



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined fifth and sixth periodic reports submitted by the Plurinational State of Bolivia under article 44 of the Convention, due in 2015\*, \*\*

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present report are available on the Committee's web page.



## **I. General information about the State**

### **A. Structure and functional organization of the State**

1. The Constitution (see annex 1), approved by referendum on 25 January 2009 and promulgated on 7 February 2009, established Bolivia as a unitary, social, plurinational, and communitarian State governed by the rule of law that is free, independent, sovereign, democratic and intercultural, decentralized with autonomous entities and founded on political, economic, legal, cultural and linguistic pluralism, thereby guaranteeing the self-determination of the indigenous original campesino nations and peoples.

2. A democratic, participative, representative and communitarian form of government was adopted, with equal conditions for men and women. The State is organized and structured through the legislative, executive, legal and electoral bodies, which function independently and on the basis of the separation of powers, but in coordination and cooperation. The country is divided into departments, provinces and municipalities, and indigenous original campesino territories.

### **B. Legal framework for the protection of human rights**

3. The Constitution enshrines a broad range of rights contained in universal and inter-American instruments for the protection of human rights, grouping them into the following categories: fundamental rights; civil and political rights; women's rights; rights of persons in vulnerable situations; and environmental rights.

4. The Constitution establishes that rights and duties are to be interpreted in accordance with the international human rights treaties ratified by Bolivia, which form part of the body of constitutional law. Where such treaties confer more favourable rights than those contained in the Constitution, they take precedence over the latter. The principles of the inviolability, universality, interdependence, indivisibility and progressive realization of human rights are also recognized.

5. The Constitution also establishes legal safeguards and remedies. With regard to the enforceability of rights, it provides that the Plurinational Constitutional Court is responsible for upholding the supremacy of the Constitution, carrying out constitutionality reviews and ensuring that constitutional rights and guarantees are respected and enforced.

6. The Office of the Ombudsperson is the institution responsible for ensuring that the individual and collective human rights established in the Constitution, legislation and international instruments are respected, promoted, publicized and enforced.

7. The executive has established various institutions to assume responsibility for protecting human rights. These include the Ministry of Justice and Institutional Transparency, which has the power to formulate, execute, promote and implement policies for the protection, promotion and defence of human rights.

### **C. Poverty reduction strategy**

8. The productive community-based economic and social model in place since 2006 promotes policies aimed at distributing and redistributing wealth and economic surpluses. Its primary objectives include eradicating poverty in its multiple forms and reducing economic and social inequality in order to improve the quality of life of the Bolivian population, and particularly the most vulnerable in society.

9. The Strategic State Planning System Act (No. 777 of 21 January 2016) provides for the implementation of short-, medium- and long-term planning processes taking a comprehensive approach that involves coordination between all levels of government, with the participation of and in coordination with social actors and in accordance with the strategic prioritization framework described below, with which all public bodies are required to adhere.

10. Bicentennial Patriotic Agenda 2025 (see annex 2): Adopted pursuant to Act No. 650 of 5 January 2015, the Bicentennial Patriotic Agenda constitutes the general plan for the country's economic and social development and has a long-term vision. It defines principles and provides guidelines for the construction of an inclusive, participatory, democratic society that is free from discrimination and division on the basis of 13 pillars and goals for a dignified and sovereign Bolivia. The pillars related to the strategy to reduce poverty and economic and social inequalities affecting children and adolescents are as follows:

- Pillar 1: "Eradication of Extreme Poverty"
- Pillar 3: "Health, Education and Sports for Comprehensive Human Development"
- Pillar 8: "Food Sovereignty through the Development of Nutritional Knowledge to Support the Good Way of Living"
- Pillar 11: "Sovereignty and Transparency in Public Administration"

11. Economic and Social Development Plan 2016–2020 (see annex 3): The Economic and Social Development Plan 2016–2020 is a medium-term, strategic, actions-and-results-based prioritization framework. It takes a comprehensive approach to planning that addresses cross-cutting themes such as gender equity and the life cycle. It serves as a guide for the public administration and is implemented through medium-term sectoral and territorial plans. This allows public authorities to target their activities and focus on achieving specific results, either directly or indirectly, according to their institutional competencies.

12. The Plan's programmatic structure determines the actions that public bodies in Bolivia are required to carry out to contribute to the achievement of the goals established in the Patriotic Agenda, thus guiding the allocation of public resources and their use in specific programmes and projects.

## **II. General measures of implementation**

### **A. National legislation on the protection of children's and adolescents' rights (recommendations contained in paras. 8 and 25 of the previous concluding observations (CRC/C/BOL/CO/4))**

#### **Constitution**

13. The current Constitution is the first to contain a specific section on children's and adolescents' rights. It recognizes that children and adolescents enjoy all the rights enshrined in the Constitution as well as the specific rights inherent to their stage of development and prioritizes the principle of the best interests of the child based on the dignity of the human being.

14. Since human rights treaties form part of the body of constitutional law, the Convention on the Rights of the Child has the status of supreme law in Bolivia and is part of Bolivian domestic legislation.

#### **Children and Adolescents Code and its regulations**

15. With a view to harmonizing national legislation, a post-constitutional process was initiated among all levels of government, social movements and organizations and non-governmental organizations, with the active involvement of children and adolescents throughout the country, that culminated in the promulgation of the Children and Adolescents Code (Act No. 548 of 17 July 2014) (see annex 4).

16. The Children and Adolescents Code enshrines a range of rights, recognizing that children and adolescents merit the highest level of protection, in accordance with the comprehensive protection model. It establishes 11 overarching principles that define and guide the responsibility that State actors, families and society share for the effective realization of children's and adolescents' rights.

17. The Code provided for the establishment of the Comprehensive Plurinational System for Children and Adolescents, which is a coordinated network of agencies, bodies and service providers with a remit to ensure the full enjoyment of children's and adolescents' rights through intersectoral action in the public and private sectors. It comprises the Comprehensive Plurinational Protection System for Children and Adolescents and the juvenile justice system.

18. The Comprehensive Plurinational Protection System for Children and Adolescents is a network of bodies, agencies, institutions, organizations, entities and service providers responsible for implementing the Plurinational Plan for Children and Adolescents. The Plan's specific objective, as reflected in the related programmes and strategies, is to ensure the full enjoyment of children's and adolescents' rights through intersectoral action in the private and public sectors.

19. The juvenile justice system comprises the network of institutions, agencies, bodies and service providers responsible for ensuring that adolescents are held responsible for any offences they commit. It is also responsible for the application and monitoring of related socio-educational measures (see paras. 275–278).

20. The Children and Adolescents Code assigns a leading role to the Ministry of Justice and Institutional Transparency. Within the Ministry, the Office of the Deputy Minister for Equal Opportunities serves as technical secretariat to the Comprehensive Plurinational System for Children and Adolescents, with the support of the Department for the Mainstreaming of Child Rights of the Directorate General for Children and Older Persons. The Directorate for Justice and Fundamental Rights within the Office of the Deputy Minister for Justice and Fundamental Rights is the expert body with oversight of the juvenile justice system. Human and financial resources from the offices of both Deputy Ministers are allocated for the implementation of the Comprehensive Plurinational System for Children and Adolescents.

21. The regulations implementing the Children and Adolescents Code (see annex 5), which were adopted by Supreme Decree No. 2377 of 27 May 2015, give the Ministry of Justice and Institutional Transparency a mandate to take measures, in coordination with central, departmental and municipal bodies, indigenous original campesino organizations, the private sector, social organizations and children's organizations, to ensure that children and adolescents can fully exercise their rights.

#### **Other specific legislation on the protection of children and adolescents**

22. In keeping with the principle of the best interests of the child and maximum priority criteria, specific legislation has been adopted to ensure that the protection of every child and adolescent is a priority (see annex 6).

#### **Jurisdictional Demarcation Act**

23. The Constitution provides that the ordinary courts, the agricultural and environmental courts, the indigenous original campesino courts and all other legally recognized courts enjoy equal status. The Judiciary Act (No. 025 of 24 June 2010) and the Jurisdictional Demarcation Act (No. 073 of 16 December 2010) (see annex 7) were adopted to regulate the courts' respective areas of jurisdiction and establish coordination and cooperation mechanisms, in accordance with the principle of the complementarity of jurisdictions.

24. These two laws guarantee that the indigenous original campesino peoples may exercise jurisdictional functions through their authorities and may apply their own principles, cultural values, rules and procedures, in keeping with the plurinational character of the State and their right to self-determination, autonomy and self-government.

25. The indigenous original campesino courts uphold constitutional rights and guarantees, especially those of population groups that enjoy the highest level of protection, such as children and adolescents. All violence against children and adolescents is therefore prohibited and punishable; using conciliation mechanisms to resolve cases involving violence of this kind is unlawful.

26. The indigenous original campesino courts have jurisdiction over members of the indigenous original campesino peoples when a juridical event takes place or produces its

effects within the jurisdiction of an indigenous original campesino territory. However, they do not have criminal jurisdiction over offences committed against the bodily integrity of children and adolescents, crimes against humanity, rape, murder, manslaughter or trafficking and smuggling of persons, inter alia. Cases involving these offences must be handled by the ordinary courts in order to ensure protection for the greater legal right.

27. Act No. 027 of 6 July 2010 provides that conflicts of jurisdiction between the courts are resolved by the Plurinational Constitutional Court.

## **B. Multisectoral Comprehensive Development Plan – Plurinational Plan for Children and Adolescents (recommendations contained in paras. 12 and 25)**

28. The five-yearly Congress on the Rights of Children and Adolescents (in which the Children's and Adolescents' Committees from each of the nine administrative departments and representatives of the executive branch, the autonomous departmental governments, the autonomous municipal governments, civil society and other institutions participate) adopted the Multisectoral Comprehensive Development Plan – Plurinational Plan for Children and Adolescents on 7 April 2017 (see annex 8). The aim of the Plan is to ensure the full enjoyment of children's and adolescents' rights through intersectoral action in the public and private sectors at all levels. The Plan was prepared on the basis of a complementary sectoral planning process that took account of the specific needs for intersectoral coordination on matters relating to children and adolescent and incorporates complementary, multisectoral actions, goals and results. It is also interlinked with the plans that the autonomous territorial entities prepare in accordance with their own specific powers.

29. The Multisectoral Comprehensive Development Plan – Plurinational Plan for Children and Adolescents complies with the pillars and goals established in the Patriotic Agenda 2025 and incorporates the main themes of the public policies on children and adolescents approved by the Council for Sectoral and Intersectoral Coordination in Children's and Adolescents' Affairs (see paras. 33 and 34), namely the comprehensive development of children and adolescents, participation and promotion of the active involvement of children and adolescents, protection of children and adolescents in work and employment, a life free from violence, restorative justice and institutional capacity-building.

30. Budgets for the implementation of activities by bodies concerned by the Multisectoral Comprehensive Development Plan – Plurinational Plan for Children and Adolescents must be incorporated into multisectoral comprehensive development plans. A comprehensive assessment of goals, results and actions under the Plan was carried out in 2018 (see annex 9).

## **C. Coordination (recommendations contained in paras. 10 and 25)**

### **Council for Sectoral and Intersectoral Coordination in Children's and Adolescents' Affairs**

31. The Council for Sectoral and Intersectoral Coordination in Children's and Adolescents' Affairs is a decision-making forum that promotes agreements related to child development. Its decisions are binding for all public and private institutions that coordinate and cooperate in the design, implementation and monitoring of policies, plans, strategies, programmes, projects and regulations relating to children's and adolescents' affairs. It is chaired by the Ministry of Justice and Institutional Transparency and the Office of the Deputy Minister for Equal Opportunities serves as its technical secretariat. It comprises representatives from the three levels of government and its work is subject to the regulations adopted through Ministerial Resolution No. 063/2015 of 1 April 2015 on the implementation of the Comprehensive Plurinational System for Children and Adolescents.

32. To date, the Ministry of Justice and Institutional Transparency has convened eight sessions of the Council, at which its operating regulations, public policies relating to children and adolescents, and workplans were approved. Subcouncils for sectoral and intersectoral

coordination in the areas of early childhood development and child labour and employment, in addition to nine departmental subcouncils, were set up to address specific issues.

### **Children's and Adolescents' Committees**

33. Under Act No. 2026, the Commissions for Childhood and Adolescence were replaced by Children's and Adolescents' Committees established as forums for social participation at the central, departmental, municipal and indigenous original campesino community levels. The Committees are composed of representatives of student organizations and other organizations of children and adolescents between the ages of 10 and 18, at least half of whom must be female.

34. On 6 April 2017, the Plurinational Committee for Children and Adolescents was set up. It is composed of representatives from the nine departments of Bolivia, each of which democratically elected and appointed their first governing board, composed of 18 adolescents (9 girls and 9 boys). By 2018, 9 departmental committees and 43 municipal committees had been formed. All of the committees form part of the Comprehensive Plurinational Protection System for Children and Adolescents.

35. At the five-yearly Congress on the Rights of Children and Adolescents held in April 2017, the Plurinational Committee approved the Multisectoral Comprehensive Development Plan – Plurinational Plan for Children and Adolescents, exercising its right to participation and freedom of opinion alongside the other bodies that took part in the Congress

36. The operating regulations and workplan for 2018 prepared and approved by the Plurinational Committee establish the bases for its participation in the preparation, follow-up and monitoring of policies, plans, programmes, projects, actions and regulations relating to children's and adolescents' affairs at the departmental and municipal levels.

### **Offices for the Defence of Children and Adolescents**

37. The Offices for the Defence of Children and Adolescents are protection bodies under the authority of the autonomous municipal governments that provide free public psychological, social and legal defence services. They constitute a local protection system that acts whenever children's and adolescents' rights are suspended, threatened or infringed upon and works to ensure, through interdisciplinary teams, the enjoyment and restitution of children's and adolescents' rights whenever violations occur.

38. As at December 2017, there were 393 Offices for the Defence of Children and Adolescents across the country's 339 municipalities. There are more Offices than municipalities because some municipalities that are particularly large or have a high population density or particular needs and demands have opened more than one Office in order to provide greater protection to the children and adolescents in their area.

## **D. Allocation of resources (recommendation contained in para. 10)**

39. In accordance with the principle of maximum priority enshrined in the Children and Adolescents Code, the care and protection of children must take precedence in the allocation of resources at all three levels of government.

40. The following programme structures were incorporated into the guidelines on budget preparation of the Ministry of the Economy and Public Finance to facilitate the implementation of measures to protect and assist children and adolescents:

- At the central level: "Gender and Social Protection Policies and Promotion"
- At the level of the autonomous territorial entities: "Defence and Protection of Children and Adolescents"

### **Public expenditure on children and adolescents**

41. In 2016, the Ministry of the Economy, in cooperation with the United Nations Children's Fund (UNICEF), published a report on public expenditure on children and adolescents in Bolivia (see annex 10), in which it highlighted that expenditure on children

and adolescents had increased considerably since 2005, when it was Bs 2,734 million, having risen to Bs 17,770 million in 2015 and then to a projected Bs 21,433 million in 2017.

42. In 2005, 7.1 per cent of the State budget was allocated to areas affecting children. By 2015, that proportion had risen to 13.6 per cent, which means that between 2006 and 2015 Bolivia tripled its expenditure on public policies relating to children and adolescents. In 2015, public expenditure on areas affecting children and adolescents was as follows:

<b>MONTO DE DINERO INVERTIDO EXPRESADO EN MILLONES DE BOLIVIANOS</b>	<b>SECTOR DESTINADO</b>
10.920	Educación
3.185	Salud
1.569	Condiciones de vida de NNA
681	Transferencias condicionadas (Bono Juancito Pinto y Juana Azurduy)
739	Deportes
498	Desayuno escolar
177	Protección de la niñez y adolescencia

43. As a strategic affirmative social measure, it was established by law that the Supreme Electoral Court must be allocated Bs 2 million annually from the National Treasury to issue every child's first birth certificate free of charge and to issue authentic copies free of charge to children and adolescents in street situations, child and adolescent workers, and children and adolescents who are in emergency situations or have been affected by natural disasters.

44. With respect to the monitoring and evaluation of resource allocation and utilization, pursuant to the Constitution all State institutions are required to inform the public of the results of their activities and the progress they have made towards fulfilling commitments to directly affected social actors and civil society in general, through a public accountability process involving citizen participation and social oversight.

#### **E. Office of the Ombudsperson (recommendation contained in para. 14)**

45. According to the Act on the Office of the Ombudsperson (No. 870 of 13 December 2016), the Office is responsible for ensuring that the individual and collective human rights established in the Constitution, legislation and international instruments are respected, promoted, publicized and enforced. It has functional, financial and administrative autonomy and is expressly prohibited from taking orders from State bodies in the exercise of its functions.

46. The Office is headed by the Ombudsperson, and is supported by three deputy ombudsperson's offices, nine departmental ombudsperson's offices and various special ombudsperson's offices. One of the functions of the Office of the Ombudsperson is to promote respect for the rights specific to children and adolescents, placing an emphasis on measures combating violence and discrimination.

47. The Office of the Ombudsperson appoints student ombudspersons to serve in both urban and rural areas. These student ombudspersons receive training to enable them to work as defenders of children's and adolescents' rights in their schools, providing guidance and setting up mechanisms for peaceful conflict resolution. As of 2015, there were 168 student ombudspersons in 98 schools nationwide.

48. In coordination with civil society institutions, the Ombudsperson's Office carries out information campaigns on the Convention on the Rights of the Child and the Universal Declaration of Human Rights in schools and public institutions.

### Complaints procedure

49. The Ombudsperson's Office has developed a system for processing complaints regarding alleged human rights violations called the People's Services System, which provides priority assistance to children and adolescents who submit personal complaints. No requirements are placed on the provision of assistance in such cases and the identity of the complainant, as well as other sensitive information, is kept confidential.

50. Between 1 January 2016 and 31 March 2018, 2,813 complaints were submitted to the Ombudsperson's Office by minors. Each complaint was either processed by the Office or referred to the competent authority. Most were submitted by persons living in capital and intermediate-size cities in Bolivia, while some were submitted by Bolivians living abroad. The most prevalent subjects of the complaints received were violence, access to education, the right to a family, and the protection of comprehensive development, inter alia.

## F. Dissemination, training and awareness-raising (recommendations contained in paras. 22 and 23)

### Training strategy

51. In 2016, the Plurinational Public Management School and UNICEF designed a training and education strategy for the Comprehensive Plurinational System for Children and Adolescents (see annex 11), which was approved by the Ministry of Justice and Institutional Transparency and intended to improve the performance and technical and personal skills of public officials working for and with children and adolescents, decision-making authorities and civil society. The following five programmes were developed under the strategy:

- (a) Development of personal and social skills for high-quality and friendly service;
- (b) Roles and functions of the entities and actors that make up the Comprehensive Plurinational System for Children and Adolescents;
- (c) Programmes, national and international standards, and procedures of the Comprehensive Plurinational System for Children and Adolescents;
- (d) Development of strategies for resource planning, management and utilization;
- (e) Training of facilitators according to a skills-based approach.

52. Between 2013 and 2017, 90 courses under the above-mentioned five programmes and 14 diploma courses with an approach based on human rights and children's and adolescents' issues were organized at the national level for members of the Comprehensive Plurinational Protection System for Children and Adolescents and civil society (see annex 12).

### Specialization of professionals

53. In accordance with the principle of specialization enshrined in the Children and Adolescents Code, the Ministry of Justice and Institutional Transparency is developing training and refresher courses for public officials with the skills referred to in the Children and Adolescents Code. An inter-institutional agreement between the Catholic University of Bolivia and the Austral University of Argentina was negotiated to facilitate coordination and build academic ties to ensure compliance with the principle of specialization.

54. In addition, the Ministry of Justice and Institutional Transparency has organized multiple awareness-raising workshops on issues affecting children and adolescents at the national level for judicial officials, prosecutors, police officers, public officials from the departmental technical bodies for social policy,<sup>1</sup> Offices for the Defence of Children and Adolescents and civil society (see annex 13).

<sup>1</sup> Namely the departmental social services and the departmental services for social policy.

### **Teaching of children's and adolescents' rights in schools**

55. As at 2014, the plurinational education system had nine study programmes at the three levels of education in the mainstream education subsystem that are designed to strengthen the cultural identity, language and social and community values enshrined in the Constitution and the Avelino Siñani-Elizardo Pérez Education Act (No. 070 of 20 December 2010) (see annex 14):

- Preschool community and family education
- Vocational community education
- Secondary, community-based, production-oriented education

56. The study programmes prioritize instruction in human rights, children's and adolescents' rights, civil security, care for and the protection of Mother Earth, risk prevention, and human-caused or natural disasters.

57. Methodological guidelines for the educational care of children under 4 years of age have been drawn up, based on daily activities that can be carried out in family and community settings, and are designed to strengthen the child's comprehensive development through an intercultural and plurilingual approach. The guidelines incorporate practices for the support, care and socialization of children under 4 years of age.

## **G. Data collection (recommendation contained in para. 20)**

### **National Institute of Statistics**

58. In 2017, the National Institute of Statistics published a statistical study on children and adolescents in Bolivia (see annex 15) that contains information taken from censuses, surveys and administrative records on the status and situation of children and adolescents. The study includes information on children's and adolescents' rights, disaggregated by demographic group, housing and household, education and employment.

59. The 2016 demographic and health survey conducted by the National Institute of Statistics and the Ministry of Health contains data on fertility, pregnancy, childbirth, maternal and child nutrition, immunizations and child mortality. The results of the survey are set out in paragraph 160 below.

### **Child and Adolescent Information System**

60. The Child and Adolescent Information System was established pursuant to Ministerial Decision No. 071/2016 of 3 May 2016 of the Ministry of Justice and Institutional Transparency to record and compile specialized information on the rights of children and adolescents, as well as other data for use in developing and monitoring public policy, using hardware and software equipment acquired for that purpose. The system is currently in the implementation stage and is composed of five modules.

61. The module for information from Offices for the Defence of Children and Adolescents collates information on the cases processed by these Offices throughout the country for the purpose of compiling national, departmental and municipal statistics on the handling of violations of children's and adolescents' rights, the performance of each Office, and measures taken to prevent rights violations and restore violated rights. The Offices for the Defence of Children and Adolescents began the process of registering their cases in the system in June 2018.

62. The module for information from the juvenile justice system will collate data on the supervision of adolescents subject to non-custodial socio-educational measures in guidance centres or deprived of their liberty in social reintegration centres at the national level. This module is currently in the planning phase.

63. The module for family information will collate statistical information on every reception centre for children and adolescents without parental care in the country and will be used to generate information that provides a basis for the design, preparation, monitoring and evaluation of policies affecting children and adolescents, for monitoring respect for the right

to live as a family and for building better mechanisms to give effect to children's and adolescents' right to family reunification. This module is currently under development.

64. The module for information on comprehensive early childhood development will be a tool for monitoring compliance with early childhood rights. It will collate, systematize, analyse and disseminate information on comprehensive early childhood development, and will contain information on regulations and sectoral programmes, projects, and statistics related to early childhood. This module is currently in the conceptual and technical design phase.

65. The free-from-violence module will collate specific information on cases of sexual violence against children at the national, departmental and municipal levels. It is currently under development.

## **H. Children's rights and the business sector (recommendation contained in para. 18)**

66. The Ministry of Justice and Institutional Transparency has forged a strategic alliance through which to undertake actions to promote State corporate social responsibility. The alliance comprises six State companies and agencies: the National Hydrocarbons Agency, the Bolivian Strategic Public Aviation Company, the National Telecommunications Company, the State Company for Cable Transport ("My Cable Car"), Bolivian Airport Services and the oil company Yacimientos Petrolíferos Fiscales Bolivianos.

67. The alliance was formally constituted on 26 November 2016, when its members signed an agreement committing them to State and corporate social responsibility for Bolivian children. The aim of the agreement was: to promote the comprehensive protection of children and adolescents by fostering an institutional and business culture of zero tolerance towards violence; to develop aid and social assistance programmes for children and adolescents who are in seriously poor health, in emergency situations, affected by natural disasters or at social risk; to establish adequate security and protection mechanisms for children and adolescents in accordance with the activities and institutional scope of each signatory; and to promote advertising policies that respect, raise awareness of and promote children's and adolescents' rights.

## **III. Definition of the child**

### **A. Definition (recommendation contained in para. 27)**

68. The Constitution defines children and adolescents as minors, recognizing them as holders of rights, subject to the limitations enshrined in the Constitution, and notably of the specific rights inherent to their process of development, their ethnic, sociocultural, gender and generational identity, and the satisfaction of their needs, interests and aspirations.

69. Within this framework, the Children and Adolescents Code establishes various age groups according to the stages of human development:

- Child or adolescent means every human being below the age of 18
- Childhood begins at the moment of conception and ends at the age of 12
- Adolescence begins at the age of 12 and ends at the age of 18
- Early childhood begins at birth and ends at the age of 5
- School age for girls and boys begins at 6 and ends at 12

70. The Civil Code uses the definition of the child established in the Constitution and the Children and Adolescents Code and establishes the age of majority at 18 years.

## **B. Legal age of marriage**

71. The Family and Family Procedure Code (Act No. 603 of 19 November 2014) (see annex 16) provides that marriage or cohabitation may be entered into freely upon reaching the age of majority and, exceptionally, for adolescent boys and girls, upon reaching the age of 16 years, provided that authorization is obtained from the persons exercising parental authority or the legal guardians or, in their absence, an Office for the Defence of Children and Adolescents. Should the latter refuse to grant authorization, a request may be submitted to the judicial authorities.

## **IV. General principles**

### **A. Non-discrimination (recommendation contained in para. 29)**

72. The Act against Racism and All Forms of Discrimination (Act No. 045 of 8 October 2010) provided for the establishment of mechanisms and procedures to prevent and punish acts of racism and all forms of discrimination throughout the country and to consolidate public policies designed to prevent and provide protection from racist and discriminatory crime.

73. The Act also provided for the establishment of the National Committee against Racism and All Forms of Discrimination, under the oversight of the Ministry of Culture, to assume responsibility for promoting, designing and implementing comprehensive policies and legislation to combat racism and all forms of discrimination. Persons subjected to acts of racism or discrimination may pursue constitutional, administrative or disciplinary and/or criminal remedies, as appropriate. For registration and monitoring purposes, the Committee systematizes and publishes information on administrative and judicial proceedings instituted in response to acts of racism and any other form of discrimination.

74. Pursuant to the Act, discriminatory practices henceforth constitute an offence against the dignity of the person, with implications for the severity of the penalties that can be handed down and the legal action that can be instituted.

#### **Combating discrimination against children and adolescents**

75. The Children and Adolescents Code applies constitutional principles and mandates in a manner which ensures that all children and adolescents benefit equally, and guarantees the full exercise of these principles and mandates in application of the principle of equality and non-discrimination, according to which all children have the same rights without distinction of any kind, regardless of gender, economic status, origin or any other specific condition for which they might be subjected to discrimination.

76. All programmed activities for the protection of children's and adolescents' rights take a cross-cutting, anti-discriminatory approach. However, the following specific measures were adopted to prevent discrimination against children and adolescents from the most vulnerable groups:

(a) Indigenous original campesino children: A campaign was conducted involving radio spots in Spanish, Quechua and Aymara and printed materials (brochures and posters) to encourage families and the community to undertake to protect children and adolescents of indigenous original campesino origin. The Office of the Deputy Minister for Indigenous Original Campesino Justice published a document on the differentiated approach to the comprehensive protection of indigenous original campesino children and adolescents in Bolivia that lays out various technical and factual considerations in relation to the provision of differentiated assistance to indigenous original campesino children and adolescents, as well as ideas for enriching the knowledge and experiences of diverse groups through the use of differentiated practices tailored to their needs;

(b) Children with disabilities: The Plurinational Student Games for Students with Disabilities and intercultural traditional dance festivals for students with disabilities are held annually. These events raise awareness among the general population by disseminating

messages and carrying out activities designed to prevent and eliminate all forms of discrimination. A compendium of updated legislation related to persons with disabilities has been published in print and Braille and made available in Bolivian sign language;

(c) Young and teenage girls: In October 2017, the “Being a Girl: For the Equality, Protection and Empowerment of Young and Teenage Girls” campaign was launched to raise awareness among the general population of some of the circumstances that affect young and teenage girls in Bolivia, including situations in which they experience gender inequality, which tends to lead to discrimination and can have a negative impact on their social, community and even family life. The campaign explained that social burdens on young and teenage girls undermine the effective enjoyment of their rights to education, health and recreation, placing them at increased risk of being subjected to multiple forms of violence, including physical, psychological and sexual violence, infanticide, trafficking and the hypersexualization of their bodies.

### **Multisectoral Plan to Eliminate Patriarchalism and Promote Women’s Right to the Good Way of Living**

77. As part of the implementation of the Strategic State Planning System, the National Plan for Equal Opportunities for Women was superseded by the Multisectoral Plan to Eliminate Patriarchalism and Promote Women’s Right to the Good Way of Living, adopted at the fifth session of the Sectoral and Intersectoral Council for a Life Free from Violence by Decision No. 001/2017 of 27 July 2017. Its main objective is to ensure that the policies, programmes and actions of State bodies at the various levels are geared towards the development of a less patriarchal society and the creation of an environment in which women are able to exercise their right to live the good way and to enjoy a life free from gender-based violence.

78. Implementation of the Plan, which is based on multisectoral and cross-cutting coordination, is the responsibility of the Directorate General for the Prevention of All Forms of Gender-based and Generational Violence, which is part of the Ministry of Justice. The Plan proposes the following lines of action related to children and adolescents:

- Develop specific strategies to eradicate gender-based violence against women and young and adolescent girls in the national education system
- Develop curricular strategies to incorporate the gender perspective and non-sexist education into teaching as part of the education revolution
- Develop specific strategies and programmes to increase opportunities for women and young and adolescent girls to access and remain in the national education and university systems
- Promote the institutionalization of the Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence so as to help to eradicate gender-based violence against women and young and adolescent girls

## **B. Best interests of the child (recommendation contained in para. 31)**

79. Marking a key legal and social advance, the current Constitution was the first to enshrine the principle of the best interests of the child, establishing the pre-eminence of children’s rights and their right to priority protection and assistance in all circumstances, to priority access to public and private services, and to swift and timely access to the administration of justice with the assistance of specialized staff.

80. Pursuant to this constitutional mandate, the State, families and society have a duty to guarantee and prioritize the principle of the best interests of the child, which is the guiding and regulating principle behind all legislation on children’s rights, based on the dignity of the human being, the specific characteristics of children and adolescents and the need to promote their comprehensive development.

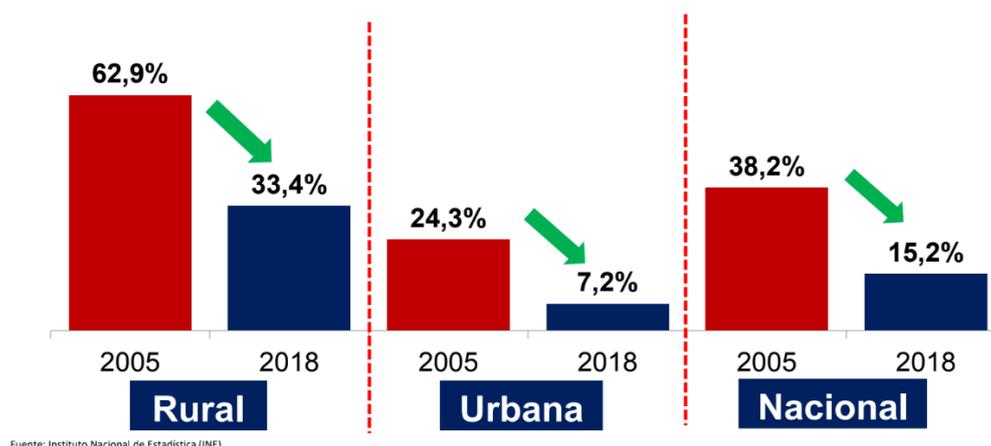
81. The Children and Adolescents Code also provides that all legislation must be interpreted and applied in the best interests of the child, as the guiding principle for ensuring

the best possible outcome for children and adolescents, taking into account their specific status as developing persons.

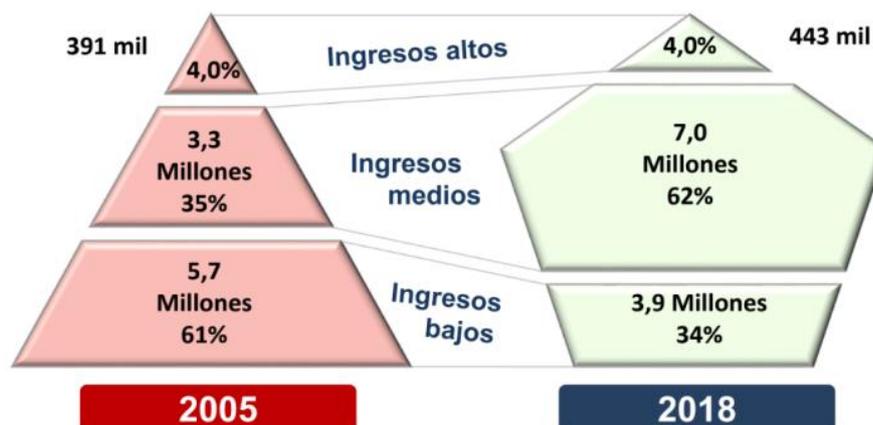
### C. Right to life, survival and development (recommendation contained in para. 62)

#### Extreme poverty

82. Poverty in Bolivia is a consequence of previous, inadequate redistribution policies, exclusion and rights violations. On the basis of the pillars of the Agenda 2020–2025, and as a result of the State's redistributive policies, good economic performance and wage policy, 1.8 million people were lifted out of extreme poverty between 2005 and 2018.



83. Under the current economic model, which is aimed at redistributing income, the majority of the Bolivian population (62 per cent) earns a middle income. This situation resulted in the growth of the middle class between 2005 and 2018.



#### Water and sanitation in rural communities

84. According to data provided by the Ministry of the Environment and Water, between 2011 and 2018, 2,530 water and sanitation projects bringing drinking water, sanitation, sewerage and toilet facilities to the rural population were carried out. A total of 290,633 water supply connections and 18,275 sewage system connections were installed nationwide, as shown in annex 17.

### **Social housing**

85. In keeping with the fundamental right to adequate housing, social housing plans and projects are primarily aimed at the low-income sector of the population and the persons in greatest need in urban and rural areas, as well as persons affected by natural disasters. Social housing benefits all members of the beneficiary families, including children and adolescents.

86. According to data provided by the Office of the Deputy Minister for Housing and Town Planning, between 2006 and 2017, 128,027 social housing units were built or refurbished in urban and rural areas, and, between 2012 to 2017, provided homes for 36,567 families with children who were placed in social housing through various social housing programmes (see annex 18).

## **D. Respect for the views of children and adolescents (recommendation contained in para. 33)**

87. The Children and Adolescents Code establishes the right of children and adolescents to express their views freely, in accordance with their age and the characteristics of the stage of development they have reached, either in a personal capacity or on behalf of an organization. Their right to free, active and full participation in family, community, social, school, cultural, sporting and recreational life is guaranteed by the principle of participation enshrined in the Code.

88. The Children and Adolescents Code protects the rights of children and adolescents to make direct requests, individually or collectively, orally or in writing, to any public or private entity without the need for representation, and to receive a timely and adequate response.

89. Bringing together the above-mentioned rights in a single forum, the Children's and Adolescents' Committees are spaces in which children and adolescents can express their views, translate them into action, and participate in relevant decision-making processes at the national, departmental and municipal levels, thus participating in the development of policies and plans on children's and adolescents' rights in their local areas (see paras. 35–38).

90. Children and adolescents are guaranteed the right to participate and to be heard by the judicial authorities during legal proceedings concerning them, taking into account their age and the characteristics of the stage of development they have reached.

91. The right to participate and to be heard during legal proceedings is enshrined in the protocol on the participation of children and adolescents in legal proceedings and the intervention of interdisciplinary professional teams, adopted by Agreement No. 042/2015 of the plenary of the Supreme Court of Justice on 6 May 2015. The protocol provides for special and specialized assistance and protection and promotes greater public awareness among institutions and individuals participating in legal proceedings that involve children and adolescents.

## **V. Civil rights and freedoms**

### **A. Birth registration (recommendations contained in para. 35)**

92. The Children and Adolescents Code establishes that children born in Bolivian territory and children born abroad to a Bolivian mother or father acquire Bolivian nationality from birth and enjoy the right to their own individual name and two surnames, either the mother's and the father's, the mother's or the father's surname and a conventional surname, or, failing that, two conventional surnames.

93. The national population and housing census conducted in 2012 by the National Institute of Statistics revealed that the population under the age of 18 stood at 4,062,572 people, equivalent to 40.38 per cent of the Bolivian population.

94. Annex 19 shows the 2,505,487 births registered with the Civil Registration Service during the period 2009–2018, disaggregated by group. In addition to these births, 100,251 children and adolescents under the age of 18 were registered in rural areas.

95. The Civil Registration Service has taken the following measures, mainly in rural areas, to ensure that all children are registered:

- Implementation of Decision No. 044/2014 of the Supreme Electoral Court approving rules on the exemption of fees for birth certificates issued to children in reception centres
- Registration of births in health facilities
- Implementation of Decision No. 047/2014 of the Supreme Electoral Court approving the organization of campaigns for birth registration and the correction of civil registry records in rural areas
- Introduction of a biometric civil register that will allow for online birth registration

96. Parents are required to register their children's filiation either at birth or within 30 days with the Civil Registration Service. They receive the child's first birth certificate free of charge. Children who are wards of the State, children in street situations, adolescent workers and children and adolescents in situations of emergency or natural disaster are issued with a duplicate birth certificate at no cost.

97. Children's and adolescents' identity and their belonging to indigenous original campesino or Afro-Bolivian cultures, nations or peoples are recognized and respected, in keeping with the principle of cultural diversity.

## **B. Children and the media (recommendations contained in paras. 23 and 37)**

98. Under the Children and Adolescents Code, the media are required to contribute to children's and adolescents' education by providing content of social and cultural interest to meet their information and education needs. They are also required to provide free spaces for the dissemination of the rights, duties and guarantees set forth in the Code.

99. In this connection, Supreme Decree No. 3461 of 18 January 2018 introduced amendments to the Code establishing that the Ministry of Justice and Institutional Transparency must develop minimum content for the free dissemination of the rights, duties and guarantees of children and adolescents. This content must be disseminated by public and private media, in different formats and in accordance with the rules established for each medium, in official languages depending on the region and the audience.

100. Within this framework, the Ministry produced a guide entitled "Communication for Child Protection" (see annex 20) which encourages journalists to take a rights-based and respectful approach to issues involving children and adolescents, regardless of whether they are victims or aggressors, considering them as subjects of rights at all times. The guide sets out principles for the handling of mass media content involving children and adolescents, such as respecting their family privacy and protecting their image and confidentiality.

101. To disseminate the content of the guide and support its implementation, during 2018 the Ministry held training workshops to promote the responsible media coverage of news involving children and adolescents (see annex 13, table 16).

## **C. Media monitoring**

102. Under Supreme Decree No. 2377, the media are required to report monthly to the Ministry of Communication on their compliance with the rules described above, including those on protecting the image, identity and family environment of children and adolescents in cases where their image or integrity may be affected. A report on the dissemination of children's and adolescents' rights in the media is provided in annex 21.

## **VI. Violence against children and adolescents**

### **A. Ill-treatment, corporal punishment and torture (recommendations contained in paras. 41, 42 and 50)**

103. The Children and Adolescents Code states that children and adolescents have a right to be protected from any form of violence against their personal integrity, consisting of their physical, psychological and sexual integrity. The Code establishes that all children and adolescents have the right to decent treatment, which includes a non-violent upbringing and education, and thus prohibits any type of physical, violent or humiliating punishment. It is also expressly prohibited for children and adolescents deprived of their liberty to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

104. The Code also stipulates that violence against children or adolescents that constitutes an offence under the Criminal Code will be sanctioned by the criminal courts, while violence that does not constitute an offence under the Criminal Code will be treated as a misdemeanour and sanctioned by the juvenile courts.

105. Offices for the Defence of Children and Adolescents play a leading role in protecting the right to personal integrity, since they are empowered, without the need for an express mandate (even in rural and indigenous original campesino communities), to bring actions and file applications, complaints and appeals before the competent authorities for violent conduct and misdemeanours or offences committed against children and adolescents.

106. A preliminary report extracted from the relevant module of the Child and Adolescent Information System (see paras. 62 and 63) on 27 December 2018 contains data from Offices for the Defence of Children and Adolescents on cases in which they responded to different types of violence committed against children (see annex 22).

#### **Obligation to report**

107. The Children and Adolescents Code states that private individuals and government employees who have knowledge of acts of violence against children and adolescents are under an obligation to report such acts, within 24 hours of becoming aware of them, to an Office for the Defence of Children and Adolescents or other competent authority.

108. Public awareness campaigns to prevent the ill-treatment and neglect of children and adolescents have been conducted at the departmental and municipal levels (see annex 23).

### **B. Physical and psychological recovery services for victims (recommendations contained in paras. 39 and 84)**

109. The Plurinational Victim Assistance Service helps child and adolescent victims and witnesses of crime with their psychological and emotional rehabilitation by providing specialist, respectful, high-quality and humane treatment, on the basis of secrecy and confidentiality, in their mother tongue or another appropriate language and with the support of a multidisciplinary team.

110. Furthermore, in accordance with Organic Act No. 260 of 11 July 2012 on the Public Prosecution Service, each departmental prosecution service has a victim and witness protection unit comprised of an interdisciplinary team of social workers and psychologists. One of the tools used by these units is the victims module of the “Titan” system, which processes the statistical information that is generated daily on aspects of protection and assistance (see annex 24, table 24).

111. In 2017, victim and witness protection units handled 11,861 cases, most of which involved offences of family or domestic violence or rape of an infant, child or adolescent. According to annex 24, table 25, 20 per cent of the female victims assisted were adolescents and 10 per cent were girls. As for male victims, 28 per cent were boys and 20 per cent adolescents.

### **Torture Prevention Service**

112. Under Act No. 474 of 30 December 2013, the Torture Prevention Service was established as a decentralized public institution for the prevention of torture and other cruel, inhuman, degrading or humiliating treatment or punishment. Its purpose is to guarantee the right to life, the dignity and the physical, psychological and sexual integrity of persons in civilian and military prisons, reception centres for children and adolescents, institutions for juvenile offenders, police and military training centres, hospitals and any other institutions in Bolivian territory.

113. The Service has a mandate to make planned and unplanned visits to these institutions, where it conducts private interviews to gather testimony, among other activities envisaged in the framework of Supreme Decree No. 2082 of 20 August 2014 to detect torture or cruel, inhuman, degrading or humiliating treatment or punishment. In 2016, the Service made 51 unplanned visits, including one to a reception centre for children and adolescents in Pando where it found no evidence of torture or other cruel, inhuman or degrading treatment.

114. The Service conducts specific promotion, dissemination and training workshops for government employees who work for the police, the prison service, the health system, the military, the immigration authorities and specialized centres for children, adolescents, young people and others, as well as for civil society at the national level. It trained 1,416 people in 2016 and 2017.

### **Early childhood protection**

115. The Ministry of Justice and Institutional Transparency is currently developing an interdisciplinary care protocol for the comprehensive protection of children under the age of 6 who are victims of physical, psychological or sexual violence. The aim of this protocol is to provide multidisciplinary and interdisciplinary personnel with procedures and tools for the care of these children and to standardize and approve actions taken in the process of providing high-quality care for their comprehensive recovery.

### **Protection for children and adolescents who have witnessed violence**

116. The Comprehensive Act on Guaranteeing a Life Free from Violence for Women (No. 348 of 9 March 2013) provides that minor children who are orphaned as a result of a femicide committed by a spouse or cohabiting partner will be placed in the custody of maternal relatives.

117. In October 2018, the Ministry of Justice and Institutional Transparency launched a study of children and adolescents who had witnessed violence and femicide (see annex 25) in which it identified the difficulties encountered by children and adolescents who witness or are the victims of gender-based violence and femicide. This study will make it possible to design a model for their care and protection that includes a specific categorization of violence and care protocols based on systemic family intervention.

### **Children's lawyers**

118. Pursuant to Supreme Decree No. 3463 of 18 January 2018, a central register of children's lawyers was created under the responsibility of the Ministry of Justice and Institutional Transparency to ensure the expert defence of child and adolescent victims of violence at no cost in both judicial and non-judicial settings.

119. In 2019, the Ministry registered more than 380 lawyers and commenced the process of training them in the legal defence of children and adolescents with a human rights approach.

## **C. Sexual exploitation and abuse (recommendation contained in para. 78)**

120. The Comprehensive Act on Guaranteeing a Life Free from Violence for Women introduced an amendment to article 308 bis of the Criminal Code to define the rape of an infant, child or adolescent as an offence and establish the penalty of 20 to 25 years' imprisonment for anyone who has carnal relations with a child under the age of 14, even

when force or intimidation has not been used and when consent is alleged. In the event of aggravating circumstances, the penalty may be increased to 30 years' imprisonment without right of pardon.

121. According to official data, the Public Prosecution Service registered 1,546 cases of rape of an infant, child or adolescent between January 2017 and April 2018. Eleven convictions for this offence were handed down in 2017 (see annex 26).

122. Regarding the data-collection system, see paragraphs 62 and 67.

### **Comprehensive Programme to Combat Sexual Violence**

123. In 2015, the Ministry of Justice and Institutional Transparency, the Ministry of the Interior, the Ministry of Health, the Supreme Court of Justice and the Attorney General's Office developed and adopted the Comprehensive Programme to Combat Sexual Violence (see annex 27). The general objective of this programme is to guarantee the right of children and adolescents to sexual integrity, placing the emphasis on prevention, care and protection. The strategic objectives of the Programme are:

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

124. In accordance with these strategic objectives, the Ministry of Justice and Institutional Transparency has developed the following tools and taken practical steps to implement them:

- The Protocol for Preventing, Addressing and Punishing Violations of the Sexual Integrity of Children and Adolescents (see annex 28)
- The Road Map for Combating Sexual Violence against Children and Adolescents
- A baseline study on situations of sexual violence against children in the Altiplano, Valles and Oriente regions (see annex 29)

## **VII. Family environment and alternative care**

### **A. Family environment (recommendation contained in para. 44)**

125. The Children and Adolescents Code recognizes the right of children and adolescents to live, develop and be raised in an affectionate and safe environment within their family of origin or, exceptionally, in a foster family. It therefore provides that children may only be separated from their parents in exceptional circumstances decided upon by the juvenile courts. The Code expressly stipulates that a lack or shortage of material or financial resources may not be interpreted as violence, nor may it constitute, in itself, a reason for bringing proceedings to remove or suspend parental authority.

126. Recognizing the fundamental and inalienable role of the family, the Code requires all levels of the State to deliver appropriate policies, programmes and assistance so that families can adequately assume their responsibilities. The public awareness campaigns on this subject that have been conducted at the departmental and municipal levels are described in annex 23.

#### **Specific powers of protection bodies**

127. The Children and Adolescents Code provides that all levels of the State, in coordination with civil society, must formulate comprehensive and interdisciplinary public policies and programmes to promote a culture of peace and conflict resolution within the family so as to prevent children and adolescents from being abandoned.

128. At the departmental level, departmental social services or departmental services for social policy are responsible for providing family, social and educational support and guidance; developing programmes to promote national adoption, fostering and temporary care; providing specialized expert services including preparation, suitability assessment and selection of adoption applicants and post-adoption follow-up in national and international adoptions, and issuing the relevant documentation; and providing other services for children and adolescents.

129. The functions of the Offices for the Defence of Children and Adolescents include conducting exhaustive investigations to identify the parents or relatives of vulnerable children and adolescents; providing them with temporary counselling, support and guidance; referring them to family assistance programmes; and providing them with shelter, depending on the circumstances.

130. The integration of children and adolescents into a foster family takes place through a process of guardianship or national or international adoption. The opinion of the child or adolescent is fundamental to the decision taken by the administrative or judicial authority responsible for this process.

## **B. Children deprived of a family environment (recommendation contained in para. 46)**

131. The Ministry of Justice and Institutional Transparency conducted a study on the situation of children deprived of parental care residing in reception centres in Bolivia (see annex 30) in which it gathered basic information on the situation concerning their rights, based on an analysis of their living conditions and the limitations they encounter in accessing and exercising these rights, particularly the right to a family.

132. The study contains statistical data on the number of children and adolescents in each reception centre, disaggregated by age and sex; the number of reception centres; the legal status of the centres; the legal status of the children and adolescents in their care; the operational status of the centres; the living conditions of children and adolescents; and the services to which they have access.

133. In 2017, the Ministry of Justice and Institutional Transparency drew up an interdisciplinary plan of action for intervention and oversight in shelters and reception centres for vulnerable children and adolescents. The aim was to adopt a public policy that responds to the best interests of children and adolescents without parental care who are wards of the State, in accordance with national legal provisions and the Guidelines for the Alternative Care of Children.

134. The plan was implemented through random visits and spot checks at reception centres that included the use of a biopsychosocial assessment tool. These visits were designed to identify general information about the centre; administrative standards; the centre's infrastructure; furniture and equipment; general safety and security conditions; the food provided; the residents' health; their clothing and everyday items; and their biopsychosocial and legal status.

135. The Ministry of Justice and Institutional Transparency also drew up, and circulated to the nine autonomous departmental governments, guidelines to regulate the accreditation, opening, functioning and closure of reception centres, and guidelines on quality standards. The purpose of these guidelines is to regulate the operational mechanisms and procedures established at these centres, to define obligations and responsibilities for the protection of the children and adolescents who are placed there, and to ensure high-quality care.

## **C. Adoption (recommendation contained in para. 48)**

136. The Ministry of Justice and Institutional Transparency drafted a national adoption protocol (see annex 31) that was approved by Ministerial Decision No. 049/2017 of 3 April 2017. By coordinating the work of juvenile courts, departmental social services, departmental services for social policy and Offices for the Defence of Children and Adolescents, this

protocol facilitates the placement of children and adolescents in foster families through the national adoption process.

137. By Administrative Decision No. 002/2015 of 31 July 2015, the Office of the Deputy Minister for Equal Opportunities, as the central authority in the matter of international adoptions, adopted an international adoption protocol (see annex 32) to serve as a technical tool providing guidelines for the interdisciplinary work and coordination of judicial and administrative protection bodies in the context of the international adoption process.

138. The Ministry of Justice and Institutional Transparency has held workshops to raise awareness of both protocols among autonomous departmental and municipal government employees and prosecutors and judges from different parts of the country. It also monitors effective compliance and regularly provides technical assistance to the protection bodies in order to ensure the correct application of the protocols (see annex 13, table 9).

139. The Office of the Deputy Minister for Equal Opportunities processes international adoption procedures initiated by intermediary agencies from Spain and Italy under a framework agreement on cooperation in matters of international adoption.

#### **D. Children with an imprisoned parent (recommendation contained in para. 66)**

140. The Children and Adolescents Code establishes that children and adolescents whose parents are deprived of their liberty must be placed with their families, with a foster family or in a reception centre for the duration of the sentence. As an exception, children under the age of 6 can live with their mother in prison, but under no circumstances may they stay in a men's prison.

141. The Directorate General of Prisons, attached to the Ministry of the Interior, is responsible for guaranteeing the rights of children and adolescents and must report their irregular residence in prisons. Officials who fail to do so are liable to the corresponding penalties.

142. Rulings by the juvenile courts of Santa Cruz, Trinidad and Cobija prohibiting the stay of children in prisons have had a major impact, reducing the number of children living in Bolivian prisons from 1,224 in 2013 to 266 in December 2018 (see annex 33).

143. Since 2013, the Ministry of the Interior has held several inter-institutional round tables in each department to develop proposals to address the situation of children and adolescents living in prisons. The implementation of this project is supported by SOS Children's Villages International and UNICEF, with the general objectives of guaranteeing the rights of children living in prisons; removing children and adolescents aged over 6 from prisons as a protective measure; and designing strategies to maintain the emotional bonds between children and adolescents and their families, including by providing visiting spaces.

144. The project was implemented in the prisons of Morros Blancos and Yacuiba in the department of Tarija, from which all children and adolescents have now been removed, and will soon be extended to San Pedro prison in the department of La Paz.

145. The juvenile courts of El Beni, Pando and Santa Cruz have developed judicial protection policies for children and adolescents staying in prisons and a visiting regime for the children of persons deprived of their liberty, with a focus on their rights and on promoting compliance with the law.

### **VIII. Disability, basic health and welfare**

#### **A. Children and adolescents with disabilities (recommendation contained in para. 52)**

146. The State has taken affirmative action measures to promote the effective inclusion of children and adolescents with disabilities, the most important of which were the ratification

of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, pursuant to Act No. 4024 of 15 April 2009, and the promulgation of the General Act on Persons with Disabilities (No. 223 of 2 March 2012).

147. In addition, the Children and Adolescents Code recognizes the rights and guarantees enjoyed by children and adolescents with any type of impairment, as well as those inherent to their specific condition. Accordingly, the State at all levels must ensure that means and resources are provided for the detection of disability early in life and the corresponding early stimulation and health care.

#### **Data on children and adolescents with disability**

148. According to data from the 2012 national census, in Bolivia there are 342,929 persons with disabilities, of whom 37,732 are under the age of 18 years old.

149. The Ministry of Health also gathers demographic information on people with disabilities in the country, using the information system of the National Centralized Register of Persons with Disabilities Programme introduced in 2010, and makes it available online.

150. This information system is a tool that collects, stores, processes and disseminates statistical information on persons with disabilities for the purpose of issuing disability cards. Its aim is to provide timely, up-to-date and relevant information to support the executive branch and autonomous departmental and municipal governments in the appropriate and effective allocation and management of public resources for policies and strategies related to persons with disabilities.

151. Based on national, departmental and municipal data on persons with disabilities collected using the information system, reports have been released on the following subjects:

- Registration and issuance of disability cards
- Causes of disability
- Impairments
- Type of disability
- Degree of disability
- Age group
- Gender
- Need for assistive devices
- Priority recommendations

#### **Causes of disability**

152. The classification of persons with disabilities is done by a trained multidisciplinary team comprised of Ministry of Health medical, psychology and social work professionals.

153. According to data from the information system of the National Centralized Register of Persons with Disabilities Programme, as at 31 December 2018 the main causes of disability in Bolivia were acquired diseases (30 per cent) and congenital and genetic causes (21 per cent). On the other hand, the most common impairments reported by persons with disabilities were musculoskeletal (32 per cent) and intellectual (29 per cent) (see annex 34).

#### **Specialized bodies**

154. The central government allocates financial and human resources to the following specialized bodies for the inclusion, assistance and care of persons with disabilities:

- (a) The National Committee on Persons with Disabilities, which, under the General Act on Persons with Disabilities, is a decentralized, administratively autonomous entity whose main goal is to defend the rights of persons with disabilities and which is responsible for strategic planning on disability;

(b) The Disability Unit of the Ministry of Health, which is responsible for generating policies, programmes, regulations and projects for disability prevention and the promotion, care and rehabilitation of persons with disabilities. It also administers the National Centralized Register of Persons with Disabilities Programme (free biopsychosocial classification);

(c) The Disability Directorate of the Ministry of Justice and Institutional Transparency, which is responsible for proposing and promoting policies, standards and strategies to be implemented by the autonomous territorial entities, thus guaranteeing the exercise of the rights of persons with disabilities through a comprehensive and intercultural approach.

### **Rehabilitation programmes and training of specialists**

155. Between 2010 and 2018, the Ministry of Health, in coordination with the Ministry of the Interior and autonomous departmental and municipal governments, opened 39 rehabilitation centres throughout the country which provide comprehensive rehabilitation services in the areas of medical diagnostic consultation, mechanotherapy, thermo-therapy, electrotherapy, hydrotherapy, early learning, speech therapy and phoniatrics.

156. To build on this progress, the Ministry of Health concluded an international cooperation agreement on the guidance and training of human resources for physical medicine, rehabilitation and genetics programmes, with the support of the “Moto Méndez” Solidarity Mission of the Bolivarian Alternative for the Peoples of Our America. Under this agreement, priority was given to the training of rehabilitation centre staff. As a result, 232,295 persons from low-income groups throughout Bolivia have benefited from the provision of rehabilitation services, with children under 5 years old and children with disabilities receiving priority attention.

157. These services, and specifically those provided in the area of early intervention or early stimulation, afford opportunities for physical, intellectual and social development that help to ensure that infants, children and adolescents can attain optimal functional status through effective use of their residual capacity, allowing them to integrate into society to the maximum of their potential and with independence.

## **B. Health and health services, particularly primary health care (recommendation contained in para. 54)**

### **Demographic and health survey**

158. In 2016, the Ministry of Health and the National Institute of Statistics conducted a demographic and health survey (see annex 35) that yielded up-to-date health and nutrition information relevant for the monitoring and evaluation of public health programme activities and the identification of priorities. The specific objectives of the survey were to estimate fertility and infant mortality rates and to determine the nutritional status of mothers and their children.

159. The survey was conducted as one of the activities planned under the Strengthening Statistical Capacity and the Informational Base for Evidence-Based Planning Project. The information gathered will make it possible to identify reliable trends in the behaviour of the indicators over time, as well as enabling international comparisons.

160. The survey, formerly known as the national demographic and health survey, had been carried out five times previously. Three electronic questionnaires, entitled “Households”, “Women of childbearing age (14–49 years)” and “Men aged 15–64 years” were designed and administered for the 2016 edition, which was conducted entirely by Bolivian personnel.

### **Health budget**

161. The Ministry of Economic Affairs and Public Finance has reported that the health budget has increased sevenfold, from Bs 2.7 billion in 2005 to more than Bs 18 billion in 2018.

162. Similarly, the budget allocation of the Ministry of Health has increased from Bs 300 million (in the period to 2005) to over Bs 1.2 billion. This in turn led to a 50 per cent rise in the number of secure posts awarded to health professionals, with a view to improving the care provided by health facilities.

163. The demographic and health survey identified that greater access to basic services has a major impact on public health indicators, and may have a direct effect on the presence of various diseases, particularly communicable diseases, as well as other, indirect effects on people's lifestyles. Access to electricity and water, both inside and outside the home, has a particularly noticeable impact in rural areas (see annex 36).

#### **Support for critically ill children and adolescents**

164. Supreme Decree No. 3462 of 18 January 2018 provides for special leave with full pay to be granted to the mothers, fathers and guardians of critically ill children and adolescents, ensuring that they personally can tend to and accompany their children for as long as they remain in a critical condition.

165. Special leave may be taken in cases where the child or adolescent has: cancer; a systemic disease requiring a transplant; a neurological disease requiring surgical treatment; chronic kidney disease; an osteo-articular disease requiring surgical treatment and rehabilitation; a severe or very severe disability; or has suffered a serious injury with risk of death or severe and lasting functional after-effects or other serious injury. In all of these circumstances except the last, parents and guardians enjoy security of employment for such time as the child or adolescent remains in a critical condition.

### **C. Health and pregnancy (recommendation contained in para. 56)**

166. The aim of Act No. 475 of 30 December 2013 on the Provision of Comprehensive Health Care is to establish and regulate comprehensive health care and the financial protection of beneficiaries. The Act laid the foundation for the universalization of comprehensive health care by consolidating the Universal Maternal and Infant Insurance and Health Insurance for Older Adults schemes and including insurance for persons with disabilities.

167. The Act thus extended health coverage to other vulnerable population groups, stipulating that services must be provided to pregnant women, from the beginning of gestation until six months after childbirth; children under 5; persons aged 60 and above; women of childbearing age, for care related to their sexual and reproductive health; and persons with disabilities.

168. With regard to the use of comprehensive health services by pregnant women and mothers with children under 5, antenatal care coverage is at approximately 90 per cent and post-partum care coverage at almost 81 per cent, while delivery care coverage barely exceeds 70 per cent. There are gaps in respect of delivery care, including a notable difference between women who learned to speak in Aymara and those who learned to speak in Spanish (see annex 37).

169. To address this situation, the Office of the Deputy Minister for Traditional Medicine and Intercultural Affairs of the Ministry of Health is working to eliminate health exclusion and reduce the cultural barriers that separate health services from communities by developing a unified health system and the Intercultural Community Family Health Model. The aim of this policy is to ensure coordination and complementarity between traditional and academic medicine in health services by means of an intercultural approach. To this end, the Ministry drafted the Strategic Guidelines on Traditional Medicine and Interculturalism in Health 2012–2016, which recognize that health services must be modified and adapted to a variety of cultural practices in the areas of antenatal and delivery care, nutrition and feeding.

170. On the subject of pregnancy, the Government recognizes that, among indigenous original campesino peoples, many doctors and traditional birth attendants work without any expectation of remuneration or reward. Pregnant women receive care in their own homes, but they also tend to visit the home of a traditional practitioner, who keeps a room in which

he or she stores medical products, preparations, plants, coca leaves and equipment and instruments for providing services.

### Child mortality

171. The demographic and health survey indicated an infant mortality rate of 50 deaths per 1,000 live births during the period 2003–2008. A rate of 24 deaths per 1,000 live births was recorded for 2011–2016, a drop of 52 per cent.

172. Similarly, child (under-5) mortality in the period 2003–2008 was 63 deaths per 1,000 live births, falling to 29 deaths per 1,000 live births in 2011–2016.

173. Given that the survey findings refer only to national level data, and given the need for disaggregated data for public policymaking, the Social and Economic Policy Analysis Unit produced a document entitled *La Mortalidad Infantil y en la Niñez en Bolivia: Estimaciones por Departamento y Municipio* (Infant and child mortality in Bolivia: estimates by department and municipality) (see annex 38), which contains specific data up to 2016 that are in line with the national level estimates of the demographic and health survey.

174. According to the data disaggregated by geographical area, the child mortality rate in urban areas was 28 deaths per 1,000 live births, while in rural areas it was 39 deaths per 1,000 live births (see annex 39, figure 6). This means that the probability of dying before the age of 5 is 39 per cent higher in rural areas than in urban areas.

175. The 2016 estimates suggest that the departments of the Altiplano region have the highest levels of child and infant mortality, while the lowest levels are found in the Oriente region, plus the department of Tarija in the Valles region (see annex 39, figures 7 and 8). The municipalities with the lowest infant and child mortality rates (less than or equal to 20.1 and 24.7, respectively) are the most populated municipalities, accounting for almost half of the total population. By contrast, the municipalities with higher infant mortality rates (greater than or equal to 40.0) are small in population terms, accounting for 7.5 per cent of the total population; municipalities with child mortality rates greater than or equal to 51.5 account for 7.4 per cent of the total population (see annex 39, figure 9).

### Neonatal mortality

176. Annex 40 contains estimates of neonatal, infant, post-infant and under-5 mortality for the three five-year periods preceding the 2016 demographic and health survey. The figure shows a reduction in these mortality rates over the last eight years, with under-5 mortality falling by about 55 per cent. Neonatal mortality, the reduction of which takes longer and is harder to achieve, fell significantly, from 27 deaths per 1,000 live births.

177. The downward trend in the different mortality rates is a result of the actions taken by the Bolivian Government.

178. The Juana Azurduy allowance, introduced under Supreme Decree No. 66 of 3 April 2009, is an economic incentive paid to Bolivian mothers. It is intended to contribute to reducing maternal and infant mortality and chronic malnutrition in children under 2 years old throughout the country. By 2017, it had 1,947,886 beneficiaries (842,570 women and 1,105,316 children).

179. The allowance is paid to pregnant women who do not have health insurance in order to ensure safe maternity and the comprehensive development of infants and children under 2 years old. The incentive, which is paid at the time of antenatal check-ups, delivery and post-partum check-ups, contributed to an increase in the percentage of pregnant women attending antenatal check-ups, from 71 per cent to almost 90 per cent according to the 2016 demographic and health survey.

180. The universal prenatal allowance, created by Supreme Decree No. 2480 of 7 August 2015, consists in providing pregnant mothers with a nutritious food package after each check-up from the fifth month of gestation. This measure helped reduce the prevalence of chronic malnutrition in children under 2 from 27 per cent in 2008 to 16 per cent in 2016, while also reducing infant mortality.

**Breastfeeding (recommendation contained in para. 58)**

181. The aim of Act No. 3460 of 15 August 2006 on the Promotion of Breastfeeding and the Marketing of Breast-Milk Substitutes is to promote, protect and support exclusive breastfeeding up to the age of 6 months and continued breastfeeding up to the age of 2 years, thus contributing to the physical and mental well-being of the mother-child nucleus. The implementing regulations of the Act, adopted by Supreme Decree No. 115, stipulate that public and private sector institutions must allow mothers to bring their babies into workplaces and places of study so that they can practise exclusive breastfeeding during the first six months of the baby's life. Institutions must also adapt workplaces and places of study so as to provide the best possible environment for breastfeeding. The following measures are in place to support breastfeeding:

182. The "mother- and child-friendly hospitals" initiative, which protects, promotes and supports breastfeeding in health facilities that provide maternity services. By increasing exclusive breastfeeding rates, this initiative reduces the incidence of digestive system diseases and atopic eczema during infancy and improves children's intelligence quotient and academic performance. As of 2017, a total of 121 primary, secondary and tertiary health-care facilities in the national health system – including public and private facilities and those affiliated to the short-term social security scheme – were accredited under the initiative (see annex 41, table 32).

183. A network of human milk banks, which are specialized centres for the collection, preservation, processing and quality control of breast milk (colostrum, transitional milk and mature milk) for subsequent distribution under prescription. They are located in health facilities specializing in maternal and child health. The aim of this initiative is to reduce neonatal morbidity and mortality in premature newborns by providing breast milk to support their growth and optimal development. The first human milk bank was established in 2014 at La Paz Women's Hospital. Annex 41, table 33, lists the services provided by this centre and shows a significant rise in the number of donors and recipients of pasteurized milk for newborns. The national network of human milk banks is being extended in other departments of the country.

**D. Malnutrition (recommendation contained in para. 60)****Multisectoral Programme for Zero Malnutrition**

184. The following food and nutrition strategies have been implemented:

(a) Micronutrient supplementation. The aim is to combat the vitamin and mineral (micronutrient) deficiencies that are currently prevalent in Bolivia through the provision of supplements, mainly iron and vitamin A. In 2017, the first national deworming campaign was carried out in schools, benefiting children in the second year of preschool and the first to sixth years of primary education by preventing intestinal infestation and micronutrient deficiencies;

(b) Food supplements. These are provided to complement continued breastfeeding up to the age of 2 and the nourishment that children receive at home. As of 2017, 992,738 children under the age of 2 had received the Nutribebé food supplement;

(c) Food fortification. The enrichment of staple foods, including enrichment of wheat flour with iron, of salt with iodine, and of vegetable oil with vitamin A, in order to prevent micronutrient deficiencies;

(d) Comprehensive nutrition units. These are multidisciplinary teams with technical expertise in the area of food and nutrition that work with primary health-care facilities to improve the nutritional status of individuals, families and communities. As at 2017, there were 148 operational units, staffed by 184 health professionals;

(e) Food and nutrition education and dietary guidelines for different age groups. This strategy promotes healthy eating among the population through food and nutrition education processes based on dietary guidelines, thus helping to address the main nutritional

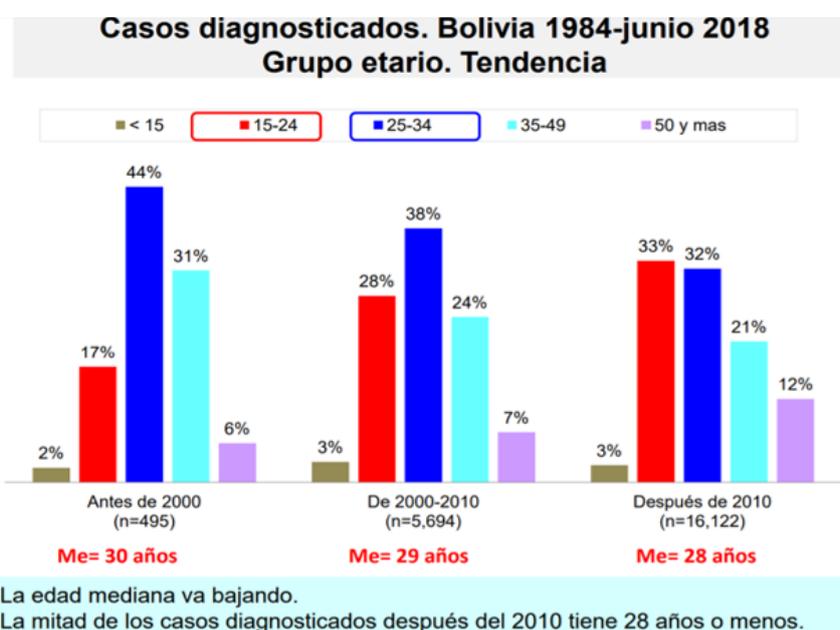
problems (malnutrition, anaemia, vitamin A deficiency and iodine deficiency disorders) and reduce chronic disease risk factors.

185. The 2016 demographic and health survey revealed that these food and nutrition strategies have brought significant improvements in indicators such as the rate of malnutrition in children under 5, which has decreased from 27.1 per cent (the figure provided by the 2008 national demographic and health survey) to 16 per cent.

## E. HIV/AIDS (recommendation contained in para. 64)

186. The percentage of people with AIDS had fallen by 15 per cent as at December 2018, owing to the distribution of antiretroviral drugs, supplies and reagents, and to prevention measures.

187. From 1984 to June 2018, 22,311 cases were diagnosed (17,626 live cases), disaggregated by age group as shown below.



Fuente: Ministerio de Salud, Programa Nacional ITS/VIH/SIDA y Hepatitis Virales, junio 2018.

188. According to UNICEF data, the main transmission route is sex (97 per cent of cases), while mother-to-child transmission accounts for 2 per cent of cases. Twenty-seven per cent of all HIV infections occur in adolescents and young people aged between 15 and 24 years old. The National Programme on Sexually Transmitted Infections and HIV/AIDS, developed and approved in 2013, prioritizes the prevention of mother-to-child transmission and the prevention of HIV infection among adolescents and young people in rural and indigenous areas, through culturally appropriate and gender-sensitive approaches.<sup>2</sup>

189. The Government has spent Bs 13,769,545 on, inter alia, antiretroviral drugs, medical and laboratory supplies, male condoms and breast milk and substitutes, which are distributed to departmental health services in accordance with the number of people infected in each department.<sup>3</sup> More than 450 health technicians have been trained in HIV diagnosis, treatment and monitoring, with the support of UNICEF.

190. Most patients live in the departments of Santa Cruz (45.4 per cent), La Paz (21.5 per cent) and Cochabamba (19.3 per cent), with the other six departments accounting for 13.8 per cent of patients. Most people suffering from HIV are aged between 15 and 39 years. There are twice as many men as women living with the disease.

<sup>2</sup> [https://www.unicef.org/bolivia/04\\_UNICEF\\_Bolivia\\_CK\\_-\\_nota\\_conceptual\\_-\\_VIH\\_SIDA.pdf](https://www.unicef.org/bolivia/04_UNICEF_Bolivia_CK_-_nota_conceptual_-_VIH_SIDA.pdf).

<sup>3</sup> <https://www.minsalud.gob.bo/3572-dia-contra-sida>.

191. A guide to antiretroviral therapy in children (see annex 42) was drawn up to establish standards of care for this age group, based on the guidance for health personnel on care and nutritional support for children living with HIV/AIDS.

## **F. Adolescent health (recommendation contained in para. 56)**

### **Sex education**

192. The Children and Adolescents Code protects the right of children and adolescents to receive information and education on sexuality and sexual and reproductive health, primarily from their parents or guardians and also in the education system, in accordance with their physical and psychological development. It also provides for measures to prevent teenage pregnancies.

193. The Ministry of Health adopted the Strategic Plan on Sexual and Reproductive Health 2016–2020 to improve the availability, accessibility, quality and acceptability of health services from the perspective of the rights of women of all ages. The Plan includes the following strategic lines:

- Improve maternal and perinatal health by providing skilled and respectful care during pregnancy, childbirth and the post-partum period
- Promote informed and responsible decision-making in the selection and use of effective, efficient and accessible contraceptive methods
- Strengthen the comprehensive health care of adolescents to support their sexual development
- Contain the incidence of sexually transmitted infections and HIV and mitigate the effects of the epidemic through measures to promote healthy behaviour

194. Act No. 1069 of 28 May 2018 extends free sexual and reproductive health care – previously available only to women of childbearing age (15–49 years) – to all women, regardless of their age.

195. Comprehensive health care includes the prevention and treatment of premalignant lesions of cervical cancer, the treatment of sexually transmitted infections, counselling and the provision of contraception. With regard to the latter, barrier methods of contraception, subdermal implants, three-month injections, oral contraceptives, copper-bearing intrauterine devices and tubal ligation under local anaesthesia are all provided.

196. On 18 April 2017, the Government introduced, on an inclusive basis, free immunization against the human papilloma virus with a view to preventing cervical cancer. A first dose of the vaccine was given to more than 249,000 girls aged 10 to 12 years (82.1 per cent of girls in this age group). Beginning in October 2017, a second dose was given to 70 per cent of the girls who received the first dose.<sup>4</sup>

### **Teenage pregnancy**

197. The Plurinational Plan for the Prevention of Pregnancies in Adolescents and Young Persons 2015–2020 (see annex 43) is geared towards adolescents and young people aged 15 and older, with the aim of reducing the high rates of pregnancy among this group. Priorities for achieving this goal include the promotion of a comprehensive sex education policy and the provision of specialized comprehensive care for adolescents and young people.

198. “Prevention is Best for You” (Previene te conviene) was a one-year campaign, launched in 2017, to prevent pregnancy in adolescents and young people by regularly disseminating advice on the responsible exercise of their sexual and reproductive rights. The campaign’s other aims included increasing young people’s sexual awareness and preventing sexually transmitted diseases (see annex 44).

<sup>4</sup> <https://www.minsalud.gob.bo/3016-por-primera-vez-se-introduce-la-vacuna-contrala-virus-del-papiloma-humano>.

### **Drug, tobacco and alcohol abuse among adolescents**

199. As a measure to prevent drug, tobacco and alcohol abuse among children and adolescents, the Ministry of Health adopted the National Mental Health Plan 2017–2020, which focuses on at-risk and vulnerable population groups.

200. The Ministry also developed the National Programme for the Prevention and Treatment of Addictions, which included the design, implementation and evaluation of a subprogramme for the prevention of dysfunctional, addictive and drug-dependent habits among socially disadvantaged families. It has also established comprehensive family support centres, administered by the autonomous municipal governments, to undertake diagnosis, brief intervention and street outreach.

## **IX. Education, leisure and cultural activities**

### **A. Education, vocational training and guidance (recommendation contained in para. 68)**

#### **Free schooling**

201. In accordance with the Constitution and Act No. 070, education is compulsory up to the baccalaureate and free at all levels up to higher education. The Ministry of Education has therefore established that enrolment in State, private and faith schools is free at the different levels of the mainstream education subsystem.

202. Since 2005, State investment in education has grown by 236 per cent, increasing from Bs 6,519 million to Bs 20,934 million in 2017, with particular emphasis being placed on ensuring access to the mainstream education subsystem for all students. As a result, only 11.4 per cent of students are enrolled in private schools, in accordance with their parents or guardians' wishes.

203. In 2017, 2,859,592 students were enrolled in one of the three levels of the mainstream education subsystem. Of these, 48.64 per cent were girls and 51.36 per cent were boys, which demonstrates that girls and adolescent women no longer face the problem of unequal access to education. A total of 29.5 per cent of enrolments were in rural areas while 70.5 per cent were in urban areas.

#### **Retention of students in the education system**

204. The Comprehensive Educational Assistance Programme for Border, Liberation and Riverbank Schools enhances access to 89 schools for school-age children aged from 4 to 18 years living in 80 rural communities in more than 55 municipalities across 8 departments in Bolivia. An estimated 7,832 students and 712 teachers participate in the programme (figures projected to 2021) (see annex 45, table 35).

205. The Multigrade Modular Assistance Programme is being rolled out in isolated areas, including in border regions, along riverbanks and in indigenous original campesino communities. The main objective of the programme, which is benefitting 1,519 students, is to universalize secondary, community-based, production-oriented education in areas where there was previously only primary education and no secondary education (see annex 45, table 36).

206. Comprehensive educational support centres in prisons are intended to provide study conditions in which prisoners' children are able to receive a broader and more effective education. To this end, steps have been taken to identify children living with their parents who face restrictions, shortages and unfavourable conditions in 16 prisons.

207. Within this framework, 16 comprehensive educational support centres have been set up in 16 prisons. In order to make this possible, 14 prisons underwent infrastructure changes and were provided with the necessary equipment and 25 staff members were awarded secure contracts at a total cost of Bs 3,545,390.12 (see annex 45, table 37).

208. Comprehensive educational support centres in hospital classrooms are multidisciplinary educational care spaces within third-level hospitals that provide educational, psychological and social support to child inpatients aged from 3 to 14 years, enabling them to continue their schooling and keep up with the curriculum.

209. To support this framework, the Ministry of Education has signed intergovernmental agreements with the autonomous territorial entities in accordance with which permanent contracts have been awarded to a multidisciplinary team of professional pedagogues, psychologists, social workers and multigrade teachers. The Ministry has also allocated a budget for the purchase of educational equipment and materials.

210. Children and adolescents in these centres and in hospital wards are provided with individualized support that enables them to keep up with the curriculum, undergo assessments and receive educational, psychological, social and emotional support as well as follow-up and preparation for returning to school, thus ensuring that their illnesses do not cause them to fall behind in their studies or drop out of school (see annex 45, table 38).

211. The following incentives are used to promote students' comprehensive development and encourage them to remain in school:

- The Juancito Pinto allowance, established pursuant to Supreme Decree No. 28899 of 26 October 2006, has a value of Bs 200 and is given to all primary and secondary school students as an incentive to remain in mainstream and special education. In 2017, 2,211,909 students in 14,834 schools benefited from the scheme.
- Other incentives include awarding high school diplomas and certified photocopies thereof free of charge to students who complete secondary school. In each school year, the two best high school graduates (one girl and one boy) in every school in the country receive a bonus of Bs 1,000.

#### **Right to education of indigenous children and adolescents**

212. The Ministry of Education is taking steps to universalize the production-oriented social and community-based education model, which is aligned with the regional curricula of the indigenous original campesino nations and peoples and the intercultural and Afro-Bolivian communities, ensuring that these regional curricula are linked to, and in sequence with, the curricula of the mainstream education subsystem.

213. The Government aims to implement the production-oriented social and community-based education model in selected districts and educational centres in five indigenous original campesino communities (Guarani, Machineri, Quechua, Yaminahua and Aymara) in order to promote the education of children and adolescents. This model is being implemented in 48 schools, benefiting 7,068 students, 17 administrative staff and 261 teachers (see annex 46, table 39).

214. In accordance with the strategy for linguistic recovery and revitalization, the Plurinational Institute of Language and Culture establishes "bilingual nests" with a view to recovering and revitalizing indigenous original campesino languages considered to be at risk of disappearing. The strategy is being implemented in three settings:

- Bilingual family nests, where mothers transmit the language to their children in their homes, every day, as part of their daily routine
- Bilingual community nests, where one or two older women in the community, working from their homes, transmit the language to children for one or two hours per day, the youngest children being accompanied by their mothers or older siblings
- Bilingual nests in institutions such as children's centres or *wawa wasis* (children's homes), where efforts are made to ensure that language transmission takes place naturally (see annex 46, table 40)

215. In 2013, in order to strengthen plurilingual intercultural and intracultural education and institutions, the Plurinational Institute of Language and Culture began implementing the production-oriented social and community-based education model in the settlements of five indigenous original campesino and Afro-Bolivian nations and peoples and in nine community education centres.

216. Solar panels are provided to schools attended by indigenous original campesino peoples living in remote areas of Bolivia where the lack of electricity hinders access to information and communications technology. In 2015 and 2016, 277 schools attended by indigenous original campesino peoples in 21 municipalities in the departments of Santa Cruz, Pando, Beni, Cochabamba and La Paz were equipped with solar panels.

#### **Teacher training**

217. In the plurinational education system, inclusive education is taught during teacher training as a matter of educational policy in order to strengthen human rights. There are 27 teacher training colleges and 20 academic centres spread across the 9 departments of Bolivia, ensuring that different communities have access to academic training in the form of five-year undergraduate degree courses focusing on various specialist areas.

218. Teacher training colleges and academic centres ensure the inclusion of indigenous original campesino peoples and persons with disabilities in order to cater for the educational needs of each region and recognize the rights of their inhabitants. During vocational training, specific courses and curricula are developed for each specialist area with content that addresses human rights issues as a fundamental part of the training. A total of 31,823 teachers were trained and qualified for the plurinational education system between 2010 and 2017 (see annex 47).

#### **Early childhood education**

219. The methodological guidelines for the education of children under 4 years of age are based on daily activities carried out within the family and the community that enhance the comprehensive development of children by taking an intracultural, intercultural and plurilingual approach. The guidelines identify and incorporate cultural practices used in the care and socialization of children under 4 years of age.

220. In 2018, work began on drafting proposals for handbooks designed to help families to educate children under 4 years of age.

221. With regard to care for children under 4 years of age in children's centres, the Ministry of Education has established educational guidelines based on daily activities carried out within the home and the centres. The guidelines establish the minimum infrastructure and staffing standards required for the care of children under 4 years of age, and these must be applied by all State, private and faith institutions that care for this age group.

### **B. Play, leisure and cultural activities (recommendation contained in para. 70)**

222. The Children and Adolescents Code provides that recreation and leisure activities should be designed to promote the comprehensive development of children and adolescents, strengthen solidarity, tolerance and cultural identity, and contribute to environmental conservation. Within this framework, efforts are made to ensure that knowledge and experience of every child's culture are recognized, respected and promoted. The Code also provides for children's right to participate freely and fully in cultural and artistic life in keeping with their identity and community.

223. Act No. 343 of 5 February 2013 provides that the State should hold, as a matter of priority, annual plurinational student games in which students from State, private and faith schools around the country participate.

224. These games, which were first held in 2010, take place every year. They are the largest student sports event in Bolivia and are intended to promote the development of secondary school students from the nine departments and encourage sporting and cultural exchanges between them.

## **X. Special protection measures**

### **A. Refugee children (recommendation contained in para. 72)**

225. Bolivia has a specific regulatory framework for determining the status of refugees in the national territory and addressing the possible international protection needs of unaccompanied and separated children and adolescents who are outside their country of origin. This framework includes Act No. 251 of 20 June 2012 on the Protection of Refugees and its implementing regulations, which were adopted pursuant to Supreme Decree No. 1440 of 19 December 2012 (see annex 48).

226. Act No. 251 provides that any child who is unaccompanied or separated from their family has the right to apply for refugee status. In such cases, the National Refugee Commission<sup>5</sup> is required to coordinate with departmental social services or departmental services for social policy and the Office for the Defence of Children and Adolescents, which will inform the juvenile court judge so that a legal representative may be appointed.

227. The procedure for granting asylum to children is the same as the procedure for adults. However, children's applications must be processed as a matter of priority, using a fast-track procedure, and their legal representatives must always be present to ensure that the best interests of the child are upheld. Undocumented children and adolescents are processed by the Office for the Defence of Children and Adolescents and departmental social services.

228. If children or adolescents are accompanied by third parties whose status as guardians has not been ratified by a court, the Bolivian police will be informed so that an investigation may be conducted, without prejudice to the granting of the necessary protection and assistance measures.

229. At the time of writing, there have been no cases of unaccompanied or separated children seeking refuge in Bolivia.

### **B. Indigenous children (recommendation contained in para. 86)**

230. The Children and Adolescents Code expressly recognizes that the State has a duty to ensure that children and adolescents may fully exercise their right to a decent standard of living that guarantees their comprehensive development while respecting the fact that they belong to an indigenous original campesino, Afro-Bolivian or intercultural nation or people.

231. The Office of the Deputy Minister for Indigenous Original Campesino Justice has drafted a document on the differential approach to the comprehensive protection of indigenous original campesino children and adolescents in Bolivia that sets out various technical and factual considerations to be taken into account in connection with differentiated assistance and ideas for enriching the knowledge and experiences of diverse groups.

#### **Raising awareness of legislation among indigenous original campesino peoples**

232. Since 2014, the Office of the Deputy Minister for Indigenous Original Campesino Justice has been implementing a community-based strategy for the protection of children and adolescents living within an indigenous original campesino jurisdiction in order to raise awareness among the indigenous authorities of measures to prevent violence in their communities. As a result, the scope of the measures taken by the Offices for the Defence of Children and Adolescents has expanded, promoting shared responsibility for the protection of children and adolescents belonging to indigenous original campesino peoples.

233. The strategy is based on the acknowledged fact that members of indigenous original campesino peoples and community advocates must coordinate with their authorities to ensure that violations of the rights of children and adolescents are addressed or referred to another

<sup>5</sup> Expert body responsible for determining refugee status.

authority. In accordance with this strategy, training was carried out between 2014 and 2017 (see annex 49).

### **C. Children in street situations (recommendation contained in para. 76)**

234. A census of persons in street situations was carried out in 2014 (see annex 50) with a view to determining the number and main characteristics of persons in this situation in the departmental capitals and El Alto and obtaining timely and reliable information that could be used to design and implement policies and programmes for assisting them.

235. Organized civil society and public institutions at the three levels of government participated in the research, coordinating with each other and sustaining an ongoing dialogue. The research established that there were 3,768 persons in street situations, of whom 31.6 per cent were children (see annex 51). It further established that 69 per cent of persons in street situations were under the age of 15 years when they first found themselves on the streets and that the majority were in this situation for reasons related to their family.

236. In 2014, a national model for preventive measures and comprehensive and intersectoral care for children in street situations (see annex 52) was established on the basis of consultations with State institutions and civil society organizations and focus groups including children in street situations and children and adolescents living in institutions, and with the support of UNICEF. The model sets out guidelines for joint and participatory action by institutions working with this group, based on situational analyses conducted in the cities of Cochabamba, El Alto, La Paz and Santa Cruz.

237. In 2016, the Ministry of the Interior, with the support of UNICEF, drew up a protocol on preventive measures and care for children in street situations (see annex 53). The purpose of the protocol is to encourage implementation of the national model by fostering ongoing inter-institutional coordination on the basis of shared competencies at the different regional levels that facilitate efforts to prevent children from ending up on the street and provide support for those already in street situations with a view to ensuring that they can fully exercise their rights. To this end, a critical prevention and care pathway for children in street situations has been established, taking the physical environments where they spend their time as a starting point, adapting the prevention and care network to identified needs and differentiating between care programmes designed specifically for children in street situations (direct actors) and services that are accessible to them (indirect actors).

238. The document setting out public policy on children and adolescents establishes prevention and special protection policies that include measures to prevent violations of the rights of children and adolescents in highly vulnerable situations, including street situations, and measures to restore these rights when they have been threatened or violated. These policies have become the cornerstones of the Multisectoral Comprehensive Development Plan – Plurinational Plan for Children and Adolescents (see paras. 30–32), the purpose of which is to eradicate extreme poverty. As a result, the comprehensive support provided by social reintegration centres to children in street situations has been broadened through the involvement of the municipalities.

### **D. Economic exploitation including child labour (recommendation contained in para. 74)**

239. The Constitution expressly prohibits forced labour and child exploitation and provides that the activities carried out by children and young persons within the family and in society should be directed towards their full development and should have a formative function. Accordingly, children's right to protection and the institutional safeguards and mechanisms that ensure this protection are set out in special regulations.

240. Through the promulgation of Act No. 397<sup>6</sup> of 1 December 2018, pursuant to which it is no longer possible for exceptions to be made to the minimum working age established in

<sup>6</sup> Promulgated in accordance with Plurinational Constitutional Judgment No. 025/2017 of 21 July.

the Children and Adolescents Code, the State has undertaken to ensure that children between the ages of 14 and 18 years old who are working, whether for themselves or for someone else, enjoy the same rights as adult workers.

241. A survey of working children under 14 years of age was carried out in 2016 with a view to developing a prevention and social protection programme for these children that would lead to the development of a national policy on the eradication of child exploitation and the effective protection of children's rights.

242. The survey found that the incidence of child labour was more than 50 per cent below the level indicated by the child labour survey carried out in 2008 (see annex 54).

243. The bodies responsible for protecting children and adolescents at the national, departmental and municipal levels have a duty to remove children and adolescents from work situations that are unsafe, unhealthy or detrimental to their dignity, such as dangerous work in the mining industry. Their duties also include preventing them from returning to dangerous activities and providing advice and temporary support to enable them to find work in an area where their rights are protected.

### **Monitoring mechanisms**

244. The Ministry of Labour, Employment and Social Security employs specialized child labour inspectors who carry out inspections nationwide, focusing especially on regions where child labour is known to be used, such as the municipalities of Riberalta, Santa Cruz, Montero, Potosí and Bermejo. To address this, the Ministry, the Offices for the Defence of Children and Adolescents, the departmental social services and the departmental services for social policy have formed inter-institutional committees for the progressive eradication of child labour. In order to enhance the effectiveness of inspections, the number of inspectors trained in the area of child labour has increased every year.

- Comprehensive mobile inspections: between 2015 and 2018, 2,882 comprehensive mobile inspections were carried out in joint operations led by the Ministry of Labour, Employment and Social Security, acting through its departmental regional offices, and involving the Offices for the Defence of Children and Adolescents, the Departmental Health Service and the heads of the sugar cane cutters' union and the regional workers' centres. The operations took place in targeted municipalities and focused on areas where sugar cane and Brazil nuts are grown, the mining industry and the retail sector in urban areas.
- Temporary mobile offices: run by the Ministry of Labour, Employment and Social Security in remote areas where there are no permanent offices, the main purpose of these offices is to restore workers' rights by receiving complaints, carrying out inspections, holding hearings and providing information and training on the application of fundamental labour rights to adolescents and the general public.
- From 2016 to 2018, the Ministry established 68 temporary mobile offices in rural municipalities in the east of the country and in the Bolivian Chaco. The number of inspectors was increased from 40 in 2006 to 115 in 2018, and all receive in-depth training in the prevention of child labour (see annex 55).
- From 2016 to 2017, a budget of Bs 80,445 was allocated to the implementation of the annual inspection programme. The total budget for 2018 was Bs 191,445 while the approved budget for the 2019 annual programme was increased to Bs 345,510.20.

245. The module of the Child and Adolescent Information System that contains information from the Offices for the Defence of Children and Adolescents (paragraphs 62 and 63) will make it possible to assess the impact of actions taken to protect working children under 14 years of age.

246. In 2019, the Subcouncil for Sectoral and Intersectoral Coordination in Matters concerning Working Children and Adolescents (see paras. 33 and 34) will draw up a programme of prevention and social protection measures for working children and adolescents under 14 years of age. The programme will include an analytical exercise to identify the responsibilities of the State, the family, society, cooperative bodies, the private sector and beneficiary groups and a pilot project to trial a methodology for eradicating the

causes of child labour among children under 14 years of age (with the support of UNICEF), all with a view to formulating strategic actions and mechanisms to complement compulsory schooling and organizing training, awareness-raising and other activities for families, guardians and tutors in cases where a child has started working because he or she is living in extreme poverty.

## **E. Sale, trafficking and abduction (recommendation contained in para. 80)**

### **Legislation**

247. The purpose of the Comprehensive Act on Combating Human Trafficking and Smuggling (No. 263 of 31 July 2012) (see annex 56) and its implementing regulations, adopted pursuant to Supreme Decree No. 1486 of 6 February 2013, is to combat human trafficking and smuggling and related offences and guarantee the fundamental rights of victims by reinforcing preventive measures and mechanisms, enhancing victim protection and care and ensuring that perpetrators are prosecuted and punished.

248. The Act provides that special protection for child and adolescent victims and witnesses of trafficking and related offences will be a priority, besides introducing amendments to the sections of the Criminal Code that deal with the offences of trafficking in persons, procurement, pornography and commercial sexual violence.

249. Trafficking in persons is an offence punishable by a sentence of 10 to 15 years' imprisonment in cases where the perpetrator, whether acting alone or through a third party, makes or receives payments in order to carry out, induce or contribute to the capture, transfer, transport, deprivation of liberty, harbouring or reception of human beings, inside or outside the national territory, even with the victim's consent, for various purposes set out in the Criminal Code, including the sale of human beings or other transactions involving them, whether for profit or not, the sentence being extended to 15 to 20 years when the victims are children or adolescents.

250. Commercial sexual violence is an offence linked to trafficking in persons that is punishable by a sentence of 8 to 12 years' imprisonment and is considered to have occurred when, in order to satisfy his or her sexual interests or desires, a person makes a payment to a child, adolescent or third party in order to engage in sexual, erotic or pornographic activity of any form with a child or adolescent. The penalty is increased by two thirds when the victim is under 14 years of age.

251. Pornography is an offence related to trafficking in persons that is punishable by a sentence of 10 to 15 years' imprisonment and is considered to have occurred when a person is forced, facilitated or by any means induced, without his or her consent, to perform sexual acts or acts of physical exhibitionism, with lascivious intent, by a person who intends to record, photograph, film, display or depict these acts in printed materials or by uploading data files to a public network or to a communications, computer-based, electronic or other similar network. The penalty is increased by a third when the victims are children or adolescents. Additionally, any person who buys, rents or sells pornographic material containing images of children or adolescents is liable to a sentence of 5 to 8 years' imprisonment.

252. Bolivia ratified the Hague Convention on the Civil Aspects of International Child Abduction by Act No. 778 of 21 January 2016 and formalized the deposit of the international instrument of accession on 13 July 2016.

### **Protection of victims**

253. The Consolidated Protocol for the Specialist Care of Victims of Human Trafficking and Smuggling (see annex 57), which is currently in force, establishes standardized procedures and tools applicable throughout the country that make it possible to carry out coordinated inter-agency action, based on shared competencies, and provide high-quality, humane treatment for Bolivian and foreign victims of human trafficking or smuggling by reinforcing preventive measures and mechanisms and ensuring specialized and comprehensive care, assistance and protection for victims and the prosecution and

punishment of perpetrators, all based on a cross-cutting approach to issues affecting children and adolescents.

### **Multisectoral Plan for Comprehensive Action to Combat Human Trafficking and Smuggling (2016–2020)**

254. The Plurinational Council on Combating Human Trafficking and Smuggling was established pursuant to Act No. 263 as the most senior coordinating and representative body with a remit to formulate, approve and implement plurinational policy on combating human trafficking and smuggling and related offences in a manner that is free from discrimination and in line with the principles of gender, generational and intercultural equality.

255. In 2015, by Decision No. 003/15 of 23 April, the Plurinational Council approved the National Plan to Combat Human Trafficking and Smuggling, which was aligned with the main criteria set out in the Strategic State Planning System. Consequently, the Multisectoral Plan for Comprehensive Action to Combat Human Trafficking and Smuggling (2016–2020) was approved by Decision No. 01/17 of 26 May.

256. The Multisectoral Plan provides for the restitution of victims' rights and the roll-out of the mechanisms needed to guarantee a society free from human trafficking and smuggling, within the framework of five policy areas:

- Prevention
- Support and protection
- Prosecution
- Criminal sanctions
- International coordination
- National coordination

257. With the specific aim of promoting respect for human rights, the Plan envisages the following actions: (i) raising awareness and educating the public about human trafficking and smuggling; (ii) creating the conditions in which victims can be reintegrated into society; (iii) ensuring that rights are enforced; (iv) training judicial staff and administrators; (v) ensuring prompt and effective justice in cases of human trafficking and smuggling; (vi) promoting international coordination mechanisms to combat human trafficking and smuggling; (vii) collating and managing information; and (viii) building an institutional environment conducive to combating human trafficking and smuggling.

## **F. Children in emergency situations (recommendation contained in para. 88)**

258. The institutional and jurisdictional framework for risk management is regulated by the Risk Management Act (No. 602 of 14 November 2014) and its implementing regulations, which were approved pursuant to Supreme Decree No. 2342 of 29 April 2015. It encompasses risk reduction through prevention, mitigation and recovery measures and disaster and/or emergency response involving preparatory, warning, responsive and restorative action in connection with disasters caused by natural, socio-natural, technological or anthropogenic hazards or by social, economic, physical and environmental vulnerabilities.

259. The Act establishes the strategies required for appropriate risk management at the national level and provides that pregnant women, children and members of other vulnerable groups should be given priority in disaster and/or emergency response efforts.

260. The Act provides that 0.15 per cent of the State's consolidated general expenditure budget approved for each fiscal year will be set aside to meet the country's needs in the event of a national emergency or disaster. This allocation is replicated at the municipal and departmental levels, depending on the needs and situations or disasters that arise, with priority being given to the immediate needs resulting from the incident in question, taking into account gender, discrimination and protection issues, which cut across all actions and procedures to be carried out.

### **National Risk Management Programme**

261. In 2017, the Ministry of Defence formulated the National Risk Management Programme (see annex 58), which sets out risk management strategies that give priority to pregnant women, children and members of other vulnerable groups, promotes coordination between the various territorial, institutional and social spheres, and includes guidelines, tools and technical and operational lines of actions designed to increase the resilience of the Bolivian population.

262. Funding for the implementation and execution of the Programme comes from two sources: (a) strategic partnerships, which enable resources to be obtained through international and national cooperation; and (b) resources provided by the National Treasury, which draws up plans for medium-term investments that will allow for strategic actions to be taken in accordance with established regulations governing public investment.

263. The Ministry of Defence has drawn up a guide to disaster and/or emergency preparedness (see annex 59) in order to foster a common understanding of the steps that must be taken to ensure more effective risk management.

### **Dissemination of information**

264. Since 2014, the Ministry of Defence, with the support of UNICEF, has been circulating information and standards of good practice for effective emergency prevention and response, especially in relation to persons temporarily housed in shelters and camps.

## **G. Administration of juvenile justice (recommendation contained in para. 82)**

265. The Children and Adolescents Code covers the juvenile justice system, under which children receive special treatment differentiated from that received by adults, with specialized staff overseeing proceedings and providing comprehensive support in all bodies that form part of the system. The system ensures that the rights of criminally responsible adolescents are protected and encourages the application of restorative justice.

266. The Children and Adolescents Code establishes that adolescents who are over 14 and under 18 years of age may be held criminally responsible and that, if they commit an offence, their case must be considered in specialized proceedings in order to determine the appropriate penalty. On this point, the Code provides that custodial sentences should be handed down as a last resort only and may not be served in facilities intended for adults.

267. The Code also provides that juvenile court judges have sole responsibility for hearing cases involving criminally responsible adolescents, whether the hearing in question concerns the commission of an offence or the enforcement of court decisions.

268. The applicable punitive system consists of a series of socio-educational measures with a focus on restorative justice and aimed at reintegrating criminally responsible adolescents into the family and society. Specialized guidance and social reintegration centres ensure that adolescents benefit from socio-educational measures irrespective of whether their sentence is custodial or non-custodial. Under this system, victims, offenders and communities are all involved in applying restorative justice mechanisms, the aim being to ensure that adolescents assume responsibility for their offences, make reparations for harm caused and endeavour to turn their lives around.

269. Preference is given to the use of non-custodial measures such as assisted release and community service and socio-educational measures are accompanied by restorative justice mechanisms such as mediation and restorative encounters in order to ensure that criminally responsible adolescents make reparations for the harm they have caused.

270. The penalties handed down are reduced to a fifth of the corresponding maximum penalty provided for in the Criminal Code and persons serving custodial sentences may not be held beyond the age of 24 years.

271. While serving their sentences, adolescents deprived of their liberty have the right to receive health care and social and educational services appropriate to their age and needs, provided by persons with appropriate professional training. Thus, a social and personal assessment is carried out for each detainee in order to guarantee that they have access to food, clothing, health care and counselling, can meet with their families and can retain their personal belongings.

272. The Children and Adolescents Code guarantees a series of due process and sentence enforcement rights and safeguards for criminally responsible adolescents, including the right to specialized proceedings within a differentiated criminal justice system, to be presumed innocent until a final sentence is handed down, to due process that is oral, swift and adversarial and to a specialized defence that is free of charge, may not be waived and must be maintained from the start of the investigation until the socio-educational measures have been completed. The Code also ensures, *inter alia*, that deprivation of liberty is ordered only in exceptional circumstances (pursuant to a court order) and that proceedings are confidential (with obtaining or disseminating images and identifying defendants being prohibited).

### **Implementation of the juvenile justice system**

273. The following documents and actions have been adopted:

- (a) The protocol and road map for dealing with criminally responsible adolescents, targeted at institutions that form part of the juvenile justice system (2014);
- (b) The plan for implementing the juvenile justice system (2015);
- (c) General care guidelines for the operation of guidance centres and social reintegration centres, which provide guidance on the implementation of socio-educational programmes;
- (d) A comparative study of the effectiveness, efficiency, expense and cost of measures of deprivation of liberty and alternative measures to deprivation of liberty for criminally responsible adolescents in Bolivia (2016);
- (e) Training and awareness-raising for the implementation of restorative justice mechanisms for juvenile court judges, prosecutors, police officers, psychologists, social workers and educators forming part of expert government bodies in the country's nine departments;
- (f) A research paper entitled *Adolescentes a la espera de una segunda oportunidad. Diagnóstico situacional de los adolescentes en conflicto con la ley* (Adolescents hoping for a second chance: a situational analysis of adolescents in conflict with the law), produced with the support of UNICEF (2016).

274. The analyses carried out were used to measure the progress made in the implementation of the juvenile justice system, the following having been achieved since the Children and Adolescents Code came into force:

- Juvenile courts have been granted sole competence to hear cases in which adolescents are criminally prosecuted.
- The use of pretrial detention has been reduced.
- The use of non-custodial measures has increased.
- Specific programmes for the application of restorative justice mechanisms have been implemented in the departmental social reintegration and guidance centres.
- Training has been provided to 200 public officials who form part of the juvenile justice system (2016).
- Eight of the country's nine departments (all except Pando) have guidance centres that provide support and comprehensive care for criminally responsible adolescents.

275. In 2016, 233 of the 484 male adolescents who were deprived of their liberty had access to education and 7 of the 37 female adolescents deprived of their liberty had access to education.

276. Within the framework of the Child and Adolescent Information System, steps are being taken to develop a module for the juvenile justice system (see paras. 62 and 64), which, once implemented, will make it possible to establish a national register of criminally responsible adolescents.

## **H. Ratification of international instruments (recommendation contained in para. 89)**

277. Almost all international human rights instruments of the universal system have been ratified, including those specified by the Committee (see annex 60).

## **XI. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

278. Bolivia ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict pursuant to Act No. 2827 of 3 September 2004 and has since made specific progress in this area.

279. Compulsory military service guarantees the stability of the country's comprehensive security, understood as the set of conditions necessary to ensure that society can function properly and the population can live together peaceably, and thus to protect the country's territorial integrity, sovereignty, strategic resources and people and guarantee its comprehensive development, all of which together constitute its key objectives.

280. Compulsory military service is not focussed solely on military instruction. It also allows conscripts who have not completed their primary and secondary education (baccalaureate) to continue their studies and provides access to technical training, the provision of which is required by law and established as a specific and mandatory responsibility of the Ministry of Defence and the Ministry of Education.

281. Supreme Decree No. 1875 of 23 January 2014, amending Supreme Decree No. 14657 of 10 June 1977, provides that compulsory military service is undertaken between the ages of 17 and 22 years old for a period of one year. The Decree thus complies with the Convention, which states that "States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces".

282. The Programme to Support the Good Way of Living in Barracks is currently being implemented with a view to protecting the human rights of persons undertaking compulsory military service, eradicating physical and psychological abuse, ensuring timely access to medical care, improving food and nutrition, providing basic services, accommodation, supplies and personal hygiene items, providing training in various technical areas, including literacy, supporting conscripts' efforts to complete their secondary studies, and preventing all forms of racism and discrimination.

283. Voluntary military service, as regulated by Act No. 954 of 9 June 2017, may be undertaken by persons in the following categories:

- (a) Teenage boys and men aged 17 years or over;
- (b) Women aged 18 years or over;
- (c) Male and female students in the penultimate year of secondary education who are over the age of 16 years.

284. Voluntary recruitment ensures that no person is forced or coerced to sign up, that the informed consent of parents or legal guardians is obtained, that adolescents are fully informed and that they provide reliable proof of their age.

285. This Act also requires the executive branch and the armed forces to adopt regulations providing that all necessary measures are taken to ensure respect for the constitutional human rights of adolescents entering voluntary military service.

## **XII. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

286. Bolivia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography pursuant to Act No. 2367 of 7 May 2002.

287. Since ratifying the Optional Protocol, the Government has amended Bolivian criminal law in order to criminalize trafficking in persons, commercial sexual violence and pornography (see paras. 249–254).

288. The following measures have also been taken:

(a) The National Equal Opportunities Plan was adopted pursuant to Supreme Decree No. 29850 of 10 December 2008. In 2010 and 2012, taking into account the Plan's focus on gender-based violence, the Government implemented national information-sharing and awareness-raising activities on human trafficking and smuggling, focusing particularly on women and girls;

(b) The National Human Rights Action Plan 2009–2013, adopted under Supreme Decree No. 29851 of 10 December 2008, has a specific section on human trafficking and smuggling;

(c) The Comprehensive Act on Combating Human Trafficking and Smuggling (No. 263 of 31 July 2012) was promulgated;

(d) Supreme Decree No. 1486 of 6 February 2013, regulating Act No. 263, was adopted;

(e) The Plurinational Policy for Combating Human Trafficking and Smuggling 2013–2017 was adopted;

(f) The National Plan to Combat Human Trafficking and Smuggling 2015–2019 was adopted;

(g) The 2016–2020 Multisectoral Plan for Comprehensive Action to Combat Human Trafficking and Smuggling was adopted;

(h) The Consolidated Protocol and Road Map for the Specialist Care of Victims of Human Trafficking and Smuggling was adopted in December 2012 and amended and updated in 2018;

(i) The Guide to the Early Detection of Human Trafficking and Smuggling and to Protection Mechanisms in the Context of Migration was adopted on 25 February 2016;

(j) The Protocol for the Repatriation of Victims of Human Trafficking and Smuggling of Bolivian Nationality Abroad was adopted on 23 April 2015.

### **International cooperation**

289. With regard to international cooperation, Bolivia has signed the following bilateral agreements:

(a) The Bilateral Agreement between the Plurinational State of Bolivia and the Republic of Peru to Strengthen the Fight against Human Trafficking, ratified under Act No. 765 of 11 December 2015;

(b) The Framework Agreement between Bolivia and Argentina on Preventing and Investigating Cases of Human Trafficking and Providing Assistance and Protection for Victims Thereof, ratified under Act No. 791 of 28 March 2016.

290. In addition, bilateral agreements with Brazil, Paraguay and Uruguay, among other countries, are currently being drafted and negotiated.

291. For statistical data on trafficking in children, see annex 61.

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