship, the Ministry of Justice and civil society, are taking steps to formulate new legislation that is in conformity with the provisions of the Convention and other relevant human rights instruments.

Q.16 Please explain the expulsion procedures and whether collective expulsion is prohibited. In addition, please provide information on the appeal procedures in relation to expulsion decisions and indicate whether legislative safeguards exist to ensure that foreign nationals will not be extradited where there are substantial grounds for believing that such persons would be in danger of being subjected to torture in the State requesting the extradition.

42. All persons entering the territory of Bolivia are subject to its domestic law, as stipulated in article 24 of the Bolivian Constitution. Article 48 of Supreme Decree No. 24423 on the Legal Migration Regime enumerates the grounds for expulsion of foreign nationals. Hence, if an individual's actions constitute one of the grounds for expulsion, the procedure is to issue an Administrative Decision prohibiting future entry into Bolivian territory. According to article 20 (h) of the above-mentioned Decree, an appeal may be lodged with suspensive effect within 48 hours; however, this provision has been declared unconstitutional by Constitutional Decision No. 004/2001 of 5 January 2001.

43. The only legislative safeguards are those concerning refugees and asylum-seekers that were adopted under Act No. 2071 of 14 April 2000 and are regulated by Supreme Decree No. 28329.

44. Furthermore, it should be noted that, even though Bolivian laws do not expressly prohibit collective expulsion, the National Migration Service (SENAMIG) has never engaged in this practice.

Q.17 Please specify how the right of children of migrant workers, including undocumented workers, to be registered at birth and have a nationality is ensured in practice. In addition, please describe whether and how the basic right of access to education is ensured for children of migrant workers irregularly staying in Bolivia, or whose parents are in an irregular situation.

45. According to article 36 of the Bolivian Constitution, “[t]he following are Bolivians by origin: 1. Those born in the territory of the Republic ...”. Bolivia thus applies the principles of *jus soli* and *jus sanguinis* as the means for acquiring Bolivian nationality. These are inferred from the above-mentioned article of the Constitution and are regulated by Supreme Decree No. 27698, which governs the procedures for exercising the rights of dual nationality, the renunciation of Bolivian nationality and its reinstatement.

46. As stipulated in article 7 (e) of the Bolivian Constitution, every person has the right to receive an education. This principle is regulated by the Education Code, which provides for free and compulsory education.

47. The children of migrants are granted this right and may enrol in any educational establishment.

Q.18 Paragraph 138 (b) of the report states that, on the issue of regular medical care in public health services, a ministerial resolution was being drafted to provide migrants with equal care under all programmes and in all areas. Please indicate whether this resolution has been adopted and provide details about its practical implementation, in particular whether it applies to migrants in undocumented situations.

48. The above-mentioned draft resolution was considered and subsequently withdrawn, owing to the fact that, according to the constitutional principle set out in article 7 (a) of the Bolivian Constitution and to certain administrative rules, a person’s status as a migrant or as an undocumented person does not preclude his or her entitlement to the same right as nationals to health services, particularly those intended for the elderly and for children.

49. The State does not possess reliable data concerning the identification of undocumented migrants, since, as mentioned in the previous paragraph, it is not necessary to have migrant status in order to obtain access to public health services.

Q.19 Please elaborate on the compatibility of articles 48 (i) and 68 of the Supreme Decree 24423, which limit freedom of expression to migrant workers in political issues, with article 13 of the Convention.

50. Owing to the fact that articles 20 (h), 46 (b) and 48 (j) of Supreme Decree No. 24423 of 29 November 1996 were declared unconstitutional, this decree is currently under review.

Q.20 In the light of information provided in paragraphs 128 and 129 of the report, please clarify if social security benefits are granted to migrant workers, including undocumented migrant workers. Please elaborate on measures taken by the State party to ensure equal treatment with respect to social security benefits.

51. Migrant workers who have an employment relationship with a public or a private entity are entitled to receive social security benefits under the terms of the General Labour Act.

52. As is the case with all Bolivian nationals working in the informal economy, undocumented migrants do not have access to social security benefits, given that coverage is not universal.

Q.21 Please provide more detailed information on measures taken to ensure that effective consular assistance is provided to Bolivian nationals working abroad (see paragraph 108 of the State party's report). In addition, in light of articles 23, 64 and 65 of the Convention, please provide detailed information on measures taken by the State party to offer assistance to Bolivian migrant workers and members of their families, through its consulates and embassies, in other countries, including Spain.

53. In addition to the information provided in paragraph 108 of the report, measures taken to ensure effective consular assistance include the following:

(a) The Programme of Assistance to Bolivians Nationals

54. This Programme is implemented by means of guidelines intended for Bolivian consulates and embassies on providing advice to Bolivians abroad concerning the migration policies of destination countries; on meeting their individual and collective needs; on establishing closer ties between these offices that represent the State, on the one hand, and Bolivian communities and associations, on the other; and on other services required by immigrants with regard to social and legal matters, passports, civil registration, retirement and pensions, and the implementation of migration regularization agreements. In order to perform these tasks, the Assistance to Bolivians Abroad Office was set up in the Department of Consular Affairs under the Ministry of Foreign Affairs and Worship.

55. Other measures that have a significant bearing on the implementation of this programme include: ensuring the qualification of consuls and consular officials, monitoring the performance of the latter, and coordinating with migrants' associations.

56. Another significant measure worth mentioning is the introduction of a Consular Registration project in the United States of America through which Bolivian migrants are issued a consular document designed to facilitate the completion of various formalities and transactions.

(b) Negotiation of migration regularization agreements and other agreements intended to benefit migrants

57. This activity is conducted by the Consular Management, Supervision and Policy Office. To date, a Driver's Licence Recognition Agreement has been concluded with Spain, and negotiations are under way with Spain regarding an agreement concerning the regulation and management of labour migration flows, with Argentina regarding a driver's licence recognition agreement, and with Brazil on plans to expand the Migration Regularization Agreement.

(c) The promotion and protection of the human rights of Bolivian migrants

58. The composition of the migrant population shows a high percentage of indigenous peoples, who account for an estimated 60 per cent of the total. This fact places Bolivian migrants in a vulnerable position with respect to discriminatory attitudes, social exclusion and human trafficking and smuggling.

59. When they consider migrating, Bolivians from rural areas usually head for neighbouring countries, chiefly Argentina and Brazil. Many of these migrants are undocumented and/or in an irregular situation, making it impossible for them to obtain the basic services of health and education or to continue exercising their labour and social rights, which limits their right to an identity.

60. This right became a pressing demand, which was met by the Government of Bolivia with the adoption of Supreme Decree No. 28709 in May 2006. This was aimed at facilitating the large-scale documentation of Bolivian migrants in Argentina by lowering consular fees, in an effort to promote regular migration through Argentina's Patria Grande programme.

61. This was a very positive move and one that was greatly appreciated by Bolivian migrants in Argentina. It resulted in the documentation, as of December 2007, of approximately 100,000 Bolivian nationals throughout Argentina.

62. A similar programme will be introduced for Brazil, where there is also a considerable flow of Bolivian migrants in similar circumstances, principally in the State of São Paulo.

63. Supreme Decree No. 29277 of 13 September 2007, issued for this purpose, lowered fees for birth certificates, marriage certificates and criminal records to US\$ 3. (Current fees amount to approximately US\$ 5, \$52 and \$40, respectively.) It also established a processing fee of US\$ 2 for identity cards (currently unavailable).

64. The Inter-Agency Agreement concluded on 22 August 2005 between the Ministry of Foreign Affairs, the Ministry of the Interior and the National Police Command introduced a "procedure for assigning an identity card number and issuing a passport" to minors residing abroad or to minors who had appeared on a parent's passport when they left the country. This action has, to date, resulted in the documentation of 600 minors.

65. Another action that is in the process of being finalized involves efforts to streamline the procedure for repatriating children in situations of risk or abandonment, and for repatriating deceased persons.

(d) Combating human trafficking and smuggling

66. A simple means of intervention is available through the consulates to address complaints of human trafficking and smuggling. It consists of the personal and immediate intervention of the consul, in coordination with the police authorities within the consulate's area of jurisdiction. The same procedure is available to the Assistance to Bolivians Abroad Office at the simple request of relatives of the alleged victim.

(e) Transparency and optimization of consular services

67. These activities are carried out through such efforts as reviewing and updating existing consular fees, updating and improving institutional channels of communication, making significant improvements in turnaround times and procedures for the completion of formalities, as well as ensuring that such formalities are more efficient and straightforward.

(f) Opening of new consulates

68. In order to meet the demand for new Bolivian migration destinations, plans have been finalized for the opening of the following new consulates: Cuzco (Peru); Viedma (Argentina); and Valencia and Murcia (Spain).

69. This measure is in response to the growth of the Bolivian population in those localities and is aimed at facilitating the provision of all consular services there.

70. Consideration is currently being given to providing mobile consular services, which will serve to expand coverage in terms of support, guidance and services.

71. In the particular case of Spain, in addition to the opening of the two new consulates mentioned previously, efforts have been made to reduce the backlog of requests for passports in that country, which since mid-2006 has reached the figure of 8,000 applications, owing to the understaffing of the Bolivian consulates in Madrid and Barcelona and the requirements of the Bolivian issuing agency. In response, the Department of Consular Affairs launched a special plan to remedy the problem and, as an initial step, dispatched 3,600 passports. This plan is scheduled to be completed in the course of the current fiscal year.

72. The decision to remedy this problem lent considerable support to efforts aimed at regularizing the situation of thousands of Bolivian migrants in Spain.

C. Part IV of the Convention

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

73. As a general rule, foreign residents in Bolivia are grouped together in “Residents’ Centres”. Currently, no information is available on the organization of trade unions, and the relevant norm is under review.

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

74. It is important to clarify that the 1 per cent figure referred to is a fee for the service rendered by the Central Bank of Bolivia (BCB) to the private bank that carries out transfers of remittances from abroad. It is not a tax, since the Central Bank does not have the legal authority to impose taxes. It should be noted that not all private banks were charging their users this fee.

75. The 1 per cent fee mentioned above was in effect from October 2007 to 1 January 2008. It was established as a way of controlling the excess liquidity resulting from the influx of short-term speculative capital, which was due to the gradual increase in interest rates in Bolivian monetary and financial systems.

76. Bolivian's revenue from worker remittances has been increasing in recent years as a result of the outflows of Bolivian migrants, particularly to Spain, the United States of America and Argentina. According to estimates of the Central Bank of Bolivia, in fiscal year 2007, workers' remittances totalled US\$ 880 million, a 54 per cent increase compared with 2006.

Bolivia: Workers' remittances, 2001-2007

(In millions of US dollars)

| | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------|-------|------|-------|-------|-------|-------|-------|
| Remittances | 107.2 | 83.0 | 137.5 | 178.3 | 303.5 | 569.5 | 878.8 |

Source: Central Bank of Bolivia (preliminary figures).

77. Within the sphere of competence of the Central Bank of Bolivia and in order to facilitate transfers of remittances, provision was made in Board of Directors Decision No. 152/2007 to waive the 1 per cent fee on remittances worth not more than US\$ 1,000 as from 2 January 2008.

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

78. The National Development Plan includes measures to give effect to the rights of citizens living abroad to vote and to be elected, the purpose of which is fundamentally to strengthen the exercise of citizen rights.

79. In this connection, we may inform the Committee that a number of bills have been under consideration by the legislature since 2006.

D. Part VI of the Convention

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

80. Bolivia concluded a Seasonal Workers Agreement with Argentina on 14 February 1978. An Agreement concerning the Regulation and Management of Labour Migration Flows is being negotiated with Spain, and other similar initiatives are in the process of being developed for negotiation with other States.

81. The practical implementation of the Agreement with Argentina was strengthened by the adoption of Argentina's Patria Grande programme and by Supreme Decree No. 28709 of May 2006, which provides for the reduction of consular fees as a means of encouraging the regularization and documentation of Bolivians in Argentina.

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

82. Although these governmental bodies, particularly the National Migration Council, were referred to in the above-mentioned Supreme Decree, for various reasons, they did not materialize.

83. Changes were made by the Executive Authority Organization Act (Act No. 3351) of 21 February 2006 that affected the Office of the Sub-Secretary for Migration, and its name was changed to the National Migration Service.

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

84. With regard to the issue of trafficking in persons, we wish to inform the Committee that the Ministry of Justice presides over the National Council on Trafficking in Persons, which has been meeting regularly for the purpose of establishing strong mechanisms to combat this phenomenon.

85. Although trafficking in persons was defined as a criminal offence in Act No. 3325 of 18 January 2006, in practice owing to loopholes, the law has been difficult to enforce. In order to broaden and complement the definitions, penalties and responsibilities set out in this Act,

discussion is under way concerning a comprehensive bill to combat trafficking in persons, which is being sponsored by the legislature. The aim of this bill is to resolve these problems related to both international and internal migration.²

86. At the end of March 2006, a Technical Human Trafficking and Smuggling Board was established, composed of representatives of the Ministry of Justice, the International Organization for Migration (IOM), the judiciary, the Bolivian Office of the Inter-Parliamentary Union, Pro Adolescentes Bolivia, the Human Trafficking and Smuggling Bureau of the Special Anti-Crime Force (FELCC), the United Nations Office on Drugs and Crime (UNODC), UNICEF and the Women's Therapy Centre (CDTM).

87. As far as international standards are concerned, the Government of Bolivia has ratified the following international instruments:³

(a) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, signed by Bolivia on 12 December 2000 and ratified under Act of the Republic No. 2273 of 22 November 2001;

(b) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 3 June 2003.

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

88. The Ministry of Foreign Affairs and Worship wishes to inform the Committee that the following bilateral and multilateral agreements, relating to the migration issues referred to in the questionnaire, have been concluded:

(a) Seasonal Workers Agreement, concluded with the Republic of Argentina on 14 February 1978;

(b) Migration Agreement, concluded with Argentina on 16 February 1998; Protocol supplementary to Migration Agreement, concluded 6 November 2000; Second Protocol additional to the Migration Agreement, concluded 6 November 2000;

² Country Report, Convention on the Rights of the Child, 2007.

³ Country Report, Convention on the Rights of the Child, 2007.

- (c) Decision No. 503 on Recognition of national identification documents, concluded 22 June 2001 by member States of the Andean Community of Nations;
- (d) Migration Regularization Agreement, concluded with Peru on 26 January 2002;
- (e) Agreement on the Regularization of Internal Migration of Citizens of Signatories to the Treaty establishing the common market of the southern cone (MERCOSUR), Bolivia and Chile, concluded 5 December 2002;
- (f) Decision No. 504: Andean Cooperation Mechanism in the area of Consular Assistance and Protection and Migratory Issues, adopted by the Andean Council of Ministers of Foreign Affairs on 25 June 2003;
- (g) New Migration Agreement, concluded with Argentina on 21 April 2004;
- (h) Migration Regularization Agreement, concluded with Brazil on 15 August 2005;
- (i) Migration Regularization Agreement, concluded with Paraguay on 20 October 2006;
- (j) Agreement on the Mutual Recognition and Exchange of Drivers' Licences, concluded with Spain on 23 November 2007;
- (k) Ibero-American Multilateral Agreement on Social Security, concluded on 10 November 2007.

89. Moreover, in the last few years, Bolivia has concluded and is party to the following multilateral and regional declarations, which contain provisions that are relevant to the issue of migration and that address questions relating to the promotion and protection of migrants' rights:

- (a) Declaration of Nuevo León, Extraordinary Summit of the Americas, January 2004, Monterrey, Mexico;
- (b) Declaration of Asunción, 5 May 2006, South American Migration Conference;
- (c) Declaration of the Ibero-American Summit of Montevideo, 6 November 2006, in which Bolivia incorporated a number of references for inclusion in the final text concerning the protection of the rights of migrants and vulnerable segments of the population, such as indigenous peoples;
- (d) Declaration of Caracas, 3 July 2007, South American Migration Conference.

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

90. The State does not yet have any mechanism for identifying refugees or victims of trafficking among migrants.

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

91. The institution responsible for providing assistance to migrant workers is the Ministry of Foreign Affairs and Worship, through the Department of Consular Affairs and the consulates and consular sections of the diplomatic missions of Bolivia. Consuls have the legal mandate to provide assistance to which Bolivian citizens are entitled by virtue of article 2, paragraphs (a), (b), (g), (h), (i), (j) and (l), of Supreme Decree No. 22243 of 11 July 1989 concerning consular regulations.
