



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

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Committee against Torture

**Third periodic report submitted by the
Plurinational State of Bolivia under article 19
of the Convention, due in 2017^{*}, ^{**}, ^{***}**

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* The present document is being issued without formal editing.

** The Committee considered the second periodic report of Bolivia (CAT/C/BOL/2) at its 1148th and 1151st meetings, held on 16 and 17 May 2013 (see CAT/C/SR.1148 and 1151). Following its consideration of the report, it adopted the concluding observations in CAT/C/BOL/CO/2 at its 1165th and 1166th meetings, held on 29 and 30 May 2013 (see CAT/C/SR.1165 and 1166).

*** The annex may be consulted in the files of the secretariat. It may also be accessed from the web page of the Committee against Torture.



I. Introduction

1. The Plurinational State of Bolivia, acting in accordance with article 19 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, hereby submits its third periodic report, which describes the measures taken between 2014 and 2018 to implement the Convention and the recommendations issued by the Committee against Torture on 14 June 2013 following its consideration of the country's second periodic report.

2. The present report was prepared by the Ministry of Justice and Institutional Transparency, in conjunction with various public institutions, and submitted to a review process by the inter-agency coordination forum for the preparation, presentation and defence of the reports of Bolivia, consisting of the Ministry of Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General's Office, in compliance with the commitment made by Bolivia during the second universal periodic review in October 2014.¹

II. Overview

3. According to the population and housing census conducted in 2011, Bolivia had 10,027,254 inhabitants, a figure that has risen to 11,307,000 in 2018 according to projections of the National Institute of Statistics. Of that total, 50.4 per cent are men and 49.6 per cent are women. The majority of the population (69.4 per cent) live in urban areas and 30.6 per cent live in rural areas.

4. Data provided by the Directorate General of Prisons indicate that, as of November 2017, around 17,836 people were deprived of liberty in 19 prisons and 43 jails throughout the country. Of these, 5,420 (30.39 per cent) had been sentenced and 12,416 (69.61 per cent) were in pretrial detention.

5. Of the total prison population, 92.16 per cent are men (16,437 persons) and 7.84 per cent are women (1,399 persons); 17,103 persons are aged between 18 and 59 years (95.89 per cent); 664 are over 60 years of age (3.72 per cent); and 69 are under 18 years of age (0.39 per cent).

6. As a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment² and the Optional Protocol thereto,³ Bolivia reaffirms its commitment to the promotion and protection of the human rights of persons deprived of their liberty and the prevention of torture.

7. The present report provides information on legislative developments and other measures taken by the State to prevent torture, such as the establishment of the Service for the Prevention of Torture, which is the national mechanism for the prevention of acts of torture and other cruel, inhuman or degrading treatment or punishment, the strengthening of the National Prison Council, the promulgation of regulations for the granting of pardon and amnesty on humanitarian grounds to persons deprived of liberty, and other actions aimed at achieving full compliance with the Convention.

¹ Inter-agency cooperation agreement between the Ministry of Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General's Office of 1 December 2015.

² Ratified by Bolivia through Act No. 1939 of 10 February 1999.

³ Ratified by Bolivia through Act No. 3298 of 12 December 2005.

III. Information on new measures and new developments relating to the implementation of the Convention, following the order of articles 1 to 16

Articles 1 and 4

Definition and criminalization of torture in accordance with the Convention

8. The State provided information on the implementation of articles 1 and 4 of the Convention in paragraphs 10 and 11 of its second periodic report to the Committee (CAT/C/BOL/2).

Article 2

Adoption of judicial, administrative or other measures to prevent acts of torture throughout the territory under the jurisdiction of the Bolivian State

9. With regard to the measures taken to guarantee a transparent detention environment, and thus prevent torture and other cruel, inhuman or degrading treatment or punishment, it should be noted that the State guarantees the right to liberty,⁴ which can be restricted only to ensure the discovery of the truth in the proceedings of judicial bodies and by virtue of an order issued by a competent authority.⁵

10. In accordance with Sentence Enforcement and Supervision Act (Act No. 2298 of 20 December 2001) (annex 1), pretrial detention is governed by the principle of the presumption of innocence, the purpose of which is to ensure that the process is not obstructed and that the accused is present in all judicial proceedings.⁶

11. Consistent with the above, article 73 of the Constitution provides that any persons subjected to any form of deprivation of liberty must be treated with due respect for human dignity and that their rights must be protected, including the right to communicate freely with their lawyers, interpreters, families and persons close to them.⁷

12. Act No. 2298 also prohibits any act of torture in prisons and establishes that human dignity, constitutional guarantees and the human rights of persons deprived of their liberty must be respected.⁸

13. The State has promulgated Act No. 586 of 30 October 2014 on streamlining and reducing the workload in the criminal justice system (annex 2), which introduces procedures to expedite the processing of criminal cases for the purposes of relieving congestion and reducing delays in the criminal justice system, in order to guarantee the prompt, timely and effective administration of justice within the framework of the Constitution.⁹ The Act establishes that justice should be done promptly and that there should be a limit on the duration of trials, in compliance with the relevant treaties. It also amends the Code of Criminal Procedure (Act No. 1970 of 25 March 1999) (annex 3) to provide for the establishment of trial courts made up of three professional judges who are qualified to hear and rule on proceedings related to all publicly actionable offences, removing the provision for three lay judges contained in article 60 of Act No. 025 of 24 June 2010 on the judiciary (annex 4). The Act provides for the cessation of pretrial detention when:

⁴ Constitution, art. 22.

⁵ Constitution, art. 23.

⁶ Act No. 2298, art. 4.

⁷ Constitution, art. 73.

⁸ Act No. 2298, art. 5.

⁹ Act No. 586, art. 1.

- Its duration exceeds the minimum legal penalty established for the most serious offence being tried
- Its duration exceeds 12 months without a charge being brought or 24 months without a judgment being handed down, except in cases involving corruption, State security, femicide, murder, rape of an infant, child or adolescent, or infanticide
- The person deprived of liberty provides evidence of being terminally ill

14. In 2014, within the framework of Act No. 586, the judiciary drew up a national plan to relieve congestion in the criminal justice system. This was necessary in order to address the following problems: the high proportion of pretrial detainees in the country's prisons; the impunity and lack of protection caused by procedural hold-ups; delays in holding final hearings; the shortage of judges; the poor organization of judicial offices; overly formulaic proceedings; the actions of the parties and their conduct during the proceedings; the unequal distribution of the caseload between old and newly created courts and between courts in the provinces and the capital; and the lack of up-to-date statistics, which could serve as an analytical tool for drawing up effective management policies. The following figures are available for 2015:

- 3,492 final hearings were held, of which 1,279 related to cases involving pretrial detention
- 759 convictions were issued in summary hearings
- 1,056 final hearings were held in preparation for oral proceedings
- 1,464 final decisions were issued in hearings related to the application of alternative measures
- 212 other final decisions were issued in relation to the application of other procedures

15. On 10 and 11 June 2016, a national summit was held on pluralistic justice for living well. The summit was attended by representatives of a number of social, academic and civil society organizations, who put forward concrete proposals for transforming the justice system. In order to implement the conclusions adopted at the summit, a commission was established by Act No. 898 of 26 January 2017 to follow up on the conclusions of the national justice summit. The commission is made up of top officials from the judiciary, the legislature, the executive branch, the Public Prosecution Service and the Counsel General's Office, as well as a representative of the Bolivian university system.

16. Thanks to this commission, a bill on expediting criminal proceedings was put forward with a view to amending the Code of Criminal Procedure so as to avoid delays in judicial proceedings, overcrowding in prisons and the abuse of pretrial detention, by: (1) simplifying the serving of process; (2) restricting the use of pretrial detention; (3) strengthening oral proceedings; (4) making changes to jurisdictions; and (5) making use of information and communications technology.

17. The Attorney General's Office has been working on setting up reliable computer alerts¹⁰ to help ensure that pretrial detention does not exceed the time limits set out in article 239 of the Code of Criminal Procedure.¹¹

18. Supreme Decree No. 2359 of 13 May 2015 (annex 5) has been promulgated to provide free birth certificates and identity cards to all persons deprived of liberty in State prisons. As a result, a total of 850 inmates have been registered nationwide. The departmental prison directorates, in coordination with the Personal Identity Service, continue to ensure that identity cards are issued.

¹⁰ Instruction FGE/RJGP No. 176/2017 of 16 October 2017 of the Attorney General's Office.

¹¹ Code of Criminal Procedure, art. 239.

Plurinational Public Defender Service

19. Pursuant to Act No. 463 of 19 December 2013 (annex 6), the Plurinational Public Defender Service was created as a decentralized institution with administrative, financial, legal and technical autonomy, under the supervision of the Ministry of Justice and Institutional Transparency. The Service provides free legal assistance and defence counsel to all persons who have been charged or accused and all those to whom no defence lawyer has been assigned.

20. According to data provided by the Integrated Case-Tracking System, as at 1 December 2017, the Service had assisted 11,609 users nationwide (annex 7).

21. Public defenders from the Service carried out 412 visits to prisons with the aim of recording all consultations and actions taken and due to be taken (annex 8).

22. The Procedural Protocol for Public Defenders¹² (annex 9) was also adopted; it enables public defenders to guarantee compliance with legal rights and safeguards in criminal proceedings through appropriate and timely professional representation that takes account of the observations and recommendations issued by the Subcommittee on Prevention of Torture.

23. Under the Protocol, as soon as a public defender sees any signs that one of its clients has suffered physical or psychological violence, that defender must ask the prosecutor to submit a formal request to the forensic doctor, calling on the latter to take preventive security measures, transfer the person concerned to a health centre and inform the Service for the Prevention of Torture about the signs.

24. The Plurinational Public Defender Service has set up computer terminals in prisons so that pretrial detainees can keep track of their legal proceedings, the action taken by prosecutor's offices and the Service itself, and the action taken by public defenders. Such terminals have been installed in five prisons since 2017 (annex 10).

25. Plans are in place to set up computer terminals in a further 17 prisons in the country.

Implementation of article 2 (2) and 2 (3) of the Convention

26. With regard to the application of article 2 (2) of the Convention, the Constitution provides that the declaration of a state of emergency shall not result in the suspension of constitutional guarantees, fundamental rights, the right to due process or the rights of persons deprived of liberty.¹³ Perpetrators are prosecuted in accordance with constitutional rules.¹⁴

27. With regard to the applicability of article 2 (3) of the Convention, concerning the ban on invoking the order of a superior, the Regulations on Misconduct and Related Punishment No. 23, of the Bolivian Armed Forces, provide for the expression of a verbal or written objection to orders received if those orders are considered to have been wrongfully given.¹⁵

28. Act No. 101 of 4 April 2011 on the Disciplinary Regime of the Bolivian Police (annex 11) establishes that a police officer who refuses to comply with an order that constitutes a violation of personal security, the Constitution or the law shall be exempt from responsibility. Furthermore, if a police officer commits an act of torture, he or she is withdrawn from duty or permanently discharged from the institution without the right to be reinstated.¹⁶

29. Consequently, Bolivian law does not permit orders or instructions from superiors to be invoked as justification for committing acts of torture under any circumstances.

¹² Administrative Decision No. 039/2017 of 27 July 2017.

¹³ Constitution, art. 137.

¹⁴ Constitution, art. 139. II.

¹⁵ Supreme Resolution No. 181303 of 1976, art. 10 (2).

¹⁶ Act No. 101, art. 14.

Therefore, the immediate perpetrators of violations of personal security are held responsible under constitutional rules.¹⁷

Article 3

No expulsion, refoulement or extradition to other States when there are substantial grounds for believing that the person concerned would be in danger of being subjected to torture

30. Act No. 370 of 8 May 2013 on migration provides for the obligatory departure of foreign migrants for the reasons set out in the Act, following administrative proceedings conducted by the Directorate General for Migration in accordance with the corresponding constitutional safeguards and the right of migrants to file an application for reconsideration, ensuring that they are not forced to leave Bolivian territory for another country where their lives and safety would be in danger or at risk.¹⁸

31. Act No. 251 of 20 June 2012 (annex 12) establishes a protection regime for refugees and asylum seekers that is in line with the Constitution, the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees and other international human rights instruments ratified by Bolivia.

32. Act No. 251 enshrines the principles of non-refoulement¹⁹ and non-expulsion,²⁰ whereby no refugee or asylum seeker may be returned to another country where his or her life, safety or liberty would be at risk. However, Supreme Decree No. 1440 of 19 December 2012 (annex 13) provides for exceptional cases in which persons may be expelled for reasons of State security or public order. In such cases, following an evaluation by the National Commission for Refugees and a reasoned decision by that body, refugees are granted a reasonable time period in which to arrange for their legal admission to a third country where their life, liberty and security would not be at risk;²¹ their right to challenge that decision is guaranteed.

33. The State provided information on measures related to extradition in paragraph 37 of its initial report (CAT/C/52/Add.1) and paragraph 84 of its second periodic report to the Committee (CAT/C/BOL/2).

34. The extradition of refugees is not permitted; if a request for the extradition of an applicant for refugee status in Bolivia is received, the extradition process is suspended until the application for refugee status has been resolved.²²

Article 5

Exercise of jurisdiction over torture

35. As mentioned in paragraphs 87 and 88 of the second periodic report of Bolivia to the Committee, article 1 of the Criminal Code continues to govern the application of article 5 of the Convention.²³

36. Article 110.I of the Constitution establishes that persons who violate constitutional rights are subject to the jurisdiction of the Bolivian authorities. Article 110.II establishes that perpetrators and instigators of constitutional rights violations shall be held accountable for their actions.

37. The second additional provision of the Children and Adolescents Code (Act No. 548 of 17 July 2014) (annex 14), amending article 5 of the Criminal Code, provides as follows: "Article 5 (Regarding persons). No personal exemptions or privileges are recognized under

¹⁷ Constitution, art. 110.

¹⁸ Act No. 370, art. 37.

¹⁹ Act No. 251, art. 4.

²⁰ Act No. 251, art. 6.

²¹ Supreme Decree No. 1440, art. 6.

²² Act No. 251, art. 5.

²³ Criminal Code, art. 1.

criminal law but its provisions shall apply to persons aged over 14 years at the time of the act. The criminal responsibility of adolescents aged over 14 years but under 18 shall fall under the special regime established by the Children and Adolescents Code.”

38. It should be noted that Act No. 2026 of 27 October 1999 on the Children and Adolescents Code, which was repealed by Act No. 548, had established the age of criminal responsibility of adolescents at 12–16 years, which signified a serious violation of the rights of adolescents over 16 years of age, who were tried as adults. Act No. 548 sets the age of criminal responsibility of adolescents at 14–18 years, in line with international standards.

Article 6

Rules concerning the detention of persons suspected of having committed the offence of torture

39. As mentioned in paragraphs 10–12 of this report, and paragraphs 89–94 of the second periodic report submitted to the Committee, Bolivia provides every constitutional guarantee during the apprehension or arrest of persons accused of committing offences.

40. Act No. 370 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.²⁴ Their right to inform the consular or diplomatic authorities of their country of origin in the event of their apprehension or detention is protected.²⁵

Article 7

Prosecution in the home State of persons alleged to have committed an act of torture in cases where extradition is inadmissible

41. The State provided information on the implementation of article 7 of the Convention in paragraphs 104–111 of its second periodic report to the Committee.

Article 8

Extradition

42. In accordance with the national legislation in force, the power to rule on the admissibility of a request for the passive extradition of a citizen lies exclusively with the Supreme Court of Justice²⁶ and the criteria for its decision are subject to the requirements set out in the treaty invoked by the requesting State and in national legislation.

43. With regard to the provisions of article 8 of the Convention, extradition treaties do not expressly identify the offence of torture as a ground for extradition. However, the majority of such international instruments stipulate that extradition is admissible in respect of criminal acts covered by the legal regimes of both of the parties concerned.

44. As mentioned in paragraph 114 of the second periodic report, article 149 of the Code of Criminal Procedure continues to govern the application of article 8 of the Convention.²⁷

Article 9

Rules on judicial cooperation

45. The State provided information on the implementation of article 9 of the Convention in paragraphs 123–127 of its second periodic report to the Committee.

²⁴ Act No. 370, art. 15.

²⁵ Act No. 370, art. 49 (5).

²⁶ Code of Criminal Procedure, art. 158.

²⁷ Code of Criminal Procedure, art. 149.

Article 10

Training and education for the prevention of torture

46. This issue is addressed in paragraphs 205–216 of this report.

Article 11 and 15

Prevention and prohibition of acts of torture in connection with criminal investigations and deprivation of liberty

47. The State provided information on the implementation of articles 11 and 15 of the Convention in paragraphs 138–146, 148 and 149 of its second periodic report to the Committee.

48. The Directorate General of Prisons has issued an instruction²⁸ requiring prison directors and the departmental directors of the prison system to place an absolute ban on any active or passive act involving torture or ill-treatment.

49. The National Directorate of Prison Security²⁹ (annex 15) has reminded departmental directors of the prison system to instruct the police officers reporting to them that, in enforcing security in prisons, the human rights of the prison population must be respected and that all cruel and inhuman treatment is prohibited in accordance with article 5 of the Universal Declaration of Human Rights.³⁰

50. The National Directorate of Prison Security abides by the manual on the organization and functions of the Directorate of Prisons and itself. The manual provides a legal framework to ensure that public servants from the Bolivian Police assigned to these two directorates work effectively and efficiently.³¹

Article 12

Prompt and impartial investigation when there are grounds to believe that an act of torture has been committed

51. The State provided information on the implementation of article 12 of the Convention in paragraphs 116 and 119–121 of its second periodic report to the Committee.

52. Since torture is an offence defined in the Criminal Code, it is dealt with under the Code of Criminal Procedure. Organic Act No. 260 of 11 July 2012 on the Public Prosecution Service³² (annex 16) is applicable to ordinary proceedings for publicly actionable offences, in respect of which the Public Prosecution Service is the body responsible for conducting criminal proceedings. It conducts the investigation, brings formal charges or accusations and sets in motion the judicial machinery that guarantees due process, conducts hearings and proceedings established by law, holds oral proceedings, hands down sentences and rules on appeals and interlocutory motions.

53. The Attorney General's Office issued Instruction FGE/RJGP No. 176/2017 of 16 October 2017, which governs the implementation of the recommendations of the Subcommittee on Prevention of Torture, and prepared a guide to the application of the Istanbul Protocol in investigations into ill-treatment and torture with the aim of establishing guidelines for taking action and making criminal prosecutions more effective.

54. To this end, the judge, in an oral, public hearing attended by the defence counsel, informs the accused person of the reasons for his or her detention and, if there is evidence

²⁸ Instruction MG-DGRP No. 25/2017 of 20 September 2017.

²⁹ Memorandum Circular No. 144/2017 of 22 September 2017.

³⁰ Universal Declaration of Human Rights, art. 5.

³¹ Adopted through Administrative Decision No. 242/15 of 14 July 2015 of the National Police Command.

³² Act No. 260, art. 8.I.

of injury, instructs the Public Prosecution Service to issue an order for that person to be examined by a forensic doctor.

Article 13

Access to justice

55. The State provided information on the implementation of article 13 of the Convention in paragraphs 150 and 151 of its second periodic report to the Committee.

56. With regard to the mechanisms for the protection of complainants and witnesses referred to in the reporting guidelines (HRI/GEN/2/Rev.6, para. 22, third bullet point), Act No. 458 of 19 December 2013 establishes a system for protecting complainants and witnesses and also provides for the protection of civil servants, former civil servants, individuals and family members who might be subject to reprisals.

57. Article 11 of Act No. 260 provides as follows:

I. The Public Prosecution Service, in coordination with the Bolivian Police, organs of the State and public institutions, shall protect persons who are at risk of harm for cooperating with the justice system. To this end, it shall arrange ongoing programmes for the protection of witnesses, complainants, experts, victims and its own officials.

II. Such protection shall be provided, in particular, in the case of offences related to organized crime, corruption, drug trafficking, offences against women, children or adolescents, trafficking and smuggling of persons and/or violations of fundamental rights.

58. The Public Prosecution Service, through the Directorate for the Protection and Assistance of Victims, Witnesses and Members of the Public Prosecution Service, promotes the protection and assistance of victims of offences, witnesses, persons who cooperate with the prosecution and officials of the Public Prosecution Service. To this end, it has been implementing a programme for the protection of victims, witnesses, complainants and members of the public prosecution service.

59. The Directorate has adopted a policy of using *Gesell domes* to conduct interviews with victims and avoid their revictimization and has begun developing guides to the exercise of these new functions, which are collectively known as the “integrated service access point” model.

60. In accordance with article 11 of Act No. 260, the Attorney General’s Office has issued guidelines on activating mechanisms to protect victims, complainants, witnesses³³ and others at risk of harm for cooperating with the justice system,³⁴ through the application of initiatives related to assistance, protection and follow-up.³⁵

61. In addition to the above-mentioned protection mechanisms, individual precautionary measures are also taken, in the form of pretrial detention or alternatives such as home arrest, a ban on approaching the victim or complainant, and similar restrictions.

Article 14

Right to redress

62. The State provided information on the implementation of article 14 of the Convention in paragraphs 152 and 153 of its second periodic report to the Committee.

³³ Instruction FGE/ RJGP No. 392/2015 of 7 December 2015.

³⁴ Act No. 260, art. 11.

³⁵ CED/C/BOL/1.

Article 16

Prohibition of acts of cruel, inhuman or degrading treatment or punishment

63. Under article 15.I of the Constitution, the Bolivian State prohibits torture and cruel, inhuman, degrading and/or humiliating treatment. For this reason, the measures adopted by the State are aimed at preventing and eliminating, not only all acts of torture, but also all cruel, inhuman, degrading and/or humiliating treatment.

IV. Additional information requested by the Committee

64. Information on the measures taken can be found in paragraphs 51–54, 76–79, 83, 84, 88, 101–104, and 142–148 of this report.

V. Compliance with the Committee’s recommendations

Definition of torture and the offence of torture (art. 1)

Recommendation in paragraph 8

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

Fundamental procedural safeguards

Recommendation in paragraph 9 (a)

66. As highlighted in paragraph 90 of the second periodic report, the right to due process, the right to a defence and the right to a system of justice that is pluralistic, swift, timely, free, transparent and administered without delay is guaranteed under the Constitution.³⁶

67. In accordance with article 296 of the Code of Criminal Procedure,³⁷ persons deprived of liberty have the right to be informed of the reason for their detention and to have their relatives, or other persons close to them, informed of their detention and the establishment to which they will be taken. At the same time, Act No. 2298 provides that persons deprived of liberty have the right to provide the authorities with details of their family members so that the latter can be informed about their health and their transfer to another place of detention.³⁸

68. As mentioned in paragraph 27 of the second periodic report, persons deprived of liberty have the right to a defence and to be assigned a free defence counsel when they cannot afford to pay for one.

69. In accordance with Act No. 2298, no restrictions are placed on the right of inmates of Bolivian prisons to receive visits from their lawyers.³⁹ Inmates have the right to receive visits during visiting hours on weekdays, at weekends and on public holidays, subject to security restrictions.⁴⁰ They may also receive conjugal visits.⁴¹

70. Persons deprived of liberty may submit petitions or complaints, either orally or in writing, to the prison director or the administrative staff and may use other direct

³⁶ Constitution, art. 115.I.

³⁷ Code of Criminal Procedure, art. 296.

³⁸ Act No. 2298, art. 21.

³⁹ Act No. 2298, art. 105.

⁴⁰ Act No. 2298, art. 103.

⁴¹ Act No. 2298, art. 106.

mechanisms authorized by the Directorate General of Prisons. They may also use the complaints box installed in every prison.⁴²

71. The health and physical integrity of persons deprived of liberty are protected. All persons deprived of liberty who enter a prison undergo a medical examination to determine their physical and mental state.⁴³ In addition, all inmates are examined periodically and may visit the medical service on request. If it is found that a person deprived of liberty requires specialized medical treatment, the doctor will inform the sentence enforcement judge that the person needs to be transferred to a health centre.

72. If a person deprived of liberty has a serious or contagious disease, the prison director must, subject to medical advice, authorize his or her transfer to a health centre and may even ask the sentence enforcement judge to place the person under house arrest. In an emergency, the prison director may order that the prisoner be transferred to a health centre outside the prison, in which case the necessary security measures must be taken and the sentence enforcement judge must be informed immediately.

73. Staff responsible for medical and psychological care employed by the Directorate General of Prisons and the Ministry of Health constantly carry out checks, reviews, campaigns and workshops on health issues in all the country's prisons.

74. With regard to the recommendation to expand and improve the coverage of the National Public Defence Service (now the Plurinational Public Defender Service), it should be noted that the Ministry of Justice and Institutional Transparency, as the lead agency, carries out institution-building activities to improve operating conditions, establish budget lines and optimize infrastructure in every office in the country.

75. The Plurinational Public Defender Service has expanded the service it provides to rural areas of the country. At present, it covers 98 county seats through mobile public defenders who operate throughout the country (annex 17).

Recommendation in paragraph 9 (b)

76. The highest authority of the Directorate General of Prisons, in compliance with international instruments, the Constitution and Act No. 2298, conducts periodic inspections of the activities carried out in the prison system at the national level. The departmental prison directorates also inspect prisons to determine whether they are being run correctly.

77. On 2 December 2015, the Directorate General of Prisons signed an inter-agency cooperation agreement with the Construir foundation to develop and implement a prison information system known as SIPENBOL that stores up-to-date information on persons deprived of liberty, judges, prosecutors, arrest dates, status of criminal proceedings, comprehensive identification details of persons deprived of their liberty, fingerprints and lengths of sentences, within a framework of respect for human rights (annex 18). This system will also contain information on the social, family, psychological, employment and legal situations of persons deprived of liberty (annex 19).

78. On 10 February 2017, the Ministry of the Interior and the Supreme Court of Justice signed an inter-agency cooperation and coordination agreement (annex 20) to integrate the prison information system and the Supreme Court's information system, TULLIANUS. Under the aforementioned agreement, a joint, inter-agency unit has been created to establish a database that contains the personal data of persons deprived of liberty and information on their procedural status and that can be updated in real time.

79. In addition, a special commission composed of representatives of the judiciary, the Public Prosecution Service, the Ministry of the Interior and the Ombudsman's Office has been created to analyse the cases of all persons deprived of liberty in order to identify priority cases based on age, gender and other factors and to examine the feasibility of applying an alternative measure to pretrial detention or a measure provided for under the progressive system established by Act No. 2298.

⁴² Act No. 2298, art. 43.

⁴³ Act No. 2298, art. 23.

Complaints of torture and ill-treatment

Recommendation in paragraph 10

80. Under articles 9 (f) (g) and 13 (c) of Act No. 474 of 30 December 2013 (annex 21), the Service for the Prevention of Torture is the body responsible for receiving reports and complaints of torture and other cruel, inhuman or degrading treatment or punishment. It has the authority to file, on its own initiative, complaints relating to torture and to follow up on investigations and prosecutions in cases of torture.

81. In accordance with the Convention, and in order to comply with this recommendation, the Service has been developing a computerized system that enables the courts, administrative bodies and prisons to carry out follow-up and provide assistance in cases involving torture.

82. In this regard, the departmental directors, public defenders and auxiliary defenders of the Plurinational Public Defender Service have been recording and identifying cases of torture and other cruel, inhuman or degrading treatment or punishment in prisons (annex 22)⁴⁴ with a view to referring them to the Service for the Prevention of Torture. Furthermore, the Plurinational Public Defender Service has been raising awareness in detention centres, prisons, special facilities and social reintegration centres for juvenile offenders of the fact that any act of torture may be reported.

Investigations and legal proceedings

Recommendation in paragraph 11 (a) and (b)

83. The Public Prosecution Service, through the departmental prosecutors' offices, monitors, supervises and follows up on cases of torture and the work of the prosecutor assigned to each case. It takes appropriate steps in relation to criminal prosecutions to ensure that each case is handled with due diligence and with respect for the procedural time limits and rules of due process established in articles 115.II and 180.I of the Constitution and article 55.I of Act No. 260. Consequently, the Public Prosecution Service, in the exercise of the right to bring a criminal action, in accordance with the principle of thoroughness, conducts investigations, provides expert services and initiates proceedings.

84. In addition, the Attorney General's Office has issued the following instructions:

- Instruction FGE/RJGP/DGFSE-641/2011 of 5 September 2011 relating to the ex officio prosecution of acts of torture and cruel, degrading or inhuman treatment, instructing district prosecutors, prosecutors assigned to appeals and ordinary public prosecutors that, pursuant to articles 38 and 40 of Act No. 260, they must initiate investigations on their own initiative and take appropriate legal action in relation to criminal acts involving torture and cruel, degrading or humiliating treatment, taking all necessary procedural and investigative steps, in accordance with article 59 of the above-mentioned Act, until the proceedings have concluded and the perpetrators of the acts have been punished.
- Instruction FGE/RJGP/DGFSE-679/2011 of 16 September 2011, instructing prosecutors assigned to appeals, district prosecutors and ordinary public prosecutors throughout the country that, pursuant to Judgment No. 0476/2011-R of 18 April 2011 of the Constitutional Court of Bolivia, which ordered that the contents of legal ground II.3 of the Judgment should be disseminated, information relating to the physical state of the accused must be recorded on a certificate or other document for the attention of the pretrial judge in cases of alleged torture or other inhuman treatment that violates article 15 of the Constitution.

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⁴⁴ Instruction SEPDEP/DNDP/DSC No. 116/2017 of 26 September 2017.

Instruction FGE/RJGP-176/2017 of 16 October 2017, instructing:

- (i) Departmental prosecutors' offices:
 - (a) To launch, on their own initiative, prompt and impartial investigations where there are reasonable grounds to believe that an act of torture or ill-treatment has been committed by police or prison officers, and to establish the responsibility of superior officials who instigate, encourage, consent to or acquiesce in such acts;
 - (b) To take the necessary measures to prioritize the processing of proceedings and avoid the suspension of hearings involving pretrial detainees;
 - (c) To prioritize the application of alternative measures for pretrial detainees, provided that such measures are appropriate and do not compromise public safety or undermine the interests of society and the victims;
- (ii) The Directorate for the Management, Monitoring and Evaluation of Prosecutions: To incorporate in its prosecution policy an approach that takes into consideration both vulnerability and human rights, does away with the widespread use of pretrial detention and favours restorative forms of justice;
- (iii) The Directorate for the Protection and Assistance of Victims, Witnesses and Members of the Public Prosecution Service: To include victims and witnesses of acts of ill-treatment and torture, particularly when those acts have been committed against persons deprived of liberty or in the context of social protests, in the Programme for the Protection of Victims, Witnesses and Complainants;
- (iv) The Office of the Prosecutor for Offences against the Person: To prepare a manual on the application of the Istanbul Protocol during the investigation of ill-treatment and torture;
- (v) The Forensic Investigation Institute: To take the necessary steps to ensure that forensic reports comply with the Istanbul Protocol and can be used to document possible cases of torture;
- (vi) Public prosecutors:
 - (a) Where appropriate, to request the application of precautionary measures of a personal nature, which must be executed restrictively and in such a way as to cause the least amount of harm possible to the accused and his or her reputation, avoiding the unrestrained use of pretrial detention in accordance with articles 7 and 22 of the Code of Criminal Procedure;
 - (b) To ensure that the conditions for granting alternative measures to pretrial detention are commensurate with the social and economic means of the accused;
 - (c) To take into account the culture and the financial and employment situation of indigenous persons when ordering precautionary measures;
 - (d) To give suitable consideration to the customs and way of life of indigenous peoples when they are prosecuted in the ordinary courts and to ensure that their due process rights are upheld, including their right to a defence and to information concerning their detention and rights in their own language, in keeping with the spirit of the Constitution;
 - (e) To prioritize the resolution of proceedings and avoid the suspension of hearings involving pretrial detainees;
 - (f) To prioritize the application of alternative measures, particularly for pretrial detainees, provided that such measures are appropriate and do not compromise public safety or undermine the interests of society or the victims;

(g) In conducting the proceedings, to take into account the heightened vulnerability of women and the principle of the best interests of the child and to widely implement alternatives to custodial sentences in accordance with the Tokyo Rules and the Bangkok Rules;

(h) In cases involving criminally responsible minors (between 16 and 18 years old), to prioritize the application of precautionary and non-custodial measures;⁴⁵

(i) In cases where the accused has a mental illness, a seriously disturbed mental condition or a serious mental impairment, to request, on their own initiative, the conduct of medical and psychological or psychiatric assessments, in accordance with articles 79 and 80 of the Criminal Code, article 86 of the Code of Criminal Procedure, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Tokyo Rules and the Bangkok Rules.

Recommendation in paragraph 11 (c)

85. Pursuant to Act No. 101, the commission by a police officer of acts of torture or cruel, degrading or inhuman treatment that violate human rights constitutes serious misconduct punishable by separation or discharge from the institution without the right to be reinstated, without prejudice to the initiation of criminal proceedings, where appropriate.⁴⁶

86. According to police disciplinary procedure, any police officer under investigation for, or accused of, serious misconduct as defined in article 14 of Act No. 101 is, from the outset of the investigative stage of the proceedings, placed at the disposal of the Police Prosecution Service for the purposes of the investigation, transferred to another unit (although never to another district) and barred from taking leave or travelling on official business to ensure that he or she remains where the disciplinary proceedings are taking place. When the case is brought before the departmental disciplinary tribunal, the police officer is placed at the disposal of the tribunal for the duration of the proceedings and is suspended from duty without pay the same day, and the Directorate General of Human Resources is notified accordingly. If the police officer is caught in flagrante delicto or the serious misconduct implicates the institution, he or she is immediately suspended from duty without pay and subjected to a special procedure. If acquitted pursuant to an enforceable decision, he or she is repaid the withheld salary with no loss of seniority and is reinstated by the National Police Command.

87. The Directorate General of Prisons, in the light of a recommendation made by the Subcommittee on Prevention of Torture, has instructed all departmental prison directors to “continuously monitor criminal proceedings initiated as a result of complaints relating to alleged crimes committed in prisons”.⁴⁷

Recommendation in paragraph 11 (d)

88. In the document submitted by Bolivia (CAT/C/BOL/Q/2/Add.2) in response to the Committee’s list of issues (CAT/C/BOL/Q/2/Add.1), reference is made to the following cases:

- *Case of Grover Poma Guanto*: The Second Trial Court of Yacuiba, in the department of Tarija, issued Judgment No. 026/2015 of 21 August 2015, sentencing the perpetrators to 8 years’ imprisonment for assault causing death, as defined in and punishable under article 273 of the Criminal Code. The Judgment was appealed before the Departmental Court of Justice of Tarija and was upheld, then subsequently appealed on points of law. That appeal was rejected by the higher court. The Judgment was therefore referred back before the Departmental Court of

⁴⁵ Act No. 548 provides that the age of criminal responsibility for adolescents is between 14 and 18 years, in accordance with international standards.

⁴⁶ Act No. 101, art. 14 (5).

⁴⁷ Instruction MG-DGRP-28/2017 of 20 September 2017.

Justice of Tarija. The Second Trial Court of Yacuiba subsequently finalized the judgment and a sentencing order was issued against the persons convicted. In 2018, an application for civil damages amounting to 839,655.17 bolivianos was filed against the persons convicted. That case is currently pending before the First Trial Court of Yacuiba. The Ministry of Justice and Institutional Transparency, through the Comprehensive Plurinational Justice Service, is providing legal guidance and assistance to Mr. Andrés Poma Tola, the father of sub-lieutenant Grover Poma.

- Furthermore, pursuant to article 89 (a) of Organic Act No. 1405 of 30 December 1992 on the Armed Forces (annex 23), the Army Court Martial, in its decisions Nos. 041/18, 042/18 and 043/18, ordered that the officers involved be removed from duty.
- *Case of Alfredo Vargas Condori*: The Tenth Trial Court of Santa Cruz de la Sierra issued Judgment No. 12/2017 of 23 March 2017, sentencing the perpetrator to 15 years' imprisonment for homicide, as defined in and punishable under article 251 of the Criminal Code, and acquitting the others accused of murder. Restricted appeals are currently pending.
- *Case of Guido Álvaro López Cortez*: The First Investigating Juvenile Judge of Challapata reported that the criminal proceedings will be moving forward with an indictment, following the conclusion of the preparatory hearing to get the case ready for trial, held in accordance with Act No. 007 of 18 May 2010 on Amendments to the Criminal Regulatory System (annex 24). The accused filed an interlocutory appeal against the ruling handed down at the hearing; the appeal has been brought before the rota court of the Departmental Court of Justice of Oruro. In the interim, the accused have been granted alternative measures to pretrial detention.

Military jurisdiction

Recommendation in paragraph 12

89. The Commander-in-Chief of the Bolivian Armed Forces set up an inter-institutional commission to bring Act No. 1405 into line with the Constitution. Corresponding amendments will be made to the Military Criminal Code, the Code of Military Criminal Procedure and the Military Justice Organization Act.

90. With regard to the second part of the recommendation, any military official who commits an act of torture or ill-treatment is suspended from duty⁴⁸ and faces criminal proceedings in the ordinary courts.

91. The Ministry of Defence adopted Ministerial Decision No. 261/2011 of 5 April 2011 to ensure proper treatment in military institutes and barracks for cadets, students, soldiers, sailors, trainee soldiers and officers of the armed forces and to prohibit military personnel from meting out cruel, degrading or humiliating treatment that violates a person's physical or psychological integrity (annex 25).

92. The Ministry of Defence awards a certificate of non-violation of human rights to armed forces personnel recommended for a promotion in rank.⁴⁹ It is a prerequisite for promotion to the next rank of the armed forces (annex 26).

93. The Programme for Living Well in Barracks⁵⁰ was adopted to ensure dignified conditions for soldiers and sailors performing compulsory military service (annex 27). The Programme has the following components:

- *Proper treatment*: Free of all forms of ill-treatment
- *Health*: Timely and high-quality medical care; adequate operational health-care units complete with medical and paramedical personnel; preventive health-care policies

⁴⁸ Regulations on Misconduct and its Punishments No. 23, art. 10.8.

⁴⁹ Ministry of Defence Decision No. 0747 of 13 August 2013.

⁵⁰ Ministry of Defence Decision No. 920 of 21 December 2017.

- *Food*: Compliance with the nutrition guidelines set out in the Practical Handbook on Regional Dishes for Soldiers and Sailors⁵¹
- *Barracks infrastructure*: Adequate infrastructure with adequate space and basic services
- *Adequate supplies*: Food and clothing of acceptable quality
- *Comprehensive training for soldiers*: Use of military technical institutes, support for completion of secondary, technical and university studies; access to scholarships for higher education in the educational institutions overseen by the Ministry of Education, military schools and institutes specializing in vocational training and military schools specializing in engineering for soldiers and sailors who perform exceptionally well during their compulsory military service⁵²
- *Prevention of racist acts and all forms of discrimination*: Through training and workshops in military units on Act No. 045 of 8 October 2010 on combating racism and all forms of discrimination (annex 28); the dissemination of Ministerial Decision No. 261 of 15 April 2011 relating to proper treatment and Armed Forces Instruction No. 09/13 of 12 March 2013, whose purpose is to train officers and civilian personnel of the Armed Forces in order to prevent violations of Comprehensive Act No. 263 of 31 July 2012 on combating human trafficking and smuggling (annex 29), Act No. 045, Comprehensive Act No. 348 of 9 March 2013 on guaranteeing women a life free of violence and Act No. 004 of 31 March 2010 on corruption, illegal enrichment and scrutiny of wealth, known as the Marcelo Quiroga Santa Cruz Act (annex 30)

Efforts to combat impunity and to provide redress for past human rights violations

94. The Truth Commission was established by Act No. 879 of 23 December 2016 to investigate cases of murder, enforced disappearance, torture, arbitrary detention and sexual violence – considered to be grave human rights violations, committed with political or ideological motives, – that occurred in Bolivia between 4 November 1964 and 10 October 1982.

95. The Truth Commission is composed of five members who receive no remuneration, chosen for their proven impartiality, professionalism, ethical conduct and personal integrity and their commitment to the promotion of human rights, as well as their knowledge of the situation during the period covered by article 1 of Act No. 879. The members were appointed by the President of Bolivia on 21 August 2017. The Truth Commission has a technical secretariat⁵³ comprising a technical support team, which is still active today.

96. The Attorney General's Office issued Instruction FGE/RJGP-141/2017, which provides for "the prioritization of the investigation of offences involving human rights violations that occurred during the unconstitutional regimes that governed between 1964 and 1982". In that regard, the Public Prosecution Service is looking into the following cases: No. 14222/2009 (Santa Cruz); LPZ 0900419; LPZ 1009466; LPZ 1515606; and FIS-LPZ 0906441 and 0906035.

97. In relation to the above cases, the Attorney General's Office requested the departmental prosecutors' offices of La Paz and Santa Cruz:

- To supervise, monitor and follow up on the cases cited and the work of the prosecutor assigned to each case, in accordance with articles 5.6, 32, 34.3, 10 and 16 of Act No. 260
- To instruct the public prosecutor assigned to each case to take the necessary measures before the courts such that the proceedings continue without delay until their conclusion, ensuring that the judicial service acts effectively and in accordance

⁵¹ Ministry of Health and Ministry of Defence, Joint Ministerial Decision No. 001 of 21 January 2015.

⁵² Supreme Decree No. 1875 of 23 January 2014.

⁵³ Supreme Decree No. 3314 provides for the establishment of the directorate that serves as the technical secretariat of the Truth Commission.

with the law and the time frames and terms prescribed therein, pursuing, where necessary, appropriate action, remedies and procedures

(a) In cases LPZ 0906035 and LPZ 1515606:

- To order that each case should be handled in such a way as to ascertain the facts, to determine the responsibility of the perpetrator and any accomplices, and to provide reparations for the damage caused to the victim, and that those handling the case should act objectively, request appropriate precautionary measures, comply with the procedural deadlines for issuing decisions and final requests issued and ensure respect for constitutional rights and safeguards, due diligence and due process
- To order that all necessary and pertinent investigative and procedural steps should be exhausted, in accordance with standard procedure and the principle of thoroughness, which requires the Public Prosecution Service, in bringing a criminal action, to carry out all necessary investigative steps and exhaust all investigative possibilities, within the limits of what is lawful, pertinent and useful

(b) In each case, the Attorney General's Office ordered that specific measures should be taken (annex 31).

Recommendation in paragraph 13 (b)

98. The Public Prosecution Service, through its senior prosecutors, coordinates and oversees the investigation of cases of enforced disappearance that occurred during the dictatorship that lasted from 4 November 1964 to 10 October 1982. It has established a workplan for the cases of enforced disappearance of Marcelo Quiroga Santa Cruz, Juan Carlos Flores Bedregal, Félix Melgar Antelo, José Carlos Trujillo Oroza, José Luis Ibsen Peña and Renato Ticona Estrada. Under the workplan, the Argentine Forensic Anthropology Team will provide technical support in tracing, exhuming and identifying mortal remains (annex 32). An inter-institutional strategy on enforced disappearances was established comprising three main components: investigating the events of enforced disappearances, tracing disappeared persons and identifying mortal remains.

99. An inter-institutional cooperation agreement between the Truth Commission and the Attorney General's Office was concluded on 17 August 2018 and a draft plan for the operationalization and improvement of the forensic anthropology laboratories of the Forensic Investigation Institute was prepared.

100. The Forensic Investigation Institute has prioritized the use of expert scientific studies in the investigation of offences against persons:

- The anthropological and genetic studies conducted in relation to cases involving, inter alia, enforced disappearance have now concluded.
- In the case of José Luis Ibsen Peña, on 15 December 2016, the Forensic Investigation Institute submitted its expert opinion in the area of forensic anthropology to the Registration and Storage of Evidence Unit, and, on 14 September 2017, it submitted to the Unit its expert opinion in the area of forensic genetics and its report together with the conclusions of the Forensic Anthropology and Genetics Laboratory.
- The case of Trujillo Oroza is currently pending, awaiting the arrival of biological samples of relatives for genetic analysis.

Recommendation in paragraph 13 (c)

101. The Ministry of Defence issued Ministerial Decision No. 0316 of 19 May 2009, which provides in article 1 that: "The Commander-in-Chief of the Armed Forces of the State is authorized to facilitate the access of victims of military dictatorships and their relatives to the available archives, public records and documentation of the Armed Forces of the State, where they request such access and demonstrate a legitimate interest." Accordingly, the Commander-in-Chief of the Armed Forces, in accordance with legal

procedure, provided declassified documentation to the Public Prosecution Service. This documentation was reviewed exhaustively by prosecutors and investigators.

102. In addition, the Supreme Court of Justice, through Supreme Decision No. 125/2010 of 1 April 2010, instructed the Commander-General of the Armed Forces that, after receiving legal notification, he should proceed, together with a representative of the Public Prosecution Service, to declassify the available archives of the Second Department of General Staff covering the period from June 1979 to December 1980 and the record of arrivals and departures at the General Staff of the Army between 10 and 20 July 1980.

103. In a request dated 24 September 2012 addressed to the Commander-in-Chief of the Armed Forces, the Public Prosecution Service asked for the declassified files to be made available to it by 28 September 2012. Pursuant to this request, the Public Prosecution Service was granted access to the relevant documentation from 1979 and 1980.

104. It should be emphasized that Act No. 879 provides for the declassification of physical and digitized military documents and police documents and other types of classified or restricted-access documents, be they confidential or categorized in any other way that places limitations on the ability to review or access them, dating from 1964–1982. Furthermore, the authorities responsible for keeping the archives have an obligation to grant the Truth Commission access to those archives for the purpose of investigating the disappearances and human rights violations that occurred under the military governments in power between 1964 and 1982.

Recommendation in paragraph 14

105. The acts for which reparation could be granted in connection with political violence that occurred during the period stipulated in article 4 of Act No. 2640 of 11 March 2004 (annex 33) are:

- (a) Arbitrary arrest or detention;
- (b) Torture;
- (c) Exile or banishment;
- (d) Specified injuries or disabilities;
- (e) Death, at home or abroad, from causes related to political violence;
- (f) Enforced disappearance;
- (g) Persecution for political or trade-union-related reasons.

106. If an act giving rise to reparations involved torture, bodily harm or the infliction of specified disabilities, this is considered an aggravating factor within each of the categories listed above.

107. Regarding the financing of reparations, article 16 of Act No. 2640 established that resources for the reparation of victims would be drawn from the following sources:

(a) A special budget line allocated by the National Treasury, representing 20 per cent of the total and amounting to US\$ 3.6 million; US\$ 1.2 million was disbursed annually in the fiscal years of 2005, 2006 and 2007;

(b) Donations from the private sector, foreign sources and international bodies, representing 80 per cent of the total amount of compensation approved by the National Commission for the Compensation of Victims of Political Violence.

108. In relation to the payment of the 20 per cent mentioned above, once the victims of political violence had been identified (resulting in 1,714 eligible beneficiaries) and Act No. 238 of 30 April 2012 had been promulgated, the National Treasury was authorized to pay out \$3.6 million, in single final payments, equivalent to 20 per cent of the total amount of special compensation for victims of political violence that the State had committed to pay in accordance with article 16 of Act No. 2640.

109. Hence, the State has complied with the commitment, enshrined in Act No. 2640, to pay 20 per cent of the compensation awarded to victims of political violence.

110. In relation to the executive branch's obligation to apply for donations from the private sector, foreign sources and international bodies to cover the remaining 80 per cent of the total amount of compensation approved, the Ministry of Justice – now the Ministry of Justice and Institutional Transparency – made international cooperation arrangements with various international external funding organizations, including the Inter-American Development Bank, the European Union, the United States Agency for International Development, the embassies of Canada, Spain and Venezuela, the United Nations and the World Bank.

Violence against women

Recommendation in paragraph 15 (a)

111. The Public Prosecution Service, as the institution responsible for representing society before the courts and protecting its rights, exercises the right to bring a criminal action and has operational control over the criminal investigations of the specialized police.

112. Act No. 348 establishes the measures that the Public Prosecution Service must take to ensure that criminal prosecutions are properly conducted.⁵⁴ The National Directorate of Prosecutors' Offices for Priority Victims has specific investigation guidelines for every type of case, allowing for prompt investigations to be carried out. It also has protocols, manuals and guides relating to the above-mentioned Act, thanks to which the public official in charge of the investigation can ensure that the rights of the victims are safeguarded.

113. In addition, the judicial branch, through the pretrial examining courts, ensures that criminal investigations respect the rights and protections afforded to victims and persons under investigation. The precautionary measures courts restrict the powers of the Public Prosecution Service and the Anti-Violence Squad, thus ensuring that they do not infringe on rights in the course of their investigations.

114. The trial courts are responsible for conducting the oral trial and handing down a sentence after hearing the arguments of the parties and considering the evidence put forward.

115. Act No. 348 provides for the establishment of courts specializing in gender-based violence. They are competent to hear and rule on cases of publicly actionable offences that constitute, *inter alia*, violence against women.

116. The Ministry of Justice and Institutional Transparency, as the lead agency responsible for the Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence, prepared and adopted the Bolivian Integrated Model for Combating Gender-based Violence (annex 34),⁵⁵ which is intended to implement and coordinate activities at the national, departmental, municipal and community levels that promote women's right to a life free from violence in all areas.

117. As can be seen, Bolivia has prioritized eliminating violence against women, which is one of the most extreme forms of gender discrimination. The Bolivian legal framework therefore guarantees access to justice, an impartial investigation, reparations and the punishment of aggressors.

Recommendation in paragraph 15 (b)

118. In accordance with article 42 of Act No. 348, acts of violence against women may be reported by the victim or any person with knowledge of the act to the following bodies:

(a) The Bolivian Police, which has a specialized unit, the Anti-Violence Squad, responsible for the provision of prevention, assistance and investigation services in relation to cases of violence against women and domestic violence and the identification and arrest of the alleged perpetrators. It acts under the operational control of the Public Prosecution

⁵⁴ Act No. 348, art. 61.

⁵⁵ Ministry of Justice and Institutional Transparency No. 180/2016 of 29 September 2016.

Service in cooperation with public and private entities. The Anti-Violence Squad has a platform for receiving and processing complaints of violence against women;

(b) The Public Prosecution Service, as the entity responsible for the criminal prosecution of cases of violence against women.

119. Under the Act, the following bodies are responsible for encouraging reporting:

(a) The comprehensive municipal legal services, which comprise multidisciplinary teams that provide free psychological, social and legal guidance and support to promote and protect the rights of women in situations of violence;

(b) The Comprehensive Plurinational Justice Service, which reports to the Ministry of Justice and Institutional Transparency and is responsible for receiving complaints and providing advice and free legal assistance. It applies a rights-based approach to the cases of women in situations of violence and has the following duties of care towards victims of violence:

- Receiving and registering reports of violence
- Encouraging the filing of a complaint with the Public Prosecution Service or the police
- Providing guidance, protection, support and legal assistance
- Instigating and following up on court proceedings

(c) The Plurinational Victim Assistance Service, which provides legal, social and psychological assistance to persons 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 basically helping to avoid revictimization;⁵⁶

(d) The native indigenous campesino authorities, where appropriate.

120. The Public Prosecution Service has a citizens' assistance and advice platform through which it provides timely, comprehensive and personalized advice to victims to prevent revictimization, protect rights, provide better assistance to vulnerable sectors of the population such as women and children, and maximize the benefits of the work being done to broaden access to justice. Oral and written complaints may also be received through the platform. The identity and address of the victim may be kept confidential at the request of the complainant.

121. The rotation system run by the departmental prosecutors' offices guarantees that women victims of violence and child victims of abuse and sexual violence are able to formulate and submit complaints at any time. Under this system, prosecutors work in shifts outside of normal working hours, at the weekend and on holidays and are thus able to provide timely and comprehensive assistance 24 hours a day, 365 days a year. During their shifts, prosecutors have the use of the services of the Forensic Investigation Institute, such as forensic medical examinations, medical assessments and sample collection. They may also request that personnel from the Victim and Witness Protection Unit provide immediate assistance to women victims of violence and child victims of abuse or sexual violence. In this way, the submission of complaints is handled effectively and the mental health of victims is protected.

122. In addition, the Ministry of Justice and Institutional Transparency prepared the Guide to Providing Institutional Assistance under Act No. 348, which explains the procedure for assisting women in situations of violence (annex 36).

Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence

123. The Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence is a specialized unit that addresses gender-based violence. It is currently working on the reorganization of the entire system of comprehensive assistance

⁵⁶ Act No. 464, art. 1.

for women in situations of violence and records information on complaints of gender-based violence, thus acting as the operational arm in the fight against violence against women.

124. When it was launched in 2014, the Comprehensive Plurinational System developed an information system designed to strengthen the entities directly responsible for prevention, assistance, protection, prosecution, punishment and reparation in relation to cases of violence against women. It also introduced the following tools:

- The Comprehensive and Immediate Assistance Unit model
- The Bolivian Integrated Model for Combating Gender-based Violence
- Guide to the declaration of gender-based violence alerts (annex 37)
- Guide to the management of safe housing and temporary shelters (annex 38)
- Guide to the functioning of the comprehensive municipal legal services (annex 39)
- Information system of the Centralized Register of Gender-based Violence (available at: sippase.justicia.gob.bo)
- Gender-based violence protocol for native indigenous campesino authorities, translated into three languages: Quechua, Aymara and Guaraní (annex 40)
- Departmental plans to combat gender-based violence in the departments of Cochabamba, Tarija, Oruro, Potosí, Beni, Pando, Santa Cruz and Chuquisaca. The plan for La Paz is currently in development.

Recommendation in paragraph 15 (c)

125. In accordance with article 25 of Act No. 348, the autonomous territorial entities have opened safe housing and temporary shelters to house women and child victims of violence, protecting them from their aggressors (annex 41). Women are admitted to the shelters on a voluntary basis, free of charge, and are free to leave whenever they wish. Safe housing and temporary shelters offer:

- Comprehensive psychological, legal, social and health care
- A space for women to recover their independence and plan for a life free from violence
- Rehabilitation for women and their minor children through programmes intended to help them make their own decisions
- Protection from extreme violence, which can go as far as femicide or suicide
- Tools for empowerment and emancipation

126. Safe housing and temporary shelters are staffed by professional multidisciplinary teams specializing in assisting women in situations of violence. Their location is not public knowledge and is kept secret. They operate a security system to ensure that women, their children and staff are effectively protected from the potential actions of aggressors.

127. Regarding health-care services, all public health-care providers, social security services and private services have an obligation to assist any woman who requests medical and psychological assistance and are liable for failure to do so.

128. In accordance with Act No. 348, the Ministry of Health is responsible for taking measures to ensure that women at risk or in situations of violence have access to health-care services, treatment and protection. Accordingly, the Ministry developed the Model of Comprehensive Care for Victims of Sexual Violence,⁵⁷ which is designed to facilitate the provision of comprehensive preventive and curative assistance to victims of sexual violence; to ensure that health-care services are oriented towards preventing, detecting, diagnosing and treating sexual violence as a public health issue; and to ensure that health-care services are able to provide the best possible care within the limits of their capacity (annex 42).

⁵⁷ Ministry of Health Decision No. 1508 of 24 November 2015.

Recommendation in paragraph 15 (d)

129. With a view to resolving the issues of judicial and procedural delays and to ensuring compliance with the time frames laid down in Act No. 348, in 2013, the Council of the Judiciary established six single-judge courts of first instance and one collegiate court specializing in cases of violence against women (annex 43).

130. Subsequently, between 2014 and 2016, as part of the implementation process of the Code of Civil Procedure, the Commercial Code and the Family Code, the structure of the courts was reorganized by reassigning jurisdiction. In view of the need for more courts of first instance, 10 such courts were assigned to deal with violence against women, in the light of the number of cases on file (annex 44).

131. These 10 additional courts contribute significantly to the implementation of Act No. 348. As a result, there are currently 17 single-judge and collegiate courts competent to hear matters relating to violence against women in the capital cities alone (annex 45).

132. In the provinces, all civil and criminal examining courts of mixed jurisdiction are competent to hear cases of violence against women.

Recommendation in paragraph 15 (e)

133. With regard to awareness-raising and educational activities relating to gender-based violence, the Ministry of Justice and Institutional Transparency took the following measures:

- Raising awareness of Act No. 348 and Act No. 243, on political harassment and violence against women, in various municipalities throughout Bolivia (2017)
- Disseminating and applying the instruments established under the Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence in 30 comprehensive municipal legal services, 61 municipalities and nine local governments (2017) and raising awareness of them in a further 45 municipalities throughout the country, bringing the total to 106 municipalities (2016)
- Organizing the “Living Well without Violence” fair in commemoration of the International Day for the Elimination of Violence against Women, to promote the elimination of all forms of violence against women, with the participation of international organizations and the inter-institutional commission⁵⁸ responsible for the implementation of the Comprehensive Public Policy for a Life of Dignity for Bolivian Women, established by Supreme Decree No. 3106 of 8 March 2017

134. The State Judicial Training College, the academic institution responsible for the training and specialization of candidates for judicial office and the comprehensive training of judicial officials, made the topic of gender-based violence a central, cross-cutting element of its curriculum and offered the following courses:

- Two online training courses entitled “Addressing gender-based violence through the judicial process” for judges
- A specialized blended-learning course entitled “Gender-based violence against women” for public officials of the Plurinational Public Defender Service
- An online course entitled “Comprehensive law to guarantee women a life free from violence” for judicial officials
- A blended-learning course entitled “Why adjudicate with a gender perspective and how?” for judicial officials

⁵⁸ Comprising representatives of the Ministry of Justice and Institutional Transparency, the Ministry of Education, the Ministry of Health, the Ministry of Communication, the Ministry of the Interior, the Ministry of Cultures and Tourism, and the Ministry of Labour, Employment and Social Welfare (Supreme Decree No. 3106 of 8 March 2017, art. 3).

- The first specialized training course on the ordinary justice system, with the support of the Office of the United Nations High Commissioner for Human Rights. A total of 171 judicial officials graduated from the course (2015–2017). The second edition of the course has been under way since January 2018 and is expected to conclude in December 2019. A total of 150 students are enrolled
- The first version of the diploma course “Policies and protocols for combating gender-based violence” for stakeholders in the anti-violence road map, in coordination with the Police University
- The second edition of the diploma course was held in 2017. A total of 68 students graduated, including 49 public officials

135. In addition, the Public Prosecution Service organized:

- A screening of the film *Te Doy Mis Ojos* (Take My Eyes), which addresses the topic of domestic violence against women
- A training programme entitled “The use of instruments and techniques in the areas of psychology and social work by the Public Prosecution Service’s Victim and Witness Protection Unit”, intended to help the Unit’s public officials to make better use of instruments and techniques for protecting and assisting victims and witnesses and to provide prompt, appropriate, high-quality and humane assistance
- The dissemination of the “Protocol of the critical inter-institutional road map for assisting and protecting victims and witnesses within the framework of Act No. 348” in the capital cities of the nine departments and the cities of El Alto, Punata in Cochabamba and Monteagudo in Chuquisaca

136. In addition, the State Prosecutor Training College, which is responsible for the initial and in-service training of public officials working for the Public Prosecution Service, organized the following refresher courses for public prosecutors and junior officials who are in direct contact with victims:

- The National Specialized Training Programme for a Gender-based Approach to Prosecution under Act No. 348, intended to introduce the approach to officials and analysts from prosecutors’ offices for priority victims and to develop their capacities and practical skills by providing them with useful content, tools and mechanisms for the proper classification and investigation of acts of violence against women, particularly femicide
- The National Continuous Training Programme that covers Comprehensive Act No. 348 on guaranteeing women a life free of violence and Comprehensive Act No. 263 on combating human trafficking and smuggling, in order to help the personnel of prosecutors’ offices for priority victims at the national level to develop their capacities and skills by providing them with useful content, tools and mechanisms for the proper classification and investigation of the criminal offences established by Act No. 263 and Act No. 348, as well as to facilitate the provision of high-quality and victim-friendly assistance

Recommendation in paragraph 15 (f)

137. In 2017, the Attorney General’s Office registered 36,882 cases of violence against women and other complaints relating to the criminal offences established by Act No. 348 (annex 46).

Child abuse and sexual violence against children

138. All forms of violence against children and adolescents in the family and in society are prohibited in Bolivia.⁵⁹

139. Article 145 of Act No. 548 guarantees the right to integrity of the person and protection from violence as follows:

⁵⁹ Constitution, art. 61.I.

- I. The child or adolescent has the right to integrity of the person, which comprises his or her physical, psychological and sexual integrity.
- II. Children and adolescents may not be subjected to torture or other cruel, inhuman or degrading treatment or punishment.
- III. The State, at every level, families and society shall protect all children and adolescents from all forms of exploitation, ill-treatment, abuse or neglect that might affect the integrity of the person.

140. In addition, the above-mentioned Act guarantees protection from violence in the education system, establishing in article 150 that: “Protecting the life and physical and psychological integrity of members of the education community involves preventing, addressing and punishing violence committed in the education system of the Plurinational State of Bolivia to consolidate peaceful and harmonious coexistence and a culture of peace, tolerance and justice, within a framework of living well, proper treatment, solidarity, respect, intraculturality, interculturality and non-discrimination between members of the community.”

141. Furthermore, article 3.12 of the Avelino Siñani–Elizardo Pérez Education Act (Act No. 070 of 20 December 2010) (annex 47) states that “education promotes peaceful coexistence and contributes to the elimination of all forms of violence in educational settings, with a view to the development of a society based on a culture of peace, proper treatment and respect for the personal and collective human rights of individuals and peoples”.

Recommendation in paragraph 16 (a)

142. Article 149.II of Act No. 548 establishes that: “Criminal court judges and the Public Prosecution Service, in hearing and investigating offences against sexual freedom committed against children and adolescents, have the obligation to prioritize and expedite those cases, in accordance with the law, until their conclusion, and are liable for failure to do so.”

143. Article 154 of the Act provides that: “The Public Prosecution Service, through its specialized units, and the Ministry of Justice, through the Plurinational Victim Assistance Service, within their spheres of competence, shall assist the child or adolescent victim or witness of offences with his or her psychological and emotional rehabilitation by: (a) providing specialist, respectful, high-quality and humane treatment, on the basis of secrecy and confidentiality, in his or her mother tongue or another appropriate language and with the assistance of a multidisciplinary team; and (b) following official care protocols and critical road maps and considering submitting evidence in advance to prevent revictimization.”

144. Within this framework, the Ministry of Justice and Institutional Transparency, in collaboration with the bodies that make up the Network for the Right to a Life Free of Violence, developed the protocol for the prevention, treatment and punishment of all forms of violations of the sexual integrity of children and adolescents and the critical road map for prevention, treatment and punishment (annex 48),⁶⁰ which is a set of specific procedures laying down guidelines for public and private entities, civil society institutions and families, primarily intended to facilitate immediate action to prevent sexual violence and to establish the necessary conditions for eliminating such violence within a framework of comprehensive and interdisciplinary assistance for children.

145. In addition, prosecutors’ offices for priority victims, under the authority of the Public Prosecution Service, prosecute the offences established under Act No. 263 and Act No. 348 (cases of violence against women and sexual violence against minors), providing specialized care to victims of those offences as a priority.

⁶⁰ Ministry of Justice and Institutional Transparency Decision No. 72/2017 of 8 May 2017.

Recommendation in paragraph 16 (b)

146. The following bodies play a role in the provision of comprehensive care in cases involving offences against the sexual integrity of children and adolescents, as defined in the Criminal Code:

- The Public Prosecution Service, through prosecutors' offices for priority victims
- The Bolivian Police
- Examining courts, trial courts and juvenile courts

147. The following bodies identify and promote the submission of complaints:

- Offices of the Ombudsman for Children and Adolescents, which encourage the submission of, and receive, complaints, and which are required by law to safeguard and protect the rights of children and adolescents and to guarantee that victims have access to care and legal, psychological and social protection
- The Comprehensive Plurinational Justice Service
- The Plurinational Victim Assistance Service
- Public and private institutions (educational establishments, the Ombudsman, social services, departmental health services, departmental education directorates, non-governmental organizations or foundations) and health-care services that become aware of an act of violence
- Native indigenous campesino authorities
- Others (residents' associations, neighbours, churches)

148. Furthermore, any person who becomes aware of acts of violence against a child or an adolescent has an obligation to report those acts to the Ombudsman for Children and Adolescents or another competent authority (the Public Prosecution Service or the Bolivian Police).⁶¹

Prosecution of child sexual abuse cases

149. The Public Prosecution Service is responsible for the specialized criminal prosecution of cases involving sexual violence against minors and exercises operational control over the investigation of such cases. Within 24 hours of receiving a complaint, it is required to notify the due process judge of the opening of investigations so that judicial oversight can be provided.

150. To protect the rights and guarantees of child victims, the Service uses a Gesell dome, which offers a specially equipped environment for:

- Informative psychological interviews
- The advance submission of evidence
- Psychological examinations
- Identity parades
- Oral hearings

151. If the public prosecutor deems there to be sufficient evidence of an offence and the suspect's participation therein, he or she will formalize and substantiate the charges for the purpose of going to trial, which is the key part of the proceedings. The trial is conducted on the basis of the charges brought, orally, in public and in accordance with the principles of adversarial and concentrated proceedings, with the aim of determining whether an offence took place and whether the accused was guilty of it.

152. With regard to the opening of oral proceedings, trial courts are competent to conduct proceedings and pronounce judgments, and must do so with the uninterrupted presence of

⁶¹ Act No. 548, art. 155.I.

the parties. The courts conclude their deliberations, hold a secret vote and then deliver a judgment.

153. In accordance with the Constitution, the right of victims to obtain full redress for the harm that they have suffered is guaranteed.

154. Consequently, mechanisms are in place to ensure that child victims of sexual abuse or violence receive appropriate assistance, have prompt access to justice and are not revictimized. Thus, the Bolivian State, through the agencies responsible by law, takes steps to preserve the rights and guarantees of victims from the moment a complaint is lodged, during the resultant investigation, and when a judgment is passed and redress is accorded.

Recommendation in paragraph 16 (c)

155. In order to safeguard the victim's integrity and ensure his or her safety, the child must be referred to a health-care facility immediately. The facility must take into account the Model for the Comprehensive Treatment of Victims of Sexual Violence developed by the Ministry of Health.

156. Pursuant to articles 36 and 37 (4) of Act No. 464,⁶² the Plurinational Victim Assistance Service signed the following agreements:

- An inter-institutional agreement on the comprehensive prevention of sexual violence against children and the provision of free assistance to victims with the non-governmental organization Servicios y Estudios para la Participación Ciudadana en Democracia: the objective of the agreement is for the parties to make proposals, join forces and take measures, within their spheres of competence, to ensure the comprehensive prevention of sexual violence against children and the provision of appropriate free assistance to victims.
- An inter-institutional cooperation agreement with the centres for investigation, education and services in La Paz, on 29 August 2017, Chuquisaca, on 25 September 2017, and Cochabamba, on 13 October 2017: the objective of this agreement is for the parties to make proposals, join forces and take measures, within their spheres of competence, to strengthen inter-institutional activities through the provision of legal, medical, psychological and education services to facilitate the timely exercise of the right to comprehensive health care and, in particular, sexual and reproductive health care, with a gender, generational and intercultural perspective, by victims and survivors of gender-based violence.
- An inter-institutional cooperation agreement with the Dr. Jaime Sánchez Porcel Obstetric-Gynaecological Hospital on 25 September 2017: this aims to improve the provision of legal, medical, psychological and education services so as to facilitate the timely exercise of the right to comprehensive health care and, in particular, sexual and reproductive health care, with a gender, generational and intercultural perspective, by victims and survivors of gender-based violence.

157. In addition, the Attorney General's Office adopted the Protocol on the Forensic Medical Assessment of Sexual Offences,⁶³ which is aimed at forensic doctors working for the Forensic Investigation Institute. The Protocol establishes specific guidelines for conducting forensic medical examinations in cases involving offences against sexual freedom, and guarantees priority attention for child sexual abuse victims in coordination with other agencies of the Public Prosecution Service and public and private institutions.

Recommendation in paragraph 16 (d)

158. The State Prosecutor Training College offers the following training and awareness-raising programmes on child sexual abuse:

⁶² Act No. 464, arts. 36 and 37 (4).

⁶³ Attorney General's Office decision FGE/RJGP/IDIF/DGFSE/029/2013 of 24 June 2013.

- Basic training programme for prosecutors:⁶⁴ this forms part of the training for career prosecutors, is delivered according to the blended-learning (partly classroom-based) approach and deals with the rights of children and adolescents and juvenile criminal justice from a prosecutorial standpoint.
- Professional development programme on the use of tools and techniques in the areas of psychology and social work of the Victim and Witness Protection Unit: the purpose of this programme is to train psychologists and social workers in the Public Prosecution Service on effective interviewing of victims and witnesses, especially children and adolescents, so as to minimize the risk of revictimization.
- Capacity-building programme for the protection and assistance of victims of gender-based and sexual violence: this takes a practical approach based on the application of knowledge and is aimed at members of the Victim and Witness Protection Unit on a blended-learning basis.

Recommendation in paragraph 16 (e)

159. Regarding efforts to combat sexual violence against children and adolescents, the Public Prosecution Service has issued the following institutional documents:

- Guide to the use of Gesell domes (2013)
- Guide to the role of the Victim and Witness Protection Unit (2016)
- Protocol on conducting interviews using Gesell domes and methodology for taking statements from child and adolescent victims and witnesses (2012)
- Protocol on the forensic medical assessment of sexual offences (2013)
- Protocol on the provision of specialized forensic psychological care to women victims of violence (2013)
- Inter-institutional critical-path protocol on assistance and protection for victims under Act No. 348, an instrument designed to coordinate actions to assist and protect victims and witnesses and to prevent revictimization, avoid duplication of effort and optimize the use of time and resources

160. Moreover, Supreme Decree No. 1302 of 1 August 2012⁶⁵ (annex 49) establishes mechanisms for the eradication of violence, ill-treatment and abuse that endangers the life and physical, psychological or sexual integrity of children and adolescents in educational settings.

161. The Ministry of Education – as the body in charge of the plurinational education system – and departmental directorates of education have a team of lawyers to support and follow up on proceedings in accordance with Supreme Decree No. 1302 and Supreme Decree No. 1320 of 8 August 2012⁶⁶ (annex 50).

162. On 20 December 2016, an inter-institutional cooperation agreement was signed by the Ministry of Education and the Attorney General's Office with the aim of coordinating mechanisms for the effective and efficient protection and defence of the human rights of children, adolescents and women within the plurinational education system and for the effective investigation of criminal acts in accordance with Act No. 263, Act No. 348, Supreme Decree No. 1302 and Supreme Decree No. 1320.

163. The Ministry of Education adopted a protocol on the prevention of physical, psychological and sexual violence in educational establishments and on procedures for handling complaints of such violence,⁶⁷ which defines guidelines for the prevention of such violence and procedures for handling related complaints by head teachers, other teaching staff and administrative personnel. The aim is to safeguard the integrity of students by providing timely and effective responses within a human rights framework (annex 51).

⁶⁴ Implemented from 17 October 2016 to 28 January 2017.

⁶⁵ Supreme Decree No. 1302, arts. 2 and 3.

⁶⁶ Sole article of Supreme Decree No. 1320.

⁶⁷ Ministry of Education Decision No. 2412/2017 of 20 July 2017.

Case of Patricia Flores

164. Regional Trial Court No. 8 in La Paz issued Judgment No. 027/2014, in which it found the main defendant guilty of the offences of rape and murder as defined and punished under articles 308 and 252 (2), (3), (6) and (7) of the Criminal Code, and sentenced him to 30 years' imprisonment, with no possibility of pardon, to be served at Chonchocoro prison.

165. Three other individuals were convicted of dereliction of duty under article 154 of the Criminal Code and sentenced to 1 year's imprisonment to be served at Obrajes women's prison.⁶⁸

166. The remedies of appeal and cassation have been exercised and exhausted, and, as a result, the main defendant's sentence is enforceable and is currently being served.

167. Lastly, article 113.I of the Constitution and the Code of Criminal Procedure grant victims the right to compensation, redress and reparation for damages. To date, no family member of a victim has exercised this right.

Refugees and non-refoulement**Recommendation in paragraph 17**

168. Act No. 251 enshrines the principles of non-refoulement,⁶⁹ inadmissibility of extradition⁷⁰ and non-expulsion,⁷¹ and establishes a system for the protection of refugees and asylum seekers in accordance with the Constitution, the 1951 Convention relating to the Status of Refugees and its Protocol. Since the entry into force of the Act, there have not been any cases of refoulement or expulsion of refugees or asylum seekers in Bolivia.

169. In implementation of the "Borders of Solidarity and Safety" programme, the National Commission for Refugees delivers training courses on an ongoing basis and organizes campaigns to raise awareness of refugee issues among civil servants who deal with refugees and asylum seekers (annex 52). These activities are conducted in various public institutions, universities and border areas with the support of the Directorate General for Migration and Pastoral de Movilidad Humana, an implementing partner of the United Nations High Commissioner for Refugees.

Recommendation in paragraph 17 (a)

170. Pursuant to the transitional provision of Supreme Decree No. 1440 of 19 December 2012 (annex 53), applications from stateless persons can be processed in accordance with the procedure provided for in Act No. 251 and the Supreme Decree. It should be noted, however, that there have been no cases of statelessness in Bolivia.

Recommendation in paragraph 17 (b)

171. The Directorate General for Migration adopted the Migration Control Procedure Manual – Entry and Exit of Citizens and Foreign Nationals to and from Bolivian Territory (annex 54), which stipulates that immigration officers at land borders and airports must carry out differential migration checks for special categories of individuals (asylum seekers and refugees, stateless persons, minors who are not accompanied by their parents or who do not have travel authorization issued by a competent authority, and victims of human trafficking, among others). On completion of these checks, asylum seekers and stateless persons are directed to the National Commission for Refugees and are provided with specific information in this regard (address, telephone number, etc.).

172. The Manual stipulates that asylum seekers and victims of human trafficking and smuggling are exempt from prohibitions on entering the country.

⁶⁸ Information provided by Criminal Trial Court No. 8 in La Paz.

⁶⁹ Art. 4.

⁷⁰ Art. 5.

⁷¹ Art. 6.

173. In addition, to regularize the entry status of foreign asylum seekers, stateless persons and victims of human trafficking and smuggling who enter Bolivian territory having evaded migration controls, the Directorate General for Migration issues them with an Andean Immigration Card and the relevant stamps, stamps their travel document, if they are carrying one, and records their migratory movements in the Integrated Migration Control System at the level of the Departmental Migration Authorities or at its head office.

174. In 2015, the Plurinational Council on Human Trafficking and Smuggling adopted the Handbook on Migration Action to Combat the Trafficking and Smuggling of Bolivian Citizens and Foreign Nationals (annex 55), which sets out national guidelines for migration-related action to prevent the trafficking and smuggling of persons and ensure the early detection of possible victims, the identification of suspected traffickers and smugglers, the implementation of protection mechanisms and the recording of relevant information.

Prison conditions

Recommendation in paragraph 18 (a)

175. Bolivia intensified its efforts to alleviate prison overcrowding by regulating and promoting the granting of pardons and amnesties through the following decrees:

- Presidential Decree No. 445 of 19 December 2012, on the granting of pardons
- Presidential Decree No. 1723 of 18 September 2013, on pardons and amnesties
- Presidential Decree No. 2131 of 14 November 2014, on the granting of pardons on humanitarian grounds
- Presidential Decree No. 2437 of 1 July 2015, on amnesties, partial pardons and greater use of pardons
- Presidential Decree No. 3030 of 24 December 2016, on amnesties, full pardons and partial pardons
- Presidential Decree No. 3519 of 3 April 2018, on amnesties, partial pardons and full pardons

176. The Directorate General of Prisons reported that, as at December 2017, 5,782 persons (of whom 1,416 were women) had taken advantage of the measures provided for in the aforementioned decrees (annex 56).

177. Furthermore, the Directorate General of Prisons is implementing the 2016–2020 Prison Reform Strategy, which aims to consolidate prison reforms geared towards reintegration into society and the workforce and to improve the living conditions of persons deprived of their liberty, within a framework of respect for human rights and the regulations in force. A gender perspective is incorporated into all activities under the Strategy (annex 57).

Recommendation in paragraph 18 (b)

178. The national daily meals allowance for inmates of district and provincial prisons was increased by 17.5 per cent, which means that prison authorities have more to spend on food for persons deprived of their liberty.⁷²

179. On 17 August 2015, the Ministry of the Interior and the Ministry of Health signed an inter-institutional agreement to bolster the capacity of prison health staff and promote the implementation, in prisons in the country, of all health-sector programmes involving activities at the local, regional and national levels to promote good health and prevent illnesses, bearing in mind the epidemiological characteristics of the prison population.

180. Nationwide, general health care is provided in 24 prisons by 35 doctors and a total of 114 health professionals (annex 58).

⁷² Administrative Decision No. 62/2015 of 5 August 2015, ratified by Ministerial Decision No. 242/2015 of 7 August 2015.

181. The Directorate General of Prisons spent 1,765,224 bolivianos (Bs) on hospital treatment and admissions, Bs 97,100 on supplies and medicines, Bs 143,580 on medical and dental equipment and dental instruments, and Bs 23,590 on dental materials.

Recommendation in paragraph 18 (c)

182. Bolivia has been upgrading the infrastructure and recreational areas, including occupational therapy areas, used by persons deprived of their liberty. In 2018, the Ministry of the Interior oversaw completion of the following construction work:

- Uyuni prison in the department of Potosí, with a capacity of 150 inmates
- Villazón prison in the same department, with a capacity of 124 inmates
- A new wing at El Abra prison in the department of Cochabamba, with a capacity of 180 inmates

183. In addition, the Ministry of the Interior has plans (annex 59) for:

- A prison complex in the department of La Paz, with a budget of Bs 1,920,955
- The Palmasola prison complex in the department of Santa Cruz, with a budget of Bs 2,317,834
- A model prison complex in Cochabamba, with a budget of Bs 1,700,000

184. It is hoped that these three large-scale projects will make it possible to accommodate persons deprived of their liberty who are currently being held in various prisons, with infrastructure that offers a better quality of life, is conducive to respect for dignity and human rights, helps to ensure the reintegration of inmates into society and reduces the current overcrowding.

Recommendation in paragraph 18 (d)

185. Pursuant to articles 67 and 71 of Act No. 2298, the Bolivian Police exercises control over internal and external prison security at the national level, roll calls, inspections and the imposition of disciplinary sanctions on persons deprived of their liberty, subject to oversight by an enforcement judge. Moreover, prison directors, in coordination with departmental units of the Bolivian Police, are instructed to carry out unannounced, random internal checks so as to guarantee the normal conduct of prison activities.

186. The internal disciplinary system and internal security fall under the responsibility of the prison director.

187. Thus, the State, through the Directorate General of Prisons, not only controls and monitors the activities of persons deprived of their liberty but also, in accordance with rules 2 and 4 (1) of the Nelson Mandela Rules, provides environments, mechanisms and instruments that enable persons deprived of their liberty to have access to education, work, health care, sport, worship and representation.

Recommendation in paragraph 18 (e)

188. The Directorate General of Prisons is implementing the “Alternatives to Violence” programme, which seeks to instil in persons deprived of their liberty the importance of working together and empathy when living together in a prison environment (annex 60).

189. Act No. 2298 establishes a disciplinary regime and sanctions for disciplinary offences committed within prison walls by persons deprived of their liberty, and seeks to guarantee the safety and peaceful and orderly cohabitation of inmates. Article 130 (4) of the Act defines “inciting or participating in violent movements that disrupt order and discipline” as a very serious offence. Nevertheless, when the conduct of a person deprived of his or her liberty constitutes a crime, it is immediately brought to the attention of the Public Prosecution Service, which is the authority competent to investigate the facts of the matter and identify the possible perpetrators and instigators of the crime in question.

Recommendation in paragraph 18 (f)

190. The Directorate General of Prisons classifies persons deprived of their liberty who are serving sentences through decisions of the Prison Council. To ensure the effective separation of inmates, three large-scale prison construction projects are planned along the country's central axis (La Paz, Cochabamba and Santa Cruz).

Deaths in custody**Recommendation in paragraph 19**

191. When a person deprived of his or her liberty dies, the Directorate General of Prisons notifies the Crime Squad for subsequent referral to the Public Prosecution Service.

192. The Forensic Investigation Institute is required to exhaust, as expeditiously as possible, all available means of determining the cause of death, while respecting the chain of custody, relevant protocols (the Istanbul Protocol) and its own rules of procedure, and must inform the competent authority and superior bodies of the outcome of the autopsy. If a wrongful act has been committed, the Public Prosecution Service is the authority competent to institute criminal proceedings on its own initiative and identify the alleged offenders, subject to the control of a court, which, in the course of an oral, public trial and on the basis of the charges brought, must establish whether an offence was committed and whether the accused was guilty of it.

193. The Directorate General of Prisons recorded 53 prisoner deaths in both 2016 and 2017 (annex 61).

194. In accordance with the Constitution, the regulations in force and international norms, public servants in the police force must respect and safeguard the rights of detainees, and are held liable for any failure to comply with domestic legislation. In this regard, the Bolivian Police has issued Instruction No. 055/2018 to prevent and avoid the deaths of persons in police custody (annex 62).

195. The Drug Squad has established that public servants in the police force have a duty to protect the physical integrity of persons in custody (annex 63).⁷³

Monitoring and inspection of detention centres**Recommendation in paragraph 20 (a)**

196. The Directorate General of Prisons, as the authority responsible for the prison system, provides support to the Ombudsman's Office pursuant to article 5 (6)⁷⁴ of the Ombudsman Act (Act No. 870 of 13 December 2016).

Recommendation in paragraph 20 (b)

197. The Directorate General of Prisons coordinates, with non-governmental organizations, activities that benefit persons deprived of their liberty. One example is the restorative justice approach, involving the use of socio-educational measures, that has been adopted at Qalauma prison. Moreover, the non-governmental organization Capacitación y Derechos Ciudadanos offers legal representation to adolescents and young people who have committed a low-level offence.

Optional Protocol and national preventive mechanism**Recommendation in paragraph 21**

198. Act No. 474 created the Service for the Prevention of Torture, a decentralized public institution that serves as the national mechanism for the prevention of torture and other cruel, inhuman, degrading or humiliating treatment or punishment in Bolivia.

⁷³ Drug Squad Memorandum Circular No. 033/2018 of 1 March 2018.

⁷⁴ Act No. 870, art. 5.

199. Supreme Decree No. 28631 of 8 March 2006 (annex 64) establishes that decentralized public institutions possess the following characteristics:⁷⁵

- (a) They have their own assets;
- (b) They are legal entities under public law;
- (c) They enjoy autonomy of administrative, financial, legal and technical management;
- (d) They are run by chief executive officers, who represent them, act as supreme executive authorities, are appointed by supreme resolution and determine what matters should fall within their competence by means of, inter alia, administrative decisions.

200. Consequently, the Service for the Prevention of Torture was established as a decentralized institution with due consideration given to the scope of article 17 of the Optional Protocol and article 32 of Supreme Decree No. 28631, which means that, under Bolivian law, it has the status of a national decentralized public institution with autonomy of administrative, financial, legal and technical management and the human and financial resources needed to function independently.⁷⁶

201. Pursuant to Act No. 474 and articles 11 and 12 of Supreme Decree No. 2082 of 21 August 2014, the chief executive officer of the Service was appointed by Supreme Resolution No. 15925 of 26 August 2015 (annex 55).

202. Supreme Decree No. 2082 governs the structure and functioning of the Service and establishes that it is competent to operate in detention centres, prisons, special facilities, facilities for young offenders (juvenile justice system), military prisons, police and military training centres, military barracks and any other institution, without any kind of discrimination, throughout the territory of the Plurinational State of Bolivia.

203. From its inception up to June 2018, the Service carried out the following activities (annex 66):

- Received reports of possible cases of torture via WhatsApp and text messaging, and interviewed torture victims during unannounced visits
- Put forward legislative proposals concerning the definition of the offence of torture and other cruel, inhuman or degrading treatment or punishment and the corresponding preamble in accordance with article 1 of the Convention
- Produced medical and psychological reports and issued 25 documents with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment in various national centres
- Ran 37 national training and awareness-raising workshops
- Trained 1,709 civil servants and civil society representatives around the country
- Conducted 159 unannounced visits around the country, in accordance with its mandate
- Submitted 14 recommendations to State authorities with the aim of preventing torture
- Held 88 coordination meetings with public institutions and civil society organizations
- Followed up on 66 possible cases of torture
- Provided assistance to possible victims of torture in 12 cases
- Released the following internal publications:
 - A national and international compendium of rules regarding the prevention of torture and other cruel, inhuman or degrading treatment or punishment

⁷⁵ Supreme Decree No. 28631, art. 32.

⁷⁶ First final provision of Act No. 474.

- An institutional poster
- A leaflet
- An article on the institution in the 25 December 2016 edition of the newspaper *Cambio*
- An article on the institution in the 27 August 2017 edition of *Cambio*
- Undertook the following activities:
 - Aired a spot on the *Patria Nueva* (“New Homeland”) national radio station
 - Took out advertisements on the State-owned cableway *Mi Teleférico* in the city of La Paz
 - Produced an advertisement that was broadcast nationwide by Bolivia TV on the Channel 7 network

Publication of the report on the visit made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

204. The Subcommittee conducted its second visit to Bolivia from 2 to 11 May 2017 and subsequently prepared a report containing recommendations, which was published jointly and in coordination with the Government of Bolivia in 2018 and may be consulted via the following link: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en.

Training

Recommendation in paragraph 22 (a)

205. The Bolivian Police, through the National Human Rights Directorate, ran training courses at the national level for public servants in the police force and police officers in national directorates, departmental commands, operational units and “multiservice” police stations on the topics of torture prevention, the Convention and the code of conduct for the police. It also offered courses on maintaining public order and training courses for instructors in human rights and policing, which address the issue of torture prevention (annex 67).

206. In addition, the Bolivian Police has produced pamphlets and posters on torture prevention that were distributed and put up in various police facilities and other places of deprivation of liberty nationwide (annex 68).

207. As mentioned in paragraph 203, the Service for the Prevention of Torture ran workshops to promote and raise awareness of torture prevention and train civil servants in that regard.

208. Furthermore, since 2017, the Plurinational Public Defender Service, in coordination with the Service for the Prevention of Torture, has organized internal training sessions on torture prevention for all public servants in the Plurinational Public Defender Service nationwide, with the aim of setting up complaints mechanisms for victims of torture and other cruel, inhuman or degrading treatment or punishment in detention centres, prisons, special facilities, facilities for young offenders and other institutions.

209. The Bolivian Armed Forces have been regularly organizing courses, workshops, seminars and lectures on human rights and the prohibition of degrading treatment and physical and verbal abuse for all military and civilian personnel under their authority (annex 69). Moreover, the Human Rights and International Humanitarian Law Inspectorate of the Bolivian Navy was established to ensure the observance and exercise of the rights and guarantees of military personnel.

210. As a preventive measure, the Ministry of Defence issued Ministerial Decision No. 840 of 23 November 2017 on the institutionalization of a programme entitled “Education and training on human rights and international humanitarian law”, the main purpose of which is to raise awareness, among military personnel, of fundamental human rights and

international humanitarian law principles and the importance of mutual respect. The programme promotes the decolonization and depatriarchalization of the Armed Forces with a view to eradicating human rights violations, social injustice and gender-based and generational violence, thereby contributing to the implementation of the State's equal opportunity policies (annex 70).

Recommendation in paragraph 22 (b) and (c)

211. Instruction FGE/RJGP-176/2017 calls on the State Prosecutor Training College to:

(a) Implement a training programme on the Istanbul Protocol, the Nelson Mandela Rules, the Tokyo Rules and the Bangkok Rules for public prosecutors and staff members who support the prosecutorial and forensic work of the Forensic Investigation Institute;

(b) Implement a training programme on the proper application and interpretation of regulations concerning alternatives to pretrial detention for public prosecutors and staff members who support prosecutorial work.

212. As mentioned in paragraph 158, the State Prosecutor Training College ran a basic training programme for prosecutors, which included a module on human rights in the work of prosecutors and offered theoretical tools to help to convey an understanding of the conceptual plurality of the term "human rights" and the problems that arise in this connection (annex 71).

213. In 2015, the Public Prosecution Service implemented a training programme entitled "Essential guidelines for the investigation and comprehensive handling of the enforced disappearance of persons: Application of international human rights instruments", which was aimed at public prosecutors, legal assistants and paralegals (annex 72).

214. In 2017, the Public Prosecution Service organized a videoconference entitled "Basic guidelines for forensic anthropology, forensic genetics and archaeology" for public prosecutors working in units to combat offences against life and limb, forensic doctors and geneticists at the Forensic Investigation Institute (annex 73).

215. The Training and Specialization Unit of the State Judicial Training College has incorporated the topic of torture and other cruel, inhuman or degrading treatment or punishment into the academic programme of the two training and specialization courses for ordinary-court judges (annex 74).

216. The State Prosecutor Training College developed a methodology for monitoring training processes through ex-post assessments of other ongoing training programmes with a view to improving future training initiatives related to torture prevention.

Illegal abortions

Recommendation in paragraph 23

217. By Plurinational Constitutional Judgment No. 0206/2014 of 5 February 2014 on permissible abortions, the phrases "provided that criminal proceedings have been instituted" and "judicial authorization where appropriate" in article 266 of the Code of Criminal Procedure were declared unconstitutional (annex 75).

218. The judgment eliminates the requirement of judicial authorization for access to legal abortion when the pregnancy is the result of rape, statutory rape, incest or abduction, and when the pregnancy puts the woman's life or health at risk. Consequently, the woman need only submit a copy of the complaint lodged for the (public or private) health service to carry out a legal termination of the pregnancy.

219. In addition, the Ministry of Health developed the Technical Procedure for the Provision of Health Services in accordance with Plurinational Constitutional Judgment No. 0206/2014 (annex 76),⁷⁷ which governs the provision of health services for the safe and

⁷⁷ Ministerial Decision No. 0027 of 29 January 2015.

legal termination of pregnancy, so as to guarantee women's right of timely access to quality services.

220. From 2015 to 2017, a plan was developed to train medical personnel in the Model of Care for Victims of Sexual Violence and the aforementioned Constitutional Judgment.

221. With regard to the recommendations contained in paragraphs 42 and 43 of document CEDAW/C/BOL/CO/4, the Ministry of Health adopted the 2016–2020 Sectoral Plan for Comprehensive Development for Living Well⁷⁸ within the framework of the Comprehensive State Planning System and the guidelines set out in the Patriotic Agenda 2025, the objective of which is to “achieve universal, free and equitable access to health services by 2020”.

222. The Ministry of Health also adopted a document entitled “Gender and health: Strategic guidelines 2012–2015” (annex 77),⁷⁹ the aim of which is to incorporate a gender perspective into health-sector activities in order to develop initiatives that meet the needs of each gender, irrespective of age, sex, sexual orientation or other factors. The document lays down the following strategic guidelines:

- Strengthen institutional development with a gender focus
- Provide comprehensive health services with a gender focus that contribute to improving the quality of health care
- Enhance the production and analysis of information with a gender focus
- Promote community participation of men and women, with particular emphasis on the participation of women

223. Thanks to the adoption of Act No. 475 of 30 December 2013 on the provision of comprehensive health care of the Plurinational State of Bolivia (annex 78), and Supreme Decree No. 1984 of 30 April 2014 (annex 79), comprehensive health care and financial protection in health matters are provided to all inhabitants and residents in Bolivian territory who do not have short-term compulsory social insurance and belong to one or more of the following groups:

- Pregnant women, from the beginning of the pregnancy until six months after the birth
- Children under 5 years of age
- Women and men over 60 years of age
- Women of childbearing age, with regard to sexual and reproductive health-care services
- Persons identified as having a disability in the database of the Programme on the Central National Register of Persons with Disabilities
- Other persons designated as eligible by a decision of the Health-Care Sector Coordinating Council

224. Comprehensive health care includes 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.

225. In terms of measures to reduce maternal mortality, the State has developed and implemented some major health policies and programmes, such as the Intercultural Community Family Health policy, the Juana Azurduy voucher programme and the Universal Prenatal Allowance, the aim of which is to give effect to the constitutional mandate to provide quality care to all Bolivian citizens.

⁷⁸ Ministry of Health Decision No. 0908 of 9 September 2016.

⁷⁹ Ministry of Health Decision No. 0500 of 10 May 2012.

226. The Ministry of Health also formulated the Plan for the Rapid Reduction of Maternal and Neonatal Mortality, which maps out the following strategies:

- Work with the community to reach excluded populations
- Make obstetric and neonatal care accessible to all
- Transform health facilities so as to ensure the timely provision of high-quality, friendly, culturally sensitive services
- Guarantee access to, and the availability and rational use of, medicines, vaccines, safe blood and medical supplies
- Update health infrastructure and technology
- Conduct periodic assessments to monitor progress and decision-making

227. Concerning therapeutic abortion, clinical standards and protocols on the use of Misoprostol in gynaecology and obstetrics have been developed for health professionals in Bolivia on the basis of evidence-based medicine in order to deal with various pregnancy-related complications that often result in the premature deaths of women. The purpose of the aforementioned standards and protocols, which are of vital importance in reducing mortality, is to develop clinical practice that improves care for pregnant women and reduces the percentage of such women who die prior to or during childbirth.

228. Lastly, national clinical care standards have been established to serve as a guide and general frame of reference aimed at standardizing the care provided for medical conditions, which includes diagnosis, treatment, rehabilitation and monitoring of the therapeutic process.

Forced labour and servitude

Recommendation in paragraph 24

229. The Bolivian State adopted the 2007–2008 Transitional Interministerial Plan for the Guaraní People,⁸⁰ which was extended by a year pursuant to Supreme Decree No. 29794 of 19 November 2008 (annex 80).

230. The Plan provided for the creation of the Interministerial Council for the Eradication of Forced Labour, comprising the Ministry of Labour, Employment and Social Welfare; the Office of the President; the Ministry of Justice; the Ministry of Rural Development and Land; the Ministry for the Development of Production and a Plural Economy; and the Ministry of Development Planning.

231. The objective of the Plan was to create an environment in which Guaraní families registered as living in the Bolivian Chaco could enjoy decent living conditions, to eradicate forced labour and to promote social, cultural and economic development in the reconstitution of the territory of the Guaraní nation, within the framework of the National Development Plan “Bolivia: Dignity, Sovereignty, Productivity and Democracy for Living Well” and the historical demands of the Guaraní people. The Plan was aimed at the Guaraní indigenous communities in the departments of Tarija, Chuquisaca and Santa Cruz, and had six components (annex 81).

232. The Plan received funding of US\$ 2,000,300 pursuant to Supreme Decree No. 29388 of 19 December 2007, and led to:

- The establishment of six regional labour inspectorates in the regions of Caraparí, Yacuiba, Entre Ríos, Huacareta and Charagua
- State intervention in the Bolivian Chaco in order to establish respectful relationships between employers and workers, and boost workers’ incomes
- The publicization and dissemination of fundamental rights, specifically labour rights

⁸⁰ Supreme Decree No. 29292 of 3 October 2007.

- The development and publicization of the Plan for the Comprehensive Development of the Guaraní nation in the *capitanías* (zonal subdivisions) and communities of the three aforementioned departments
- The provision of technical and legal support to Guaraní organizations in relation to issues of indigenous autonomy
- The provision of technical support to help the Guaraní population to defend itself against complaints
- The submission of petitions and requests concerning land reclamation to the National Institute of Agrarian Reform
- The delivery of food and contingency tools to communities in the Alto Parapetí region
- The promulgation of Supreme Decree No. 29354 of 28 November 2007, which sets out the grounds for the compulsory purchase, consolidation and redistribution of land for transfer to the Guaraní indigenous people in the department of Chuquisaca
- The issuance of a certificate of membership of an indigenous or native community from the Alto Parapetí region
- The production of a pamphlet with information on land reclamation for small landowners
- The provision of supplies to seven communities in the Alto Parapetí region
- The provision of technical training on poultry breeding and production

233. Against this backdrop, the Ministry of Labour, Employment and Social Welfare implemented programmes and projects in favour of the Guaraní population and indigenous communities and families in the Chaco, the Amazonian region and the north of Santa Cruz, including:

(a) From 2010 to 2013: the Institutional Capacity-Building Programme under the specific subsidiary agreement on component 3 of the Programme that was signed by the Plurinational State of Bolivia and the Government of Switzerland on 20 December 2010 (annex 82) with the aim of “ensuring the recognition and exercise of fundamental labour rights”. The overall objective of the Programme was to “implement actions that contribute to the progressive eradication of servitude, forced labour and other, similar forms of labour exploitation of workers from indigenous and native peoples and highly vulnerable groups, while ensuring the State’s presence through the creation, by the Ministry of Labour, Employment and Social Welfare, of inspectorates in remote areas of the country with a view to restoring labour and social rights”. The budget for the implementation of the Programme was Bs 2,170,006, of which 29.62 per cent was provided by the Plurinational State of Bolivia and 70.38 per cent by the Government of Switzerland. The implementation of the Programme between 2010 and 2013 led to:

- 313 inspections being carried out in cattle ranches in the Chaco, the Amazonian region and the Integrated North of Santa Cruz
- 285 hearings being held to resolve social and labour disputes related to the cancellation of workers’ contracts
- The participation of 1,764 workers from native indigenous peoples in events organized to raise awareness of and disseminate social and labour rights
- The provision of support to 3,925 workers regarding the exercise of their social and labour rights
- Bs 2,660,032 being awarded to workers
- The registration of 17 farm enterprises in the Compulsory Register of Employers

(b) The project of the Swiss Agency for Development and Cooperation on the progressive eradication of forced labour and other similar forms of labour exploitation of

indigenous families in the Chaco, the Amazonian region and the Integrated North of Santa Cruz, which was adopted pursuant to Ministerial Decision No. 087/15 and Agreement No. 81026161, signed by the Plurinational State of Bolivia and the Government of Switzerland, which took effect on 31 December 2015 (annex 83). The total budget for the implementation of the project was Bs 2,147,764, of which Bs 1,450,000 was provided by the Government of Switzerland and Bs 697,764 by the Bolivian State, with an additional budget of Bs 1,232,801. In accordance with pillar 1 of the Patriotic Agenda 2025,⁸¹ the project focuses on three strategic lines of action: (1) maintaining a State presence; (2) fundamental human rights; and (3) institution-building, particularly in the Chaco, the Amazonian region and the Integrated North of Santa Cruz. The implementation of the project led to:

- 1,081 inspections being carried out in farms and cattle ranches in the Chaco, the Amazonian region and the Integrated North of Santa Cruz
- 772 hearings being held to resolve social and labour disputes related to the cancellation of workers' contracts
- The participation of 2,757 workers from native indigenous peoples in events to raise awareness of and disseminate social and labour rights
- The provision of support to 1,675 workers regarding the exercise of their social and labour rights
- Bs 4,388,103 being awarded to workers
- The referral of 202 cases to labour tribunals
- The referral of 28 cases to the National Institute of Agrarian Reform
- The registration of 44 farm enterprises in the Compulsory Register of Employers

234. Furthermore, there is a department attached to the Human Rights Unit of the Ministry of Labour, Employment and Social Welfare that deals with indigenous peoples and forced labour, and has the following duties:

- (a) Expand the State's institutional presence in matters of labour relations involving vulnerable groups;
- (b) Restore fundamental labour rights and inspect, promote and establish instruments for the implementation of the labour laws in force;
- (c) Devise plans, instruments, processes and procedures to protect fundamental rights;
- (d) Develop an information system on the social and labour situation of vulnerable groups.

235. In 2016 and 2017, the following results were achieved in favour of workers in rural parts of the country:

- Staff numbers in the Human Rights Unit were boosted (in labour offices)⁸²
- 1,304 inspections were carried out on farms and cattle ranches in the Chaco, the Amazonian region and the Integrated North of Santa Cruz
- 1,235 hearings were held to resolve social and labour disputes related to the cancellation of workers' social benefits
- 4,011 workers from native indigenous peoples participated in workshops held to raise awareness of and disseminate social and labour rights

⁸¹ Patriotic Agenda 2025, pillar 1: Eradication of extreme poverty.

⁸² Pursuant to Biministerial Decision No. 1049 of 8 November 2016, the department dealing with indigenous peoples and forced labour was allocated four staff members: two inspectors for the Montero regional labour office, one inspector for the Beni-Trinidad departmental labour office and one forced labour inspector for the Pando-Cobija departmental labour office.

- 5,585 cases of violations of social and labour rights were dealt with
- The sum of Bs 5,536,653 was recovered thanks to labour dispute hearings
- 172 cases were referred to labour tribunals
- 3 cases were referred to the National Institute of Agrarian Reform
- 122 farm enterprises were added to the Compulsory Register of Employers
- 20 integrated mobile offices were set up and staffed

236. Action by the Bolivian State is currently being implemented with the State's own resources and is aimed at enabling salaried workers in rural areas, most of whom belong to indigenous peoples, to lead dignified lives, as mandated by the Constitution and in compliance with international conventions, thereby fulfilling the State's obligation to protect and restore human, social and labour rights.

Other issues

Recommendation in paragraph 25

237. The Bolivian State published the instrument of ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 27 May 2013 and deposited it on 12 July that year (annex 84).

238. In the inter-American sphere, by Act No. 1011 of 26 December 2017, the Plurinational State of Bolivia ratified the Protocol to the American Convention on Human Rights to Abolish the Death Penalty, demonstrating its firm commitment to human rights (annex 85).

Recommendation in paragraph 26

239. The recommendations contained in the Committee's report have been fed into the Plurinational System for Following up, Monitoring and Gathering Statistics on Human Rights Recommendations in Bolivia, which may be accessed at: <http://www.siplusbolivia.gob.bo>. The System is a tool for searching for and following up on human rights recommendations made to Bolivia by the different United Nations international human rights protection mechanisms (the treaty bodies and the universal periodic review).
