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Committee on Economic, Social and Cultural Rights

Third periodic report submitted by the Plurinational State of Bolivia under articles 16 and 17 of the Covenant, due in 2010*, **

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** The annexes to the present report are on file with the Secretariat and are available for consultation.
They are also available on the Committee's website.



I. Introduction

1. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the Plurinational State of Bolivia (“Bolivia”, “the State” or the “the Bolivian State”) hereby submits its combined third, fourth and fifth periodic reports, outlining the measures adopted between 2009 and 2018 to give effect to the provisions of the Covenant and the recommendations made by the Committee on Economic, Social and Cultural Rights in relation to the second periodic report of Bolivia (E/C.12/BOL/2) of 20 August 2007.
2. The Covenant and other international human rights instruments form part of the constitutional body of law and therefore take precedence over domestic legislation, in accordance with articles 13 (II) and (IV), 256 and 410 (II) of the Constitution (annex 1).
3. The Plurinational State of Bolivia has been working to promote, protect and guarantee the exercise of economic, social and cultural rights. This work has resulted in the adoption of a large number of legislative texts that promote the rights of the most vulnerable groups of the population. Also of note are the activities undertaken to reduce illiteracy, increase salaries and promote inclusive health care.

II. General

4. The State party has a surface area of 1,098,581 square kilometres, divided for political and administrative purposes into departments, provinces, municipalities and indigenous and aboriginal territories. There are 9 departments: Beni, Chuquisaca, Cochabamba, La Paz, Oruro, Pando, Potosí, Santa Cruz and Tarija, divided into 112 provinces and 339 municipalities.
5. Bolivia had 10,027,254 inhabitants in 2011, according to the population and housing census conducted that year. The projections of the National Institute of Statistics put this number at 11,307,000 in 2018. Of these inhabitants, 50.4 per cent are men and 49.6 per cent are women. Most of the population (69.4 per cent) lives in urban areas, while 30.6 per cent lives in rural areas.
6. One of the main characteristics of Bolivia is its cultural diversity. The population is made up of the following ethno-linguistically diverse peoples and nations: Aymara, Araona, Afro-Bolivian, Ayoreo, Baure, Canichana, Cavineño, Cayubaba, Chácobo, Chimane or Tsimane, Chiquitano, Quechua, Uru (Chipaya, Murato and Hiruitu), Leco, Machineri, Moré, Movima, Mosetén, Moxeño (Ignaciano and Trinitario), Nahua, Yuki, Yuracaré, Yaminahua, Ese Ejja, Guaraní (Ava, Izocéño and Simba), Guarayo, Itonama, Joaquiniano (multi-ethnic conglomerate), Pacahuara, Paiconeca, Reyesano, Sirionó, Tacana, Tapiete, Toromona and Weenhayek (Mataco).
7. The Constituent Assembly, established by Act No. 3364 of 6 March 2006, was inaugurated in the city of Sucre, in the department of Chuquisaca, on 6 August 2006 and attended by 255 members, including representatives of political parties and leaders and representatives of indigenous and campesino populations and organizations from all over the country. The Assembly provided an opportunity for all kinds of organizations, political parties and individuals to submit proposals with no limits or restrictions. The outcome was a social pact drafted on the basis of more than 138 proposals.¹
8. The current Constitution is the seventeenth in the country’s history but the first to be based on a social pact. It was promulgated on 7 February 2009 by President Evo Morales, after being approved in a referendum held on 25 January 2009, when it was supported by 61.43 per cent of the votes cast.

¹ Five proposals were submitted by citizens’ groups, 9 by political parties, 19 by public organizations, 45 by social organizations and movements, 9 by civic and departmental organizations, 11 by indigenous peoples, 3 by private business owners, 15 by non-governmental organizations (NGOs), 4 by churches, 16 by individuals and 2 by mixed groups.

9. In the context of the country's diversity, the Constitution recognizes that the official languages of the State are Spanish and all the languages of indigenous and aboriginal nations and peoples.²

10. According to the Constitution, Bolivia is a unitary, social, plurinational and communitarian State governed by the rule of law, which is free, independent, sovereign, democratic, intercultural and decentralized, with autonomous entities. It is made up of all the Bolivian men and women, indigenous and aboriginal nations and peoples and intercultural and Afro-Bolivian communities who together form the Bolivian people.

11. Sovereignty resides in the Bolivian people, is exercised in a direct, delegated manner, and is the basis of the duties and powers of government bodies, which are organized into the executive, legislative, judicial and electoral branches. The executive consists of the President, the Vice-President and the ministers of State.

12. One of the structural changes brought about by the Constitution of 2009 was the establishment of autonomous departments, regions, municipalities and indigenous and aboriginal communities,³ which elect their authorities directly, are responsible for the administration of their own finances, and exercise legislative, regulatory, oversight and executive powers. Since the adoption of the Constitution, the new structure of the State has been consolidated through organic laws adopted by the Plurinational Legislative Assembly.

13. The President and Vice-President, departmental governors and mayors are elected by free, direct suffrage held by secret ballot.⁴ In accordance with the Constitution, judges of the Supreme Court of Justice,⁵ the Plurinational Constitutional Court⁶ and the Agricultural and Environmental Court⁷ and members of the Council of the Judiciary⁸ are elected by universal suffrage as a means of guaranteeing the independent administration of justice and the constitutional recognition of indigenous and aboriginal justice.

14. In addition, social participation and oversight have been introduced, by means of which civil society organizations have oversight of all levels of State administration and of those public, private and public-private businesses and institutions that use tax revenue to provide strategic services or services of collective interest.⁹

15. The Plurinational Legislative Assembly is made up of a Chamber of Deputies comprising 130 members and a Senate comprising 36 members – 4 representatives for each department – all of whom are elected by direct, universal suffrage held by secret ballot.¹⁰

16. The Plurinational Electoral Bureau comprises the Supreme Electoral Court,¹¹ departmental electoral courts, electoral courts, polling-station panels and electoral officials.

17. With regard to the protection of human rights, the Constitution has established a new set of fundamental rights based on the main universal and regional human rights instruments. Unlike the previous Constitution, this set of fundamental rights is broad in nature and comprises: civil rights; political rights; rights of indigenous and aboriginal nations and peoples; social and economic rights; rights of children, adolescents and young people; family rights; rights of older persons; rights of persons with disabilities; rights of persons deprived of their liberty; rights of customers and consumers; educational rights; intercultural rights; and cultural rights.¹²

² Constitution, art. 5.

³ Constitution, art. 269.

⁴ Constitution, art. 165.

⁵ Constitution, art. 182.

⁶ Constitution, art. 198.

⁷ Constitution, art. 188 (I).

⁸ Constitution, art. 194 (I).

⁹ Constitution, art. 241 (II).

¹⁰ Constitution, art. 146 (I).

¹¹ Constitution, art. 205 (I).

¹² Constitution, arts. 15–101.

18. The process of ratification of international treaties in Bolivia involves the executive and legislative branches,¹³ since it falls to the President to sign international treaties¹⁴ and to the Plurinational Legislative Assembly to ratify them. International human rights treaties and instruments that have been ratified or acceded to by Bolivia and that contain rights more favourable than those set out in the Constitution take precedence over the Constitution.¹⁵ The rights recognized by the Constitution are to be interpreted in accordance with international human rights treaties when the provisions of the latter are more favourable, insofar as they form part of the constitutional body of law.¹⁶

19. Education is one of the State's paramount tasks and responsibilities; the State and society are the guardians of the education system. Education is unitary, public, universal, democratic, participatory, community-based, decolonial, high-quality, intracultural, intercultural and plurilingual.¹⁷

20. As required by the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights held in Vienna in 1993, Bolivia had a national human rights action plan for 2009–2013, entitled "Bolivia: Dignity for a Good Life", which was adopted by way of Supreme Decree No. 29851 of 30 December 2008 (annex 2).

21. The national human rights action plan for 2009–2013 (annex 3) was prepared and drafted in a community-based, participatory and democratic manner. It is based on a reading of reality and reflects a new vision for the country. It tracks the latest developments in international human rights law and prioritizes the needs of the Bolivian population, with a particular emphasis on creating equal opportunities for historically excluded and discriminated groups.

22. The primary responsibility of the Ombudsman's Office is the promotion and protection of human rights.¹⁸ It is tasked with ensuring that the individual and collective human rights established in the Constitution, legislation and international instruments are effectively exercised, promoted, publicized and respected. Its remit covers the administrative activities of the entire public sector and the activities of private institutions that provide public services.

23. The Plurinational Constitutional Court is responsible for upholding the supremacy of the Constitution, conducting constitutional reviews and safeguarding respect for, and the effective exercise of, constitutional rights and guarantees.¹⁹ The Court is plurinational in that its members, who are elected judges, are drawn equally from both the ordinary justice system and the indigenous and aboriginal justice system.²⁰

III. Information relating to articles 1 to 15 of the Covenant

Article 1

Right to self-determination

24. The Constitution recognizes four types of autonomous entities: departments, regions, municipalities and indigenous and aboriginal communities. According to articles 289 et seq., the autonomy of indigenous and aboriginal communities consists in self-government, that is, the exercise of self-determination by the indigenous and aboriginal nations and peoples. The "Andrés Báñez" Framework Act on Autonomous Entities and Decentralization (Act No. 031) of 19 July 2010 (annex 4) establishes the procedures and mechanisms applicable to the formation of autonomous indigenous and aboriginal communities.

¹³ Constitution, art. 259.

¹⁴ Constitution, art. 166 (5).

¹⁵ Constitution, art. 256 (I).

¹⁶ Constitution, art. 410.

¹⁷ Constitution, art. 17.

¹⁸ Constitution, art. 218.

¹⁹ Constitution, art. 196 (I).

²⁰ Constitution, art. 197 (I).

25. Article 50 (II) of Act No. 031 provides that a municipality may opt to become an autonomous indigenous and aboriginal community through a public referendum organized by the indigenous and aboriginal authorities in accordance with the procedure established in the Electoral Act (No. 026) of 30 June 2010 (annex 5).

26. The autonomous indigenous and aboriginal community is an expression of the right to self-government, that is, the exercise of the self-determination of the indigenous and aboriginal nations and peoples, groups of people with a shared territory, culture, history, language and legal, political, social and economic systems and institutions with their own rules and procedures. This cultural context forms the basis for the political recognition of the indigenous and aboriginal territory, municipality or region, which may already exist or may be formed when a number of autonomous indigenous communities join together.

27. Supreme Decree No. 727 of 6 December 2010²¹ (annex 6) establishes that the existing ancestral communal lands will become known as indigenous and aboriginal territories and will be named by the peoples themselves in accordance with their own rules.

28. Within this framework, between 2009 and 2017, indigenous and aboriginal nations and peoples in 14 municipalities²² chose to become autonomous indigenous communities through consultative referendums.²³

Articles 2 and 3

Steps to guarantee the exercise of Covenant rights

29. The Constitution enshrines the principle of non-discrimination and guarantees all persons and communities, without discrimination, the free and effective enjoyment of the rights established by the Constitution, laws and international human rights treaties.²⁴

30. Additional information on the measures undertaken to implement article 2 of the Covenant is provided in the response to the recommendation made in paragraph 25 of the previous concluding observations (paras. 93–96).

Article 3

Exercise of rights without discrimination

31. The Constitution contains a non-discrimination clause²⁵ and guarantees all persons and communities, without discrimination of any kind, the free and effective enjoyment of the rights established by the Constitution, laws and international human rights treaties.²⁶ Within this constitutional framework, on 8 October 2010, the Act on the Elimination of Racism and All Forms of Discrimination (No. 045) (annex 7) was enacted with a view to eliminating racist behaviour and all forms of discrimination and to consolidating public policies designed to prevent and provide protection from racist and discriminatory crime. Thus, the Bolivian State has amended the guidelines on budget preparation to include programme structures at the central Government level for the implementation of policies to uphold and protect rights relating to gender and age and the rights of older persons, through measures to prevent and address problems relating to those rights.

32. The National Committee against Racism and All Forms of Discrimination was set up pursuant to the aforementioned Act. Every year, the National Treasury grants the necessary economic resources to ensure that the National Committee is able to perform its

²¹ Supreme Decree No. 727, art. 1 (I).

²² Totora Marka, Uru Chipaya, Pampa Aullagas, Curahuara de Carangas, Salinas, Mojocoya, Huacaya, Tarabuco, Machareti, Jesús de Machaca, Kallawayaya, Chayanta, Charagua and Gutiérrez.

²³ Electoral Bureau: “Activities undertaken by the Plurinational Electoral Bureau to promote the human rights recognized in the International Covenant on Civil and Political Rights”.

²⁴ Constitution, art. 14 (II) and (III).

²⁵ Constitution, art. 14 (II).

²⁶ Ibid. art. 14 (III).

role as the body responsible for designing, instituting and implementing comprehensive policies and regulations in this area.

33. In accordance with article 7 of the Act, the National Committee approved the Policy of the Plurinational State of Bolivia against Racism and All Forms of Discrimination (Plan of Action 2012–2015) (annex 8) through Decision No. 009/2011. This policy consisted of 17 programmes for the elimination of racism and all forms of discrimination to be implemented by the various government ministries.

34. In line with the State's new planning system, the Multisectoral Plan to Eliminate Racism and All Forms of Discrimination 2016–2020²⁷ (annex 9) supports the implementation of the Economic and Social Development Plan by promoting public policies designed to eliminate extreme poverty and to enhance and protect the political, civil, economic, social and cultural rights of the most vulnerable communities.

35. Pursuant to article 6 (III) (e) and (f) of Act No. 045, the media disseminate communication material aimed at countering racism and discrimination.²⁸

36. In 2017, the Multisectoral Plan to Dismantle the Patriarchal System and Promote the Right of Women to Practise the Good Way of Living was approved²⁹ (annex 10). The aim of this plan is to ensure that the policies, programmes and activities of State bodies at 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 practise the good way of living and enjoy a life free from gender-based violence. The Plan is organized into six strategic areas: economy, production and employment; education; health; gender-based violence; citizenship and political participation; and institutional strengthening.

37. In 2018, public servants from the 20 government ministries attended a course on dismantling the patriarchal system and eradicating violence against women. The course was designed to help them to carry out their work by increasing their understanding of the process of dismantling the patriarchal system and of the regulations in force to protect women's rights.

Article 4

Exercise of rights under the Covenant

38. Article 13 (I) of the Constitution provides that: "The rights recognized by this Constitution are inviolable, universal, interdependent, indivisible and progressive. The State has a duty to promote, protect and respect them." Article 137 establishes that in the event of a threat to national security, an external threat, internal disorder or a natural disaster the President may declare a state of emergency, which shall not, under any circumstances, suspend fundamental rights and guarantees, the right to due process, the right to information or the rights of persons deprived of their liberty.

39. The Constitution and the case law of the Plurinational Constitutional Court establish that fundamental rights may be restricted only by the law or through a judgment based on considerations of proportionality, so as to protect the core fundamental rights.

²⁷ Adopted by Decision No. 001/2016 of 7 December 2016 of the National Committee against Racism and All Forms of Discrimination.

²⁸ National Committee against Racism and All Forms of Discrimination, 2016–2017 annual report, p. 102.

²⁹ Based on multisectoral and cross-cutting coordination between the Ministry of Justice and Institutional Transparency and the other State departments that are working in parallel to dismantle the patriarchal system and promote the right of women to practise the good way of living.

Article 5

Interpretation of the Covenant

40. In Judgment No. 0572/2014 of 10 March 2014,³⁰ the Plurinational Constitutional Court stated that:

“... mention should be made of articles 13 and 256 of the Constitution, which introduce two guiding principles for the interpretation of fundamental rights: the principle of interpretation *pro homine* and the principle of interpretation in conformity with the international human rights covenants. By virtue of the former, judges, courts and administrative authorities have the duty to apply the rule that is most favourable to the protection of the right in question, whether it is contained in the Constitution or in the rules of the constitutional body of law, and to adopt the broadest possible interpretation that is most favourable to the right in question; by virtue of the latter (the principle of interpretation in conformity with the international human rights covenants), they have a duty to monitor compliance with conventions and to interpret the right in accordance with the rules contained in the human rights treaties and instruments that the State has ratified or to which it has acceded, provided, of course, that these establish rights that are more favourable than those contained in the Constitution”.

41. Consequently, when applying the law, judges and courts have the obligation to analyse the compatibility of legal provisions with the Constitution, international human rights conventions and covenants and any interpretations of those instruments by the Inter-American Court of Human Rights.

Articles 6 and 7

Right to work

42. The right to work is firmly enshrined in the Constitution. Article 46 establishes that all persons have the right to decent work with industrial safety and occupational health and hygiene, without discrimination, and with fair, equitable and satisfactory remuneration or wages that ensure a decent standard of living for themselves and their families. The State protects all forms of work, and all forms of forced labour are prohibited.

43. Articles 48 (I), (II), (III) and (IV) of the Constitution establish that provisions relating to social and labour matters are binding; that labour standards shall be interpreted and applied in accordance with the principles of the protection of workers as society's main productive force, and that rights and benefits granted to workers may not be renounced, and agreements that violate this rule or are designed to circumvent its effects shall be invalid. In addition, unpaid accrued salaries, labour entitlements, social benefits and social security contributions shall take precedence over any other financial claims and shall be immune from seizure and shall not be subject to any statute of limitations.

44. The 2009 Constitution establishes that one of the principal responsibilities of the State is to protect workers' rights, on the basis of the right to work as the principal source of income for workers, through the improvement of benefits for the working class, without any form of distinction or discrimination that violates the right to equality of employment opportunity, thus establishing solid economic and social foundations, which are integral to human rights and encapsulated in the concept of human dignity.

45. In addition, since 2006, the Bolivian State has introduced mandatory yearly salary increases³¹ for the public and private sectors through the issuance of supreme decrees.

³⁰ Judgment No. 0572/2014 of the Plurinational Constitutional Court, available at: [https://buscador.tcpbolivia.bo/_buscador/\(S\(urxtlijqfbj3apovfbi1nzy\)\)/WfrJurisprudencia1.aspx](https://buscador.tcpbolivia.bo/_buscador/(S(urxtlijqfbj3apovfbi1nzy))/WfrJurisprudencia1.aspx).

³¹ Wage increases apply to all workers without distinction and take account of the level of inflation of the previous year, but always with a view to managing the economy and distributing purchasing power. The objective is to introduce real salary increases to meet the basic needs of employees and their families (food, education, health, housing, clothing and leisure).

These increases to the national minimum wage have greatly improved the living conditions of Bolivians by increasing their purchasing power (annex 11).

Article 8

Trade union freedom

46. Trade union freedom is enshrined in articles 51 and 52 of the Constitution, which recognize the right to form trade unions and guarantee this right as a means of providing protection, representation, assistance, education and culture for workers. Trade unions are granted legal personality simply by virtue of being established and being recognized by their parent institutions.

47. Self-employed workers, business associations and democratic forms of business organization also have the right to organize in defence of their interests.

48. Rights and obligations in the context of labour relations are regulated by the General Labour Act of 8 December 1942, which recognizes the right to join trade unions, associations of employers, tradesmen or professionals, and joint or industrial unions. Work is currently under way to update the General Labour Act to bring it in line with the Constitution, which establishes unionization as a right.

49. Article 53 of the Constitution guarantees the right to strike in exercise of the legal right of workers to stop work in defence of their rights, in accordance with the law.

50. Article 105 of the General Labour Act provides that no untimely interruption of work shall be permitted in any enterprise, whether by the employer or by the workers, before all means of conciliation and arbitration have been exhausted, failing which the interruption shall be regarded as illegal.

51. Article 114 of the same Act provides that, when conciliation and mediation have failed, the workers may call a strike, or the employers may initiate a lockout, so long as the following conditions have been met: (1) the Conciliation Board and the Court of Arbitration have ruled on the matter; and (2) the decision has been taken by at least three quarters of the active workforce.

52. Act No. 316 of 11 December 2012 (annex 12) decriminalized strike action and introduced protection for trade union privileges, repealing article 234 of the Criminal Code, which penalized advocacy of lockouts, strikes or stoppages deemed illegal by the labour authorities. Union leaders and workers who, during a labour dispute, peacefully enter industrial, agricultural or mining facilities in order to defend labour interests or social progress are exempt from criminal liability.

Article 9

Social security

53. Information on the measures taken with regard to social security rights is provided in the response to the recommendation made in paragraph 31 of the concluding observations.

Article 10

Family rights

54. Article 62 of the Constitution recognizes and protects the family as the fundamental nucleus of society and guarantees the requisite social and economic conditions for its full development. Article 63 recognizes that marriage is legally binding and is based on the equal rights and duties of the spouses. Cohabitation or common-law unions that are stable and monogamous produce the same legal effects as civil marriage, both with respect to the partners' personal and property relations and with respect to adopted children or children born of the relationship.

55. The Family and Family Procedure Code (annex 13) was promulgated through Act No. 603 of 19 November 2014. It regulates family rights, family relations and the rights, duties and obligations of family members, without discrimination or distinction of any kind, and supersedes the Family Code of 4 April 1988.

56. Article 137 of the Code establishes that marriage and cohabitation are social institutions that give rise to a bond for the purpose of sharing a life together; they have the same legal effects both with respect to the spouses' or partners' personal and property relations and with respect to adopted children or children born of the relationship.

57. Article 138 of the Code provides that individuals shall enter into marriage or cohabitation of their free will, in the absence of fraud, error or coercion. Article 139, on age, provides that marriage or cohabitation may be entered into freely upon reaching the age of majority, and exceptionally upon reaching the age of 16, provided that authorization is obtained from the persons exercising parental authority or legal guardians or, in their absence, from the Office of the Ombudsman for Children and Adolescents.

58. Article 5 of Act No. 475 of 30 December 2013 on the Provision of Comprehensive Health Care (annex 14) provides that women and men over the age of 60 and persons identified as having a disability in the database of the Programme on the Central National Register of Persons with Disabilities are entitled to appropriate medical care.

59. Persons whose disability is classified at 30 per cent or higher receive a disability card confirming their status as a person with disabilities and granting them access to various benefits, such as comprehensive health care within the framework of Act No. 475. This act guarantees access to health care that includes actions for the promotion of health and the prevention of disease; comprehensive outpatient treatment; hospitalization; complementary medical, dental and surgical treatment and diagnostic services; and the provision of essential medicines, medical supplies and traditional natural products. Disability card holders have access to all 39 rehabilitation centres throughout the country.

60. Under the short-term social security scheme, female workers insured through their employer are entitled to paid maternity leave before and after the birth and the required medical care, in accordance with Decree-Law No. 13214 of 24 December 1975, subsequently elevated to the status of law by Act No. 06 of 1 May 2010 (annex 15).

61. Pursuant to Supreme Decree No. 115 of 6 May 2009 (annex 16), which sets out the regulations for implementing Act No. 3460 of 15 August 2006 (annex 17) on the Promotion of Breastfeeding, public and private institutions must allow working mothers to bring their babies to work during the breastfeeding period to enable exclusive breastfeeding for the first six months of the baby's life.

62. In addition, article 61 of the General Labour Act provides that, during the breastfeeding period, working mothers shall enjoy short rests throughout the day amounting to no less than one hour in total. Moreover, article 24 of Act No. 3460 provides for the distribution of breastfeeding hampers, which are intended to support proper nutrition for pregnant or nursing mothers and do not contain breast milk substitutes or infant or special formulas.

63. New mothers also have a right to family benefits, in accordance with the sole article of Supreme Decree No. 3546 of 1 May 2018³² (annex 18) amending article 25 of Supreme Decree No. 21637 of 25 June 1987 (annex 19), which provides for the payment of 2,000 bolivianos (Bs) in the form of prenatal, postnatal, breastfeeding and burial subsidies.

64. Article 2 of Supreme Decree No. 0012 of 19 February 2009 (annex 20), which regulates the conditions governing security of employment for parents working in the public or private sector, provides that: "Mothers and/or fathers, regardless of their marital status, shall benefit from job security from the start of a pregnancy until the child is 1 year old. They may not be dismissed, and no change may be made in their salary level or their post."

³² Supreme Decree No. 3546, art. 25.

65. Under the short-term social security scheme, paternity leave of three working days with full pay is granted to men from the date on which their spouse or partner gives birth, in accordance with the provisions of Supreme Decree No. 1212 of 1 May 2012 (annex 21).

66. The Constitution prohibits servitude, slavery, and trafficking and smuggling of persons.³³ Accordingly, the Comprehensive Act to Combat Human Trafficking and Smuggling of 31 July 2012 (No. 263)³⁴ (annex 22) was adopted, providing for the establishment of the Plurinational Council on Combating Human Trafficking and Smuggling as the highest representative coordinating authority for the formulation, adoption and implementation of the Plurinational Policy to Combat Human Trafficking and Smuggling and Related Offences. The activities of the Council have included:

- Promoting the signature of bilateral agreements with Peru³⁵ and Argentina³⁶ for the protection of victims of human trafficking and smuggling and related crimes, by virtue of article 45 of Act No. 263³⁷
- Implementing the National Plan to Combat Human Trafficking and Smuggling 2015–2019, which has been brought in line with the new Comprehensive State Planning System and is now the Comprehensive Multisectoral Plan to Combat Human Trafficking and Smuggling 2016–2020 (annex 23)
- Implementing the Workforce Reintegration Programme for Victims of Human Trafficking and Smuggling (annex 24)
- Designing the Single Protocol for Special Assistance to the Victims of Trafficking and Smuggling 2012 (annex 25)
- Designing the Guide for the Development of Departmental Plans to Combat Human Trafficking and Smuggling 2015 (annex 26)
- Designing the Protocol for the Repatriation of Bolivian Victims of Human Trafficking and Smuggling (annex 27).

67. Public information announcements intended to prevent human trafficking and smuggling have been broadcast through the media and workshops and training courses have been held for civil servants, administrators and justice officials with the aim of strengthening and improving standards for the care of victims of human trafficking and smuggling. In addition, counter-trafficking and smuggling units have been set up within the Bolivian police force and the updated version of the Standardized Protocol and Road Map for the Specialist Care of Victims of Human Trafficking and Smuggling is in the process of being adopted. Work on developing and updating the indicators on the right to a life free from trafficking and smuggling is under way.

68. With regard to procedures for the effective investigation of complaints relating to human trafficking and smuggling, such investigations are initiated by the Attorney General's Office and the Bolivian police. During investigations, all possible investigative measures are deployed to find the victims, perpetrators and participants and punish the offence in accordance with the Criminal Code and Act No. 263.³⁸

69. In order to provide victims with protection, comprehensive care and free legal aid and redress, including rehabilitation, there are two shelters that provide specialist care for victims of human trafficking and smuggling, one in the municipality of Villazón in the department of Potosí and the other in the city of La Paz.

³³ Constitution, art. 15.

³⁴ Act No. 263, art. 7.

³⁵ Bilateral agreement with Peru signed and ratified through Act No. 765 of 11 December 2015.

³⁶ Bilateral agreement with Argentina signed and ratified through Act No. 791 of 28 March 2016.

³⁷ Act No. 263, art. 45.

³⁸ Act No. 263, art. 34.

Article 11

Adequate standard of living

70. Article 16 of the Constitution provides that: “I. All persons have the right to water and food. II. The State has an obligation to guarantee food security, by means of healthy, adequate and sufficient food for the entire population.”

71. In addition, article 19 of the Constitution recognizes that every person has the right to an adequate environment and housing that preserve the dignity of family and community life. The State is responsible for promoting the development of social housing, using suitable financing systems, based on the principles of solidarity and equity.

72. The Bolivian State has defined poverty thresholds on the basis of the foodstuffs found in the basic food basket. In other words, the demand for these foodstuffs is assessed every year using information from the consumer price index, which is calculated annually by the National Institute of Statistics. In this way, the estimate is updated every year and information relating to the moderate and extreme poverty lines may be obtained.³⁹

73. Between 2011 and 2017 moderate poverty decreased from 45.1 per cent to 36.4 per cent and extreme poverty decreased from 21 per cent to 17.1 per cent (annex 28).

74. Further information on extreme poverty is provided in the response to the recommendation made in paragraph 27 of the concluding observations.

Article 12

75. Information on the measures taken with regard to the right to social security is provided in the response to the recommendation made in paragraph 34 of the concluding observations.

Articles 13 and 14

Right to education

76. Article 17 of the Constitution affirms that every person has the right to receive an education at all levels, which is universal, productive, free, comprehensive, intercultural, and non-discriminatory. The Constitution also states that education is one of the highest functions and a prime responsibility of the State, which has the inalienable obligation to support, guarantee and administer education.

77. In addition, article 81 of the Constitution provides that education is compulsory up to completion of secondary school, that State education is free at all levels up to higher education, and that, on completion of secondary school studies, a school leaving certificate is awarded immediately free of charge. Article 82 establishes that the State shall ensure that all citizens have access to and can remain in education under conditions of full equality.

78. The “Avelino Siñani – Elizardo Pérez” Education Act (No. 070) of 20 December 2010 (annex 29) is the framework act governing the educational system of the Plurinational State of Bolivia. Based on the International Covenant on Economic, Social and Cultural Rights, article 3 establishes the foundations of education in Bolivia in accordance with the following principles: it is decolonial; community-based, democratic and participatory; universal; unique, diverse and plural; unitary and integrationist; secular, pluralistic and spiritual; inclusive; intracultural, intercultural and plurilingual; production-oriented and local, with a focus on intellectual and material production; scientific, technical, technological and artistic and life-centred and lifelong, to foster the good way of living. It is a catalyst for peaceful coexistence; promotes *ama qhilla* (do not be lazy), *ama llulla* (do not be a liar) and *ama suwa* (do not be a thief) as ethical and moral principles of the plural

³⁹ Information on moderate and extreme poverty is generated annually by the National Institute of Statistics through the Household Survey.

society; and is liberating in its pedagogical approach, in that it encourages the individual to be aware of his or her reality in order to transform it.

79. The basic plurinational curriculum of the education system (annex 30) was developed on this basis. It is intracultural, intercultural, plurilingual, decolonial, community-based, local, productive and participatory in nature and is centred on the overarching themes of harmony and equilibrium with Mother Earth, societal and community values and production-oriented education.

80. As the most basic level, the basic plurinational curriculum provides for the comprehensive and holistic education of students through the development of the experiences of being,⁴⁰ knowing,⁴¹ doing⁴² and deciding.⁴³

81. Since 2005, State investment in education has increased by 236 per cent and has primarily focused on guaranteeing access to education at the preschool, primary and secondary levels of 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 the wishes of their parents or guardians.

82. In 2014, the Ministry of Education introduced the technical humanities baccalaureate at the level of secondary, community-based, production-oriented education throughout the mainstream education subsystem. It consists of training in the humanities and technological and technical subjects over the course of six years of study, of which four years are spent learning general technological and technical skills and two years learning specialized technological and technical skills, tailored to the job opportunities and production careers available regionally and nationally. By 2007, around 40,000 secondary school students had graduated with a diploma in technical studies, which is valid throughout the country.

83. Students with disabilities at the production-oriented, community-based secondary school level attend special education centres, where they receive technical training. There are currently 162 such centres for persons with disabilities. They offer either direct support, through specialist assistance, or indirect support, through educational support in inclusive education units.

84. Article 93 provides that the public universities shall receive adequate financial support from the State. The State and the public universities shall jointly promote the establishment and operation of pluricultural community-based universities and institutes in rural areas, thus ensuring social participation.

85. The institutional and academic structure of these establishments makes it possible to obtain merits, learn and have one's achievements recognized in the same way as in other Bolivian universities.

86. These universities include the Apiaguaiki Tüpa Indigenous University, which, in its early years, operated in the centre of Machareti, a municipality with a large Guaraní population in the department of Chuquisaca; the Tupak Katari University located in Warisata, in the department of La Paz, which has a large Aymara population; and the Casimiro Huanca University, located in the municipality of Chimoré in the department of Cochabamba, which has a Quechua population.

87. On 6 June 2013, a new building was inaugurated in the town of Ivo Kuruyuki, in the municipality of Machareti, Luis Calvo province, in the department of Chuquisaca. The work required an investment of Bs 8,658,146, sourced from cooperation funding provided

⁴⁰ Principles and values linked to various cultural traditions that are transmitted through intergenerational relations incorporated into educational processes are identified and strengthened.

⁴¹ Local and universal knowledge and wisdom are identified and developed and expressed through overarching content and themes.

⁴² The practice of technical and technological activities and processes and the application of sociocultural knowledge and wisdom.

⁴³ This refers to the teaching of a community-centred approach to life, expressed through actions that have a social impact and are carried out with a reflective, enterprising spirit.

by the Netherlands, Sweden, Denmark and Spain, and was overseen by the Ministry of Education.

88. The following courses related to community-based production and development are currently on offer at the aforementioned universities: agronomy of the Altiplano, the textile industry, animal husbandry, veterinary science, the food industry, tropical agronomy, forestry, fish farming and hydrocarbons. The courses are open to young indigenous students. The universities are funded with income from the direct tax on hydrocarbons, which is redistributed to the indigenous nations and peoples.

Article 15

Cultural rights

89. With regard to cultural rights, article 101 of the Constitution provides that the intangible aspects of manifestations of folk art and folk industries shall enjoy the special protection of the State.

90. In 2014, the Ministry of Culture and Tourism launched projects to build cultural infrastructure in the cities of Sucre and La Paz.

91. In order to provide the public with access to information on cultural heritage, a pilot digital platform was established, containing information on Bolivian sites and heritage recognized by the United Nations Educational, Scientific and Cultural Organization and domestic and international policies and regulations relating to world heritage.

92. In 2019, the Plurinational Centre for the Preservation of Cultural Heritage, currently in the project phase, will be opened as a space offering specialist courses on the conservation of cultural heritage, in collaboration with the public universities.

93. The Intellectual Property Rights Act of 13 April 1992 (No. 1322) (annex 31) establishes legal tools to protect the rights of authors over original works of the imagination, whether literary, artistic or scientific. In addition, article 102 of the Constitution states: “The State shall register and protect individual and collective intellectual property rights over the works and discoveries of authors, artists, composers, inventors and scientists, on terms to be laid down by law.”

94. The National Intellectual Property Department was established pursuant to the Act of 16 September 1998 on the Organization of the Executive Branch (No. 1788) (annex 32). A decentralized body overseen by the Ministry of Productive Development and the Plural Economy, it is responsible for managing all aspects of the intellectual property regime through the strict observance and enforcement of intellectual property law and the effective protection of industrial property rights, intellectual property rights and related rights. The Department is the national authority for matters related to international treaties and regional agreements on intellectual property signed and ratified by Bolivia, as well as the common norms and regimes adopted as part of the Andean integration process. Its organization and functions are laid out in detail in Supreme Decree No. 27938 of 20 December 2004 (annex 33), as partially amended by Supreme Decree No. 28152 of 17 May 2005.

95. In 2015, the directorate of culture of the autonomous government of the department of La Paz drew up a programme for the institutional strengthening of cultural heritage management in La Paz. The programme prioritizes the development and implementation of a departmental comprehensive cultural information system, whose principal purpose is to grant the population access to data on cultural heritage in the department of La Paz, through a set of cultural indicators, the cultural heritage registration system and the cultural brand. The programme is financed externally and was launched in 2018.

96. The autonomous government of the department of Potosí reports that, in 2017, it opened the Ferial Potosí Centre, a building with ample space for fairs and cultural events, as well as a cinema for alternative events that contribute to the enjoyment of cultural activities by the entire population.

IV. Implementation of the recommendations made by the Committee in its concluding observations on the second periodic report of Bolivia (E/C.12/BOL/2)

Recommendation made in paragraph 25

Constitutional reform

97. As mentioned above, the new Constitution was democratically adopted through the constitutional referendum held in 2009. This was a historic event that launched the construction of the Plurinational State of Bolivia. One of the first measures taken was the development of a new transitional electoral system and the creation and consolidation of a biometric voter roll, under Act No. 4021, to register the entire Bolivian population of voting age, thus guaranteeing transparency in the general elections held at the end of 2009. These elections resulted in Evo Morales becoming the first President of the new Plurinational State.

98. The enactment of the Constitution paved the way for countless advances in the recognition of the fundamental rights of previously neglected groups, including women, young persons, indigenous peoples, differently abled persons and older persons. It also recognized and expanded the rights of all Bolivians to food, water, basic services, sewage services, electricity, domestic gas supplies, postal and telecommunications services, and a decent environment and housing, promoting a new model of the State that is fundamentally rooted in rights, duties and guarantees with inclusive principles and values.

99. The Constitution establishes economic, social and cultural rights as fundamental rights, providing for legal safeguards and protective actions, such as the remedy of *amparo*, the procedure of *mandamus* and *actio popularis*,⁴⁴ which can be activated in the case of violations.

100. In addition, it establishes good living⁴⁵ as a basic principle, a model of life based on ancestral knowledge that officially became the basis for the policies of the new Plurinational State of Bolivia, as enshrined in the Patriotic Agenda for the 2025 Bicentennial (annex 34), which includes 13 pillars⁴⁶ for establishing a dignified and sovereign Bolivia, with the aim of building a more inclusive, participatory and democratic society and State that is free from discrimination, racism, hatred and division, prioritizing the needs of the Bolivian population, with particular emphasis being placed on creating equal opportunities for groups that have historically been subjected to exclusion and discrimination.

101. With regard to the legislation enacted by the Plurinational Legislative Assembly between 2009 and 2017 in relation to the rights enshrined in the Covenant, mention should be made of: the Jurisdiction Demarcation Act (No. 073) of 29 December 2010 (annex 35); Act No. 144 of 26 July 2011 on the community agricultural production revolution (annex 36); Act No. 200 of 14 December 2011, declaring 23 September to be the national day of

⁴⁴ Constitution, arts. 125 to 129 and 135 to 136.

⁴⁵ Constitution, art. 8 (I).

⁴⁶ 1. Eradication of extreme poverty; 2. Socialization and universalization of sovereign basic services for good living; 3. Health, education and sport for the development of the whole human being; 4. Scientific and technological sovereignty with its own identity; 5. Community-based financial sovereignty without subservience to financial capitalism; 6. Productive sovereignty with diversification and comprehensive development without the dictatorship of the capitalist market; 7. Sovereignty over our natural resources with nationalization, industrialization and commercialization in harmony and equilibrium with Mother Earth; 8. Food sovereignty through the construction of nutritional knowledge for good living; 9. Environmental sovereignty with comprehensive development, respecting the rights of Mother Earth; 10. Complementary integration of sovereign peoples; 11. Sovereignty and transparency in public management in accordance with the principles of no stealing, lying or laziness; 12. The pursuit of enjoyment and happiness in our festivals, music, rivers, jungle, mountains, snow-capped peaks, clean air and dreams; 13. Sovereign reunion with our joy, happiness, prosperity and sea.

the Afro-Bolivian people and culture (annex 37); Act No. 300 of 15 October 2012 on the framework of Mother Earth and comprehensive development for good living (annex 38); Act No. 318 of 12 December 2012 (annex 39); Act No. 338 of 26 January 2013 on indigenous and aboriginal economic organizations and community-based economic organizations for the integration of sustainable family farming and food sovereignty (annex 40); Act No. 315 of 3 December 2012 on private insurance for life and permanent disabilities caused by accident, illness or other causes for Bolivian media professionals (the Hermanos Peñasco Layme Act) (annex 41); General Act No. 269 of 2 August 2012 on linguistic rights and policies (annex 42); General Act No. 453 of 4 December 2013 on the rights of users and consumers (annex 43); Act No. 450 of 4 December 2013 on the protection of highly vulnerable indigenous and aboriginal nations and peoples (annex 44); Act No. 445 of 2 December 2013, declaring 5 September to be the national day of indigenous and aboriginal women of the Plurinational State of Bolivia (annex 45); the Youth Act (No. 342) of 5 February 2013 (annex 46); the Financial Services Act (No. 393) of 21 August 2013 (annex 47); Act No. 395 of 26 August 2013 on the International Quinoa Centre (annex 48); Act No. 465 of 19 December 2013 on the foreign service (annex 49); Act No. 475 of 30 December 2013 on the provision of comprehensive health care (annex 50); the Investment Promotion Act (No. 516) of 4 April 2014 (annex 51); the Bolivian Cultural Heritage Act (No. 530) of 23 May 2014 (annex 52); Act No. 622 of 29 December 2014 on school meals in the context of food sovereignty and the plural economy (annex 53); the Patriotic Agenda 2025 Act (No. 650) of 15 January 2015 (annex 54); the Irrigation Decade 2015–2025 Act (No. 745) of 5 October 2015 (annex 55); the Comprehensive Waste Management Act (No. 755) of 28 October 2015 (annex 56); Act No. 775 of 8 January 2016 on promoting healthy eating (annex 57); Act No. 777 of 21 January 2016 on the Comprehensive State Planning System (annex 58); Act No. 786 of 9 March 2016 on the 2016–2020 Economic and Social Development Plan within the framework of comprehensive development for good living (annex 59); the National Sports Act (No. 804) of 11 May 2016 (annex 60); Act No. 824 of 25 August 2016, amending Act No. 150 of 11 July 2011 on the national day of pedestrians and cyclists in defence of Mother Earth (annex 61); Act No. 830 of 6 September 2016 on agricultural health and food safety (annex 62); the General Coca Act (No. 906) of 8 March 2017 (annex 63); Act No. 920 of 27 March 2017 on the Maritime Claim Flag of the Plurinational State of Bolivia (annex 64); Act No. 947 of 11 May 2017 on micro and small enterprises (annex 65); and Act No. 974 of 4 September 2017 on transparency and anti-corruption units (annex 66).

Recommendation made in paragraph 26

Human rights indicators

102. Since 2012, the Ministry of Justice and Institutional Transparency, together with the National Institute of Statistics, has been working on the development of human rights indicators that would allow the Plurinational State of Bolivia to carry out more precise monitoring of the human rights situation. Initially, with the participation of 30 State agencies, work was carried out on the development of indicators for six rights. In 2014, as a result of good practices and the validation of the participatory working method, the challenge of creating indicators for a further three rights was taken up. In 2015, the cooperation agreement, which will now end in 2020, was renewed.

103. Consequently, as of 2018, over 400 indicators related to structures, processes and outcomes were validated for rights in the following nine prioritized areas: health; housing; work; food; education; water and sanitation; women's rights to a life free from violence; a life free from trafficking and smuggling; and access to justice and a fair trial.⁴⁷

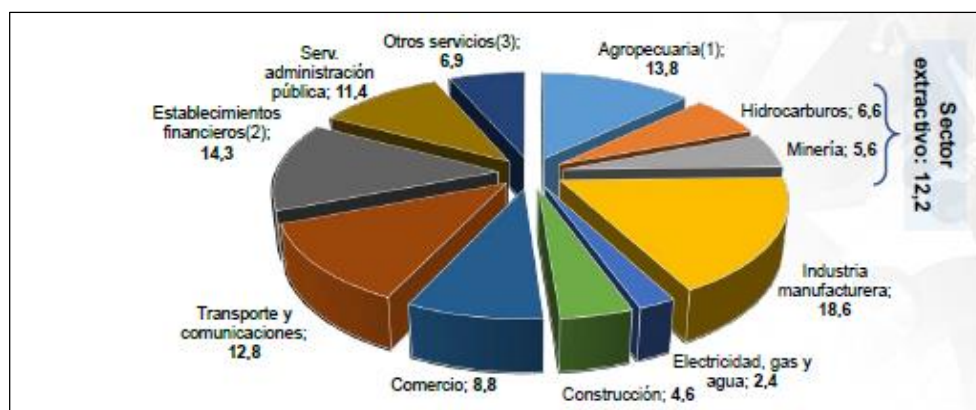
⁴⁷ <http://www.ine.gob.bo/indicadoresddhh/>.

Recommendation made in paragraph 27

Extreme poverty

104. In 2006, the Bolivian State implemented the productive community-based economic and social model, which centres on economic policies aimed at fostering domestic demand through greater public investment; a redistributive policy based on an above-inflation increase in the minimum wage that promotes consumption; high public investment aimed at maximizing productive activity; and conditional cash transfers for the most vulnerable groups, such as the Juancito Pinto grant, the Juana Azurduy grant, the old-age dignity pension and the solidarity allowance, together with strong credit growth brought about by the Financial Services Act, which was accompanied by a monetary policy that promotes growth and other sectoral policies developed by the executive branch.

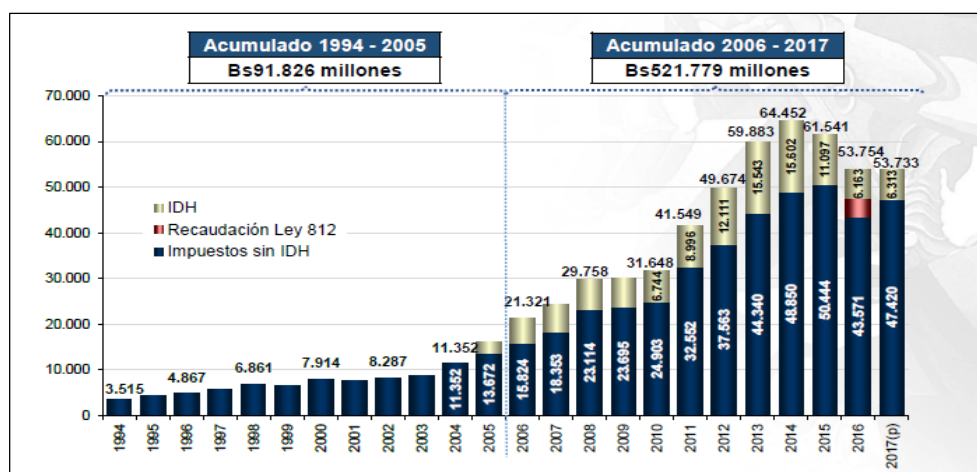
105. In 2017, one of the highest economic growth rates in the region, 4.2 per cent,⁴⁸ was achieved for the fifth consecutive year. Sustained economic growth has been registered for the past 12 years, owing to the strong performance of the non-extractive sectors, which represented more than 80 per cent of national production. In 2017, the manufacturing industry accounted for 18.6 per cent of production, the financial services sector represented 14.3 per cent, the agricultural sector represented 13.8 per cent and transport and communications represented 12.8 per cent. These activities, along with construction, trade, basic services and other areas, meet domestic demand, generate employment and achieve positive growth, as can be seen below:



Source: Ministry of Economic Affairs and Public Finance; *ECOS Journal: De Estabilidad Económica con el Mayor Crecimiento de la Región* (Economic Stability with the Highest Growth in the Region); Year 4 – 47 – 2018.

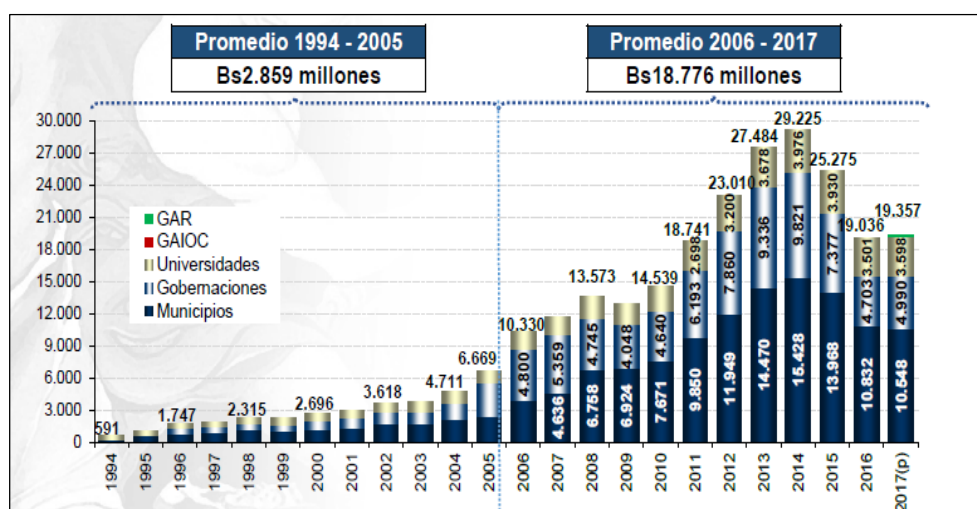
106. In addition, tax revenue between 2006 and 2017 amounted to Bs 521,779 million, over five times more than the Bs 91,826 million registered for the 1994–2005 period.

⁴⁸ Performance cited by the International Monetary Fund.



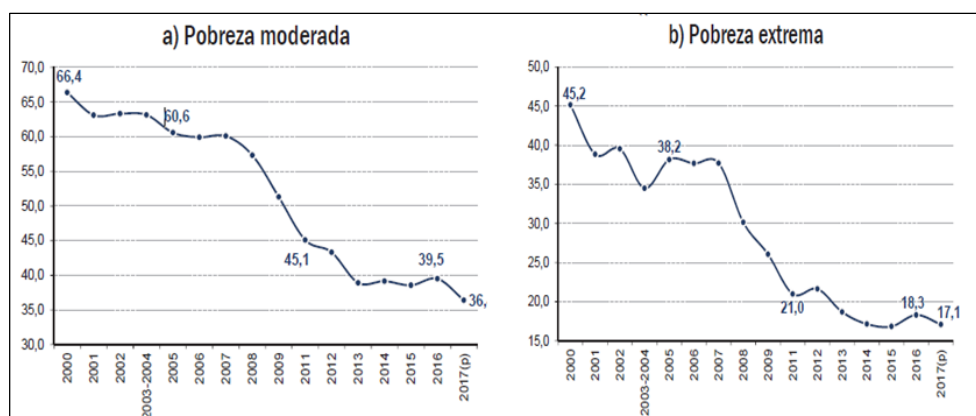
Source: Ministry of Economic Affairs and Public Finance; *ECOS Journal: De Estabilidad Económica con el Mayor Crecimiento de la Región*; Year 4 – 47 – 2018.

107. As a result of the recovery of strategic resources, tax revenues and the growth of the hydrocarbon and mineral sectors, the autonomous governments and State universities have benefited from greater resources in the form of bonuses and transfers from the State Treasury. Such resources amounted to an average of Bs 18,776 million between 2006 and 2017, which is 557 per cent higher than the average of Bs 2,859 million registered for the 1994–2005 period. In 2017, resources were transferred to the indigenous and aboriginal autonomous government of Charagu Iyambae and the regional autonomous government of Gran Chaco.



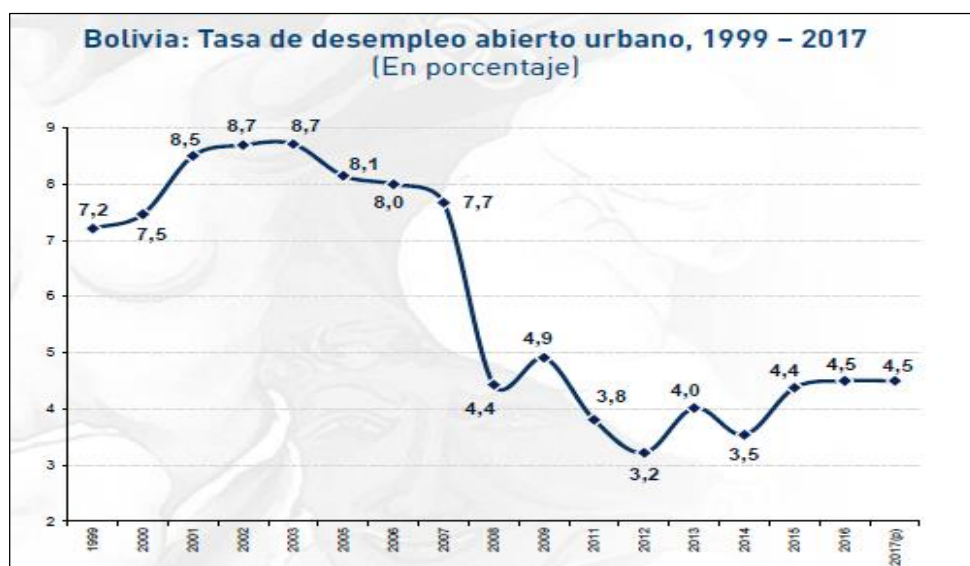
Source: Ministry of Economic Affairs and Public Finance; *ECOS Journal: De Estabilidad Económica con el Mayor Crecimiento de la Región*; Year 4 – 47 – 2018.

108. Within the framework of the productive community-based economic and social model, social policies aimed at reducing poverty and income inequality have been developed to improve the quality of life of Bolivians. As a result, the percentage of the total population living in moderate poverty fell from 60.6 per cent in 2005 to 36.4 per cent in 2017, representing a difference of 24.2 percentage points. Extreme poverty in Bolivia fell from 38.2 per cent in 2005 to 17.1 per cent in 2017, which represents a reduction of 21.1 percentage points.

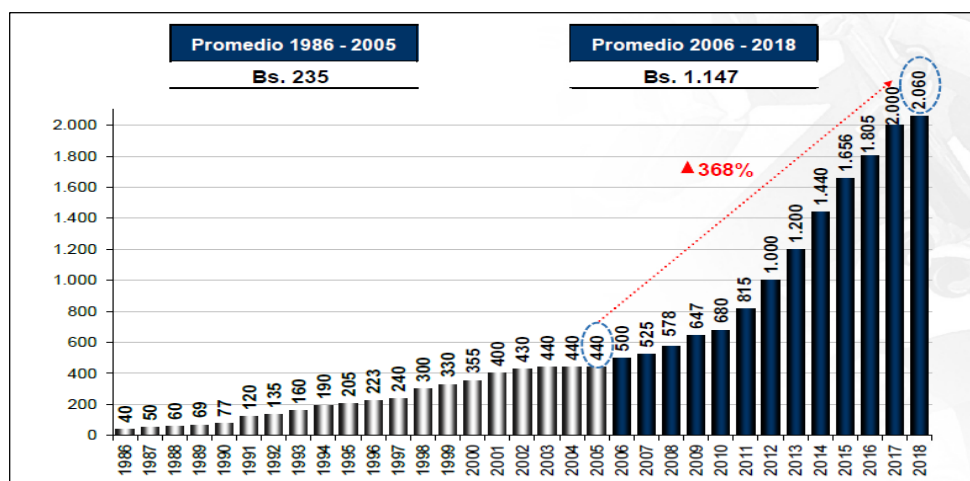


Source: Ministry of Economic Affairs and Public Finance, Report on the Bolivian Economy 2017.

109. The unemployment rate fell from 8.1 per cent in 2005 to 4.5 per cent in 2017, making Bolivia the country with the lowest unemployment rate in Latin America. In accordance with wage policies, the national minimum wage rose by 368 per cent from Bs 440 in 2005 to Bs 2,060 in 2018, as shown below:

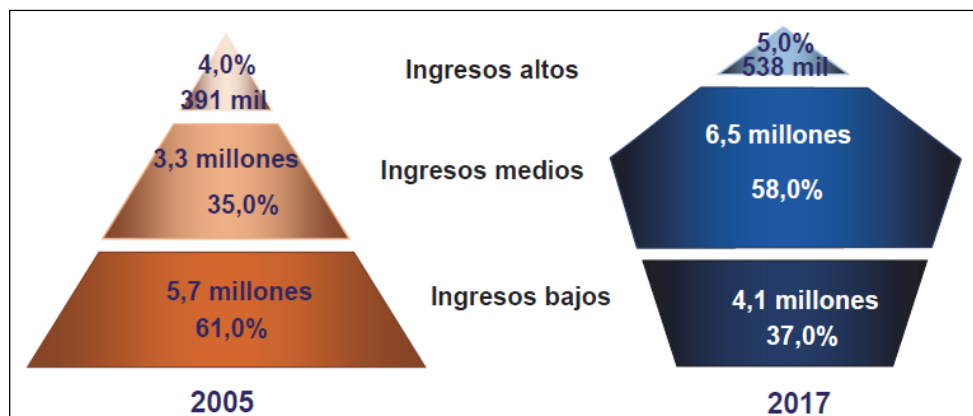


Source: Ministry of Economic Affairs and Public Finance; *ECOS Journal: De Estabilidad Económica con el Mayor Crecimiento de la Región*; Year 4 – 47 – 2018.



Source: Ministry of Economic Affairs and Public Finance; *ECOS Journal: De Estabilidad Económica con el Mayor Crecimiento de la Región*; Year 4 – 47 – 2018.

110. Where income is concerned, the proportion of the Bolivian population on high incomes increased from 4 per cent, or 391,000 persons, in 2005, to 5 per cent, or 538,000 persons, in 2017. The proportion of middle-income earners increased from 35 per cent, or 3.3 million persons, in 2005, to 58 per cent, or 6.5 million persons, in 2017. The proportion of persons on low incomes decreased from 61 per cent, or 5.7 million persons, in 2005, to 37 per cent, or 4.1 million persons, in 2017.



Source: Ministry of Economic Affairs and Public Finance, Report on the Bolivian Economy 2017.

111. In the light of the above, it is worth noting that there has been an increase in financial savings, which amounted to \$25,945 million in 2017. There were around 10.3 million deposit accounts in the financial system in 2017, 87 per cent of which held balances of less than \$500, reflecting the savings capacity of middle- and low-income earners.⁴⁹

112. Between 2005 and 2017, the amount of credit made available in the financial system increased from \$3,360 million to \$22,901 million as a result of loans provided by financial institutions for strengthening the productive sector and promoting access to housing in accordance with Act No. 393. Levels of default are also low, falling from 10.1 per cent in 2005 to 1.7 per cent in 2017, which reflects borrowers' ability to pay.⁵⁰

113. The following are the main conditional cash transfers provided by the Bolivian State.⁵¹

- The Juancito Pinto grant⁵² is an annual direct cash transfer of Bs 200 for children who achieve an attendance rate of at least 80 per cent during the school year, which aims to promote access to schooling and encourage girls, boys and young persons to remain in school and complete their education. From 2006 to 2017, the number of beneficiaries doubled from 1,084,967 to 2,184,436, representing an increase of 11.6 per cent to 19.6 per cent of students.
- The dignity pension⁵³ is a universal old-age pension that takes the form of a monthly, non-contributory lifetime pension available to all persons over 60 years of age residing in Bolivia. The lifetime monthly payment amounts to Bs 250 for persons in receipt of a retirement pension and Bs 300 for those who do not receive one, resulting in accumulated annual amounts of Bs 3,250 and Bs 3,900, respectively. From 2008 to December 2017, over 1.3 million older adults benefited from the scheme nationwide. Of these, 83.2 per cent were not in receipt of a retirement pension and 16.8 per cent were. The total amount of dignity pension paid out – Bs 22,841 million – was funded through the old-age dignity pension fund,

⁴⁹ Ministry of Economic Affairs and Public Finance; *ECOS Journal: De Estabilidad Económica con el Mayor Crecimiento de la Región*; Year 4 – No. 47 – 2018; p. 27 (annex 67).

⁵⁰ Ministry of Economic Affairs and Public Finance; *ECOS Journal: De Estabilidad Económica con el Mayor Crecimiento de la Región*; Year 4 – No. 47 – 2018; p. 30.

⁵¹ Ministry of Economic Affairs and Public Finance; Report on the Bolivian Economy 2017; p. 205–222 (annex 68).

⁵² Established through Supreme Decree No. 28899 of 26 October 2006 (annex 69).

⁵³ Established through Act No. 3791 of 28 November 2007 (annex 70).

which is financed from two sources: (a) resources received from the direct tax on hydrocarbons of the autonomous departmental and municipal governments, the Indigenous Fund and the State Treasury; and (b) dividends from nationalized public companies.

- The Juana Azurduy grant⁵⁴ is aimed at improving the health and nutrition of pregnant women and children under the age of 2 without health insurance. This economic incentive, which encourages mothers to attend health centres in order to reduce maternal and infant mortality and chronic malnutrition, consists of payments of Bs 50 for each of the four required prenatal check-ups. Furthermore, Bs 120 is granted for childbirth and post-partum care assisted by medical staff and 12 bimonthly payments of Bs 125 are made for each check-up of children up to the age of 2, making a total of Bs 1,820 over a period of around 33 months. Between 2009 and 2017 there were 1,955,823 beneficiaries, of whom 846,202 were mothers and 1,109,621 children.
- As of December 2017, 48.9 per cent of the total population, or 5.4 million people, nearly 300,000 more than in 2016, received some kind of social benefit. Between 2007 and 2017, in order to improve the Bolivian population's living conditions and quality of life, 8,415 projects were carried out throughout the country under the programme "Bolivia Changes, Evo Delivers".⁵⁵ Total expenditure for these projects amounted to Bs 14,679 million, of which 43.3 per cent was allocated to education, 25.6 per cent to sports, 10.4 per cent to social infrastructure, 9.1 per cent to productive projects and 5.8 per cent to health.
- The "I Can Go Further"⁵⁶ programme has two components: (a) a literacy component, aimed at members of the public who are still illiterate; 195,036 beneficiaries were taught to read and write between 2009 and 2017; and (b) a post-literacy component, which is implemented throughout the country in different languages. Between 2009 and 2017, the post-literacy component enabled 339,815 individuals to graduate, of whom 62 per cent completed the third year of primary school and 38 per cent completed the sixth year of primary school.
- The implementation of social housing programmes⁵⁷ between 2006 and 2017 led to a total of 128,027 social housing units being built and/or refurbished in the country, an increase of 147.1 per cent in relation to the period 1987–2005, in which 51,821 housing units were built.
- The programme "More Investment for Water, My Water I, II, III and IV"⁵⁸ is aimed at increasing agricultural production and improving the well-being of Bolivians. Under the programme, 3,172 projects were conducted in 336 municipalities, including 2,234 projects related to drinking water and sanitation. The four phases of the programme resulted in 273,274 household connections, 7,777 public water supply points and 43,611 hectares under irrigation, benefiting 437,660 families around the country for a total investment of Bs 3,253 million.
- The "More Investment for Irrigation: My Irrigation" programme⁵⁹ targets agricultural activity exposed to adverse weather conditions, such as drought, and is aimed at increasing crop production and combating family poverty. Between 2014 and 2017, 295 irrigation projects were conducted in 140 municipalities, increasing the area of irrigated land by 29,307 hectares and benefiting 37,685 families for a total investment of Bs 1,454 million.

⁵⁴ Established through Supreme Decree No. 0066 of 3 April 2009 (annex 71).

⁵⁵ The purpose of this programme is to finance infrastructure and equipment projects in the areas of health, education, social infrastructure, production, irrigation, basic sanitation, road infrastructure and sports to improve the quality of life of Bolivians.

⁵⁶ Established through Supreme Decree No. 004 of 11 February 2009 (annex 72).

⁵⁷ Established through Supreme Decree No. 28794 of 12 July 2006 (annex 73).

⁵⁸ Established through Supreme Decree No. 0831 of 30 March 2011 (annex 74).

⁵⁹ Established through Supreme Decree No. 2215 of 17 December 2014 (annex 75).

- In order to increase electricity coverage and facilitate access for low-income households living in urban and rural areas, the “Dignity Tariff” programme⁶⁰ was introduced in 2006 to provide households consuming up to 70 kilowatts per hour with a 25 per cent discount on their total monthly electricity bill. In 2017, the number of beneficiary households increased by 7.2 per cent, which meant that 78,567 new households were benefiting from the scheme in relation to 2016. In addition, the discount that is applied increased by 10 per cent from Bs 88 million to Bs 97 million.

Minimum wage

114. As mentioned in paragraph 46 et seq. of this report, in 2006, the Bolivian State issued regulations providing for wage increases for men and women workers without distinction, taking into account the cost of the family shopping basket.

Preventing violence against children

115. Article 60 of the Constitution establishes that it is the duty of the State, society and the family to prioritize the best interests of the child. Under article 61 (I), all forms of violence against children and adolescents are prohibited and punished.

116. In accordance with the Constitution, the State adopted the Children and Adolescents Code (Act No. 548 of 17 July 2014) (annex 77), which aims to recognize, develop and regulate the exercise of the rights of children and adolescents through the implementation of a comprehensive plurinational system involving the shared responsibility of the State at all levels, the family and society.

117. The Children and Adolescents Code provided for the establishment of the comprehensive plurinational system for children and adolescents, which consists of the comprehensive plurinational protection system for children and adolescents and the juvenile justice system.

118. The comprehensive plurinational protection system for children and adolescents is a coordinated group of bodies, agencies, institutions, organizations, entities and services responsible for executing the plurinational plan for children and adolescents, the aim of which is to guarantee the full enjoyment by children and adolescents of their rights.⁶¹

119. The juvenile justice system is the set of institutions, courts, entities and services charged with establishing the responsibility of adolescents for punishable conduct committed by them and applying and monitoring social and educational measures. This system executes the relevant aspects of the plurinational plan for children and adolescents.⁶²

120. Supreme Decree No. 2377 of 27 May 2015 on the regulations on the Children and Adolescents Code (annex 78) includes guidelines and mechanisms for protecting and guaranteeing the rights of children and adolescents.

121. Accordingly, the State has taken the following steps:

- The implementation since 2014 of the community-based strategy for the protection of children and adolescents, which forms part of the indigenous and aboriginal system of justice and is implemented through the Office of the Deputy Minister for Indigenous and Aboriginal Justice, has raised awareness among the indigenous authorities of measures for preventing violence in communities and increased the coverage of the measures taken by the offices of the Ombudsman for Children and Adolescents.
- The community-advocate strategy requires members of indigenous and aboriginal peoples and community advocates to coordinate with their authorities on support measures and the referral of cases in which children’s rights are violated. In accordance with this strategy, 1,672 persons, including indigenous and aboriginal

⁶⁰ Established through Supreme Decree No. 28653 of 21 March 2006 (annex 76).

⁶¹ Act No. 548, art. 160.

⁶² Act No. 548, art. 259.

authorities, civil servants and community advocates, were trained between 2014 and 2017.

122. In accordance with the Constitution, the above-mentioned regulations, the Patriotic Agenda for the 2025 Bicentennial and the Comprehensive State Planning System, the plurinational plan for children and adolescents was developed in order to establish, through intersectoral action, the conditions necessary to guarantee real inclusion for all persons, irrespective of their gender, generational or ethnic-cultural identity. The plan is based on the principles of protection for the comprehensive development of children and adolescents and the promotion of their leadership, a focus on restorative justice, and coexistence for “good living”.

123. The sectoral and intersectoral coordination council for issues relating to children and adolescents has also been created as a space for making decisions which are binding on public and private institutions responsible for coordination and cooperation in relation to the design, implementation and monitoring of policies, plans, strategies, programmes, projects and regulations for this sector of the population and to promote agreements for their development.⁶³

124. The Children and Adolescents Code provided for the establishment of committees for children and adolescents as forums for social participation made up of representatives of student organizations and other organizations representing children and adolescents. As of 2016, 9 departmental and 145 municipal committees had been formed.

125. In 2017, through a democratic and participatory process, these committees set up the Plurinational Committee for Children and Adolescents, which is made up of 18 adolescents (9 girls and 9 boys). In 2018, the Committee drafted and adopted its operating regulations and workplan for the year. The Committee participates in the preparation, follow-up and monitoring of policies, plans, programmes, projects, actions and regulations aimed at children and adolescents at the departmental and municipal levels.

126. The offices of the Ombudsman for Children and Adolescents are protection agencies run by municipal governments that provide free public services for the protection of the psychological, social and legal rights of children and adolescents through interdisciplinary teams of lawyers, social workers, psychologists and other professionals working in this field.⁶⁴ The following measures are aimed at eradicating violence and ill-treatment against children: 1. strategic guidelines on good treatment, which define national strategies for the health sector in order to contribute to reducing violence against individuals, families and communities by treating it as a major public health problem within the framework of the sectoral policy on intercultural family and community health; 2. an information booklet entitled “Good Treatment for the Protection of Children and Adolescents”, targeted at health-care workers; 3. an information booklet entitled “Good Treatment to Prevent Violence in Early Childhood”, targeted at the staff of health facilities, the Juana Azurduy grant programme, the early childhood development units and providers of traditional Bolivian ancestral medicine whose activities may be implemented in coordination with strategic allies such as staff working in the education system, the Ombudsman for Children and Adolescents, the municipal integral legal services and persons working with parents, legal guardians and carers of children under 8 years of age and other bodies identified as strategic allies with shared responsibility; and 4. a handbook on promoting self-protection among children aged from 6 to 8, entitled “I am committed to protecting children and preventing violence against them”, a tool developed under the good treatment strategy, the implementation of which supports daily health activities for promoting the self-protection of children aged from 6 to 8.

127. The Government has introduced the Juana Azurduy mother-and-child grant, which is aimed at upholding the fundamental rights of access to health and comprehensive development for girls and boys in order to reduce rates of maternal and infant mortality and chronic malnutrition among children under 2 years of age. This benefit is received by all

⁶³ Presided over by the Ministry of Justice and Institutional Transparency and supported by a technical secretariat reporting to the Office of the Deputy Minister for Equal Opportunities.

⁶⁴ Act No. 548, arts. 186–188.

Bolivian mothers who do not have health insurance. The Government has also put in place the universal prenatal allowance for pregnant women who are not registered with any short-term social security scheme. This allowance is aimed at improving maternal health and reducing neonatal mortality. In 2017, 64,909 beneficiaries of the allowance were registered throughout the country.

128. In order to determine the scope and nature of violence against children, the Bolivian State relies on the following sources of information: the National Health Information System,⁶⁵ the Demographic and Health Survey,⁶⁶ reports of acts of violence submitted to the Special Force to Combat Violence⁶⁷ and the records of the offices of the Ombudsman for Children and Adolescents run by the autonomous municipal governments.

129. In accordance with the Constitution, all forms of violence against children are prohibited and punished. Forced labour and child exploitation are also prohibited. For this reason, the activities carried out by children and young persons must be directed towards their full development as citizens and have an educational function. Special regulations govern their right to protection and the guarantees and institutional mechanisms for such protection.⁶⁸

Combating child labour

130. The State has developed government policies, social programmes and other mechanisms to combat child labour. The policy to combat child labour has a protective approach and is based on the best interests of the child. Through the Ministry of Economic Affairs and Public Finance, 13.6 per cent of the national budget was allocated to the policy for 2015.

131. The Ministry of Education has implemented different policies, programmes and projects in order to ensure that students enjoy access to, and remain in, the education system, including:

- The Juancito Pinto grant, which, in 2017 had a budget of Bs 442,381,800;⁶⁹ the purpose of this grant is to help to reduce the school dropout rate by encouraging students to enrol for school, maintain their attendance and complete the school year
- The multigrade modular baccalaureate, the aim of which is to guarantee that students living in remote areas enjoy the right to education
- The academic excellence grant, through which grants and scholarships are awarded to encourage students in all parts of the plurinational education system to achieve academic excellence
- Border school, river bank school and “liberatory” school programmes, which are aimed at preventing students from dropping out of school and migrating
- The programme for the care of child and adolescent workers, which is aimed at preventing students from falling behind, ensuring that they complete their secondary education and providing scholarships for higher education
- Scholarships for higher education, which provide direct support to enable students from the most vulnerable communities to continue their education

132. The Bolivian State has made sustained efforts to implement effective institutional actions developed by labour inspectors on the basis of three strategies: a prevention strategy that uses capacity-building in order to enforce fundamental rights, aimed at children and

⁶⁵ The National Health Information System is run by the Ministry of Health and has information on cases of violence, registered in health centres, against children under 10 years of age.

⁶⁶ The Demographic and Health Survey, conducted by the Ministry of Justice and Institutional Transparency in 2016, investigates the physical and psychological punishment inflicted on children in the home by parents or other persons.

⁶⁷ A unit reporting to the Bolivian police.

⁶⁸ Constitution; art. 61 (I).

⁶⁹ <http://www.comunicacion.gob.bo/sites/default/files/media/publicaciones/BOLIVIA%202025%20TITULOS%20EDITADOS%20redes.pdf>.

adolescents in the education system and parents, teachers, workers and employers; an inspection strategy, through which comprehensive labour inspections of workplaces where there are child and adolescent workers are carried out, either at the discretion of the inspectors or on request; and a strategy for direct action to protect the integrity of children and adolescents in the workplace, in accordance with which hearings are held to restore their fundamental and labour rights.

133. Within the framework of the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), Constitutional Decision No. 025/17 of the Plurinational Constitutional Court declares article 129 (II) of the Children and Adolescents Code to be unconstitutional, leaving without effect the exceptions relating to the labour activity of self-employed children and adolescents. The Children and Adolescents Code also stipulates that workers under the age of 18 enjoy all the social and labour rights currently in force in addition to the specific rights applicable to children and adolescents.

Protecting workers' rights

134. Through the Ministry of Labour, Employment and Social Welfare, a system of temporary mobile offices has been established in remote areas with the aim of restoring workers' rights. When complaints are received, inspections are carried out, hearings are set up and information and training on labour rights is provided to adolescents, young persons, parents and the general public. In 2016 and 2017, 26 temporary mobile offices were established in rural municipalities in the Oriente region and the Bolivian Chaco.

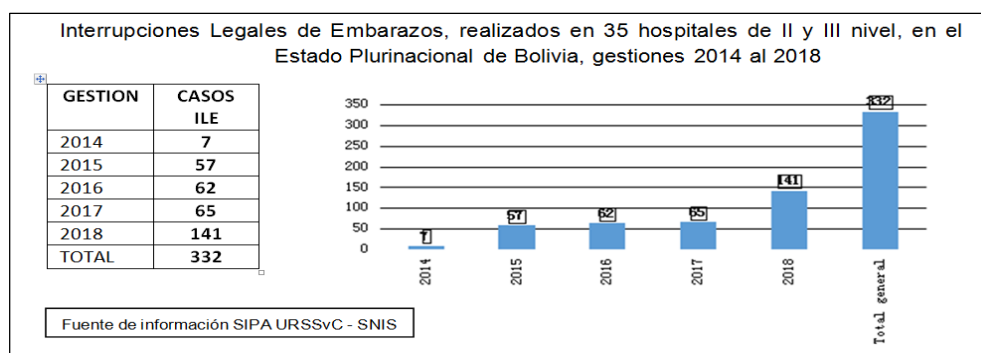
135. The Bolivian State recognizes that all persons have the right to decent work in line with industrial safety and occupational health and hygiene standards, without discrimination, and to fair, equitable and satisfactory remuneration or wages that will ensure a decent standard of living for themselves and their families and the right to a stable source of work in equitable and satisfactory conditions.

Reducing women's mortality caused by illegal abortions

136. On 5 February 2014, the Plurinational Constitutional Court issued Constitutional Decision No. 0206/2014, amending the definition of permissible abortion by declaring court authorization to be unconstitutional in such cases.⁷⁰ In all cases, abortions must be performed by a physician with the consent of the woman. In order to implement the decision of the Plurinational Constitutional Court, the Ministry of Health has drawn up a policy document entitled "Technical Procedures for the Provision of Health Services within the Framework of Constitutional Decision No. 0206/2014", which provides health-care personnel at the national level with information relating to the legal termination of pregnancy.

137. In 2015, 2016 and 2017, a plan for training medical staff in the care model for victims of sexual violence, and the aforementioned Constitutional Decision, was implemented. The training also covered registration in the perinatal information system (abortion), which was rolled out in 35 second- and third-level hospitals, as shown by the following data:

⁷⁰ Constitutional Decision No. 0206/2014 of 5 February 2014, which stipulates that the Court "declares to be unconstitutional (...) and the phrases '... provided that criminal proceedings have been initiated', in the first paragraph, and '... court authorization, where appropriate', in the third paragraph of article 266 of the Criminal Code, the remainder of the aforementioned article remaining valid in accordance with the complaints procedure set out in legal ground III.8.8. of this judgment."



138. The Ministry of Health is taking steps to create the following tools and documents to support health-care staff in dealing with adolescents and young persons: 1. the national clinical care standard; 2. integrated continuous lifetime care; 3. the national guide to comprehensive and differentiated care for adolescents and young persons; 4. national standards, rules, protocols and procedures relating to contraception; 5. the comprehensive care model for victims of sexual violence; 6. the Andean plan for the prevention and reduction of teen pregnancy 2017–2020; 7. the plurinational plan for the prevention of pregnancy among adolescents and young persons 2015–2020.

139. The purpose of the 2015–2020 plurinational plan⁷¹ is to reduce pregnancy in adolescents and young persons by promoting the exercise of human and sexual and reproductive rights. To ensure that the plan is implemented effectively, a strategy for the enforcement of Constitutional Decision No. 0206/2014 and guidelines for the operation of the national platform for the prevention of pregnancy among adolescents and young persons have been drawn up. In addition, awareness-raising activities involving a total of 571 individuals from youth organizations and public and private institutions in various departments of the country have taken place nationwide. Furthermore, a campaign on the prevention of violence and the promotion of responsibility has been carried out to raise public awareness of the prevention of violence, unplanned pregnancy and sexually transmitted diseases, including HIV/AIDS. In 2016 and 2017, the last week of September was declared the week for the prevention of pregnancy among adolescents and young persons. During those weeks, workshops and awareness-raising activities on the exercise of sexual and reproductive rights and methods of contraception were held along with training sessions in establishing life plans.

Literacy

140. Pursuant to Supreme Decree No. 28675 of 13 April 2006, the national literacy programme “Yes, I Can” was implemented, making 824,101 people literate between 2006 and 2008 and reducing the illiteracy rate to 3.7 per cent, allowing Bolivia to be declared an illiteracy-free territory in 2008.

141. In line with education policies to address residual illiteracy and prevent any backsliding in the statistics, the General Directorate for Post-Literacy, under the Office of the Deputy Minister of Alternative and Special Education of the Ministry of Education, is currently developing programmes that use educational materials produced in accordance with the approaches and guidelines of the productive social and community educational model, coordinating and contextualizing humanistic information in relation to productive activities, the characteristics of participants and the context.

142. Between 2010 and 2017, 195,036 persons over the age of 15 learned to read and write, resulting in the illiteracy rate falling to 2.51 per cent (annex 79).

143. Supreme Decree No. 004 of 11 February 2009 provided for the establishment of the national post-literacy programme “I Can Go Further” under the above-mentioned General Directorate for Post-Literacy. In with the framework of the programme, literacy and post-

⁷¹ Resolution No. 002/2015 of the Interministerial Committee on Public Policy for Youth.

literacy activities aimed at persons over the age of 15 were undertaken by volunteer teachers throughout the country.

144. In post-literacy training, persons over the age of 15 receive primary-school level information in two stages, the first covering content from the first to the third grades of primary school and the second covering content from the fourth to the sixth grades (annex 80).

145. Post-literacy education is based on a primary education curriculum for young persons and adults within the framework of the productive social and community education model and the approaches and guidelines established under Act No. 070. This curriculum is unique, diversified, flexible and modular and will be implemented progressively in alternative education centres and post-literacy facilities.

146. Supreme Decree No. 1318 of 8 August 2012 modifies the objective of the National Post-Literacy Programme and establishes new benefits for teachers, students and technical and professional staff working as literacy and/or post-literacy supervisors or facilitators under the programme. The operating regulations of Supreme Decree No. 1318⁷² were adopted in accordance with Ministerial Decision No. 672/2012 of 5 October 2012.

147. As mentioned in paragraph 87, Act No. 070 has been enacted.

Right to housing

148. Pursuant to Act No. 1257 of 11 July 1991 (annex 81), and in response to the demands of indigenous peoples, Bolivia has ratified the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), which is a key instrument for the protection of the rights of indigenous peoples.

149. In addition, article 1 of Act No. 247 of 5 June 2012 on the regularization of property rights relating to urban real estate intended for housing (annex 82) stipulates that: "The purpose of this Act is to regularize the property rights of natural persons who are in continuous, public, peaceful and good faith possession of real estate intended for housing located within the urban area." Article 3 establishes that: "Under the Constitution, everyone has the right to decent housing and private property and it is the obligation of the State to guarantee and universalize the full exercise of such rights."

150. The Supreme Court of Justice, as the highest court of ordinary jurisdiction, bases its decisions concerning the right to property and housing on the constitutional body of law made up of the international human rights treaties and conventions ratified by the country in accordance with the Constitution.⁷³

151. The development plans carried out by the Bolivian State are aimed at fully guaranteeing the right to adequate housing, as established by article 19 of the Constitution: "I. Everyone has the right to an adequate environment and housing that preserve the dignity of family and community life; II. The State, at all levels of Government, is responsible for promoting the development of social housing, using suitable financing systems, based on the principles of solidarity and equity. These plans shall be directed preferentially to families with scarce resources, disadvantaged groups and rural areas."

152. Article 59 (I) of Act No. 393 provides that lending interest rates for financing aimed at the productive sector and social housing are regulated by means of a supreme decree

⁷² Ministerial Decision No. 672 of 2012, Operating Regulations of Supreme Decree No. 1318 on the National Post-Literacy Programme, available at: <http://www.minedu.gob.bo/files/publicaciones/veaye/dgpa/RM-672-2012-Reglamento-Operativo-D.S.-1318-PNP.pdf>.

⁷³ The Constitution is the supreme law in the Bolivian legal system and has primacy over all other legislation. The constitutional body of law is made up of the international human rights treaties and conventions and the provisions of community law ratified by the country. The application of legal rules is governed by the following hierarchy, in accordance with the competences of the territorial entities: 1. the Constitution 2. international treaties 3. national laws, the statutes of autonomous entities, organizational charters and other departmental, municipal and indigenous legislation, 4. the decrees, regulations and other resolutions issued by the corresponding executive bodies.

issued by the executive branch at the central level. In that regard, through Supreme Decree No. 1842 of 18 December 2013 (annex 83), the system of lending interest rates for the financing of social housing was established, setting minimum credit portfolio levels for loans targeted at the productive sector and social housing, which must be maintained by financial intermediation institutions.

153. Within the framework of Supreme Decree No. 1893 of 12 February 2014 (annex 84), the regulations governing credit operations for persons with disabilities were issued. These regulations were adopted under Resolution ASFI/536/2016 of 27 July 2016, which sets out the guidelines, conditions and specific requirements to be considered by financial intermediation institutions in the evaluation and granting of credit to persons with disabilities and their spouses, parents or guardians, thus enabling this sector of the public to obtain access to credit on an equal footing with others.

154. The measures taken by the State between 2006 and 2014 were aimed at reducing the housing deficit, both qualitatively and quantitatively. Through the Programme for Social and Supportive Living and the unit for the creation of emergency housing, 54,293 social housing units were built throughout the country, mainly in rural areas, for the benefit of poorer and more vulnerable members of the public who did not have their own housing.

155. In 2011, the National Housing Agency⁷⁴ was created as a decentralized public body charged with making substantial changes to earlier social housing programmes through the separation of implementation roles, instructing the Office of the Deputy Minister for Housing and Town Planning to prepare, monitor and evaluate the Multi-year Plan for the Reduction of the Housing Deficit and making the Agency responsible for the execution of comprehensive national programmes and/or projects for the provision of housing through different modes of credit, subsidy and mixed forms of support in conjunction with the autonomous departmental and municipal governments.

156. The Multi-year Plan for the Reduction of the Housing Deficit (2016–2020) (annex 85),⁷⁵ which is the State instrument for the allocation and planning of social housing, sets out goals for reducing the housing deficit based on the allocation of housing units by department and municipality, taking into account the criteria of equality and support for persons living in poverty and extreme poverty, persons on low incomes and vulnerable persons in general (indigenous peoples, women and female heads of household, older persons, and persons with disabilities). Some 57,315 housing units have been completed to date.

Recommendation made in paragraph 28

Respect for, and equality of, indigenous peoples' rights

Right to education

157. In order to ensure respect for the Covenant rights of indigenous peoples in the field of education, the Bolivian State has adopted the following legislation:

(a) Act No. 070, which establishes that education is compulsory and process-based for children and young people until they obtain their baccalaureate diploma at the end of secondary school,⁷⁶ and recognizes the right to intracultural, intercultural and plurilingual education at all levels of the education system;⁷⁷

(b) Act No. 269, the objective of which is to protect, recognize, disseminate, develop and govern the individual and collective linguistic rights of the country's inhabitants;

⁷⁴ Established pursuant to Supreme Decree No. 986 of 21 September 2011.

⁷⁵ Adopted through Ministerial Decision No. 543/2016 of 30 December 2016 and amended through Ministerial Decision No. 267/2018 of 7 September 2018 (annex 85, para. 1).

⁷⁶ Act No. 070, art. 9.

⁷⁷ Act No. 070, art. 78.II.

(c) Supreme Decree No. 1313 of 2 August 2012 (annex 86) governing the functioning of the Plurinational Institute of Languages and Cultures, which was created pursuant to article 88 of Act No. 070 as a decentralized public body under the aegis of the Ministry of Education and is tasked with conducting linguistic and cultural research in coordination with universities, teacher training colleges and other academic institutions within the education system.

158. The Institute also evaluates and coordinates the activities of language and culture institutes with the participation of the umbrella organizations of the indigenous and aboriginal nations and peoples and educational boards for indigenous peoples, in accordance with the sociolinguistic and cultural situation of these peoples. Moreover, it proposes guidelines on the standardization, study and development of the languages and cultures of the indigenous and aboriginal nations and peoples through language and culture institutes.

159. The measures adopted include: (a) the establishment of the Intracultural, Intercultural and Plurilingual Policy Unit within the Ministry of Education;⁷⁸ (b) the implementation of the basic plurinational curriculum, the cornerstones of which are harmony and equilibrium with Mother Earth, an education that imparts societal and community values and is production-oriented, and original indigenous languages as means of communication, development and generation of wisdom and knowledge throughout the education system and of reclaiming the technologies of the aboriginal and indigenous nations and peoples; (c) the adoption, through ministerial decisions, of seven regional curricula,⁷⁹ the revision of five others⁸⁰ and the development of a further five,⁸¹ which incorporate into the education system the wisdom, knowledge, world views, values and histories of the indigenous and aboriginal nations and peoples.

160. School exercise books have been issued in 13 official original indigenous languages,⁸² 26 aboriginal alphabets have been systematized and published,⁸³ research and training centres have been set up for teachers of indigenous peoples in order to reclaim and disseminate indigenous wisdom and knowledge,⁸⁴ general and specialized academic training plans and programmes have been drawn up as part of regional curricula, and indigenous universities⁸⁵ have been founded using funds, generated from the direct tax on the sale of hydrocarbons,⁸⁶ which were earmarked for the indigenous and aboriginal nations and peoples. In accordance with Supreme Decree No. 23425 of 15 March 1993, aboriginal

⁷⁸ The Unit is tasked with formulating policies and measures in respect of the indigenous and aboriginal nations and peoples, intercultural communities and the Afro-Bolivian people.

⁷⁹ To date, the regional curricula developed by indigenous peoples and submitted to the Ministry of Education have been adopted pursuant to ministerial decisions, as follows: Regional Curriculum of the Chiquitano Indigenous People, through Ministerial Decision No. 684/2012 of 11 October 2012; Regional Curriculum of the Guaraní Indigenous People, through Ministerial Decision No. 685/2012 of 11 October 2012; Regional Curriculum of the Quechua Indigenous People, through Ministerial Decision No. 686/2012 of 11 October 2012; Regional Curriculum of the Ayoreo Indigenous People, through Ministerial Decision No. 687/2012 of 11 October 2012; Regional Curriculum of the Aymara Indigenous People, through Ministerial Decision No. 688/2012 of 11 October 2012; Regional Curriculum of the Guarayo Indigenous People, through Ministerial Decision No. 689/2012 of 11 October 2012; and Regional Curriculum of the Mojeño Indigenous People, through Ministerial Decision No. 690/2012 of 11 October 2012.

⁸⁰ Afro-Bolivian, Uru, Tacana, Weenhayek and Yuracaré.

⁸¹ Yuqui, Itonama, Maropa, Movima and Cavineño.

⁸² Aymara, Quechua, Guaraní, Uru, Yuracaré, Mojeño-Trinitario, Tacana, Bésiro, Chimán and Guarayo.

⁸³ Aymara, Araona, Ayoreo, Baure, Bésiro, Cavineño, Chácobo, Ese Ejja, Guaraní, Guarayo, Itonama, Mojeño-Trinitario, Mojeño-Ignaciano, Mosetén, More, Movima, Quechua, Sirionó, Tacana, Tsimané, Weenhayek, Yaminawá, Yuracaré, Uru and Leco.

⁸⁴ Tacana, Tsimané, Mosetén and Movima.

⁸⁵ Apiaguaiki Tupa University (Guaraní), Tupak Katari University (Aymara) and Casimiro Huanca University (Quechua).

⁸⁶ The direct tax on the sale of hydrocarbons was introduced in response to social demands and as a result of a review of the policy on hydrocarbons, which provided for the recovery of taxes and/or royalties from oil companies.

indigenous and Afro-Bolivian organizations are able to award 350 scholarships per year to poor students.⁸⁷

Adequate housing

161. With regard to adequate housing, the National Housing Agency, through the Multi-year Plan for the Reduction of the Housing Deficit (2016–2020), intends to build 115,000 social housing units across the country, with priority access to up to 10 per cent of the units constructed and/or upgraded being given to vulnerable communities, in particular indigenous peoples.

Right to food

162. Concerning the right to food, the Government adopted Act No. 144, the purpose of which is to regulate the community agricultural production revolution process aimed at achieving food sovereignty. The Act establishes the institutional bases and technical, technological and financial policies and mechanisms for the production, processing and marketing of agricultural and forestry products. The stated objective of the Act is to achieve food sovereignty in a manner that meets safety and quality standards and the practice of the good way of living by Bolivian citizens in the context of a plural economy.

163. In 2014, in accordance with article 21 of Act No. 144, the Food and Nutrition Policy⁸⁸ was adopted to serve as a tool for the organization of food security programmes, with the aim of ensuring that Bolivian citizens enjoy adequate nutrition and have a varied food intake that meets their nutritional requirements at all ages.⁸⁹

164. Furthermore, under pillar 8 of the Patriotic Agenda 2025, entitled “Food Sovereignty and Learning How to Eat Well”, and Act No. 777, the following plans and programmes were adopted: in 2016, the Multisectoral Zero Malnutrition Programme for 2016–2020⁹⁰ and in 2017, the Multisectoral Food and Nutrition Plan for 2016–2020⁹¹ and the Multisectoral Lifelong Food and Nutrition Programme.⁹²

Health services

165. In 2013, Act No. 459 of 19 December on traditional Bolivian ancestral medicine (annex 87) and its implementing regulation, Supreme Decree No. 2436 of 19 December (annex 88), were passed into law. The two instruments govern the exercise, practice and harmonization of traditional Bolivian ancestral medicine within the national health system, and the structure, organization and functioning of associations and consultative, training and research entities. Act No. 459 also lays down the rights and obligations of users of traditional Bolivian ancestral medicine in all its forms, including all therapeutic procedures.⁹³

⁸⁷ These students account for 10 per cent of the student population in private universities.

⁸⁸ Supreme Decree No. 2167 of 29 October 2014.

⁸⁹ The Food and Nutrition Policy was developed on the basis of nine pillars: (1) Support for sustainable family and community agriculture; (2) Urban and peri-urban family agriculture; (3) the use and exploitation of biodiversity for nutritional purposes; (4) the Multisectoral Lifelong Food and Nutrition Programme; (5) the Rainwater Collection Programme; (6) the provision of water to communities with fewer than 2,000 inhabitants; (7) the Nutrition and Food Education Programme; (8) supplementary school feeding; and (9) the Programme for Productive Development, Decent Employment and Food Security and Sovereignty for the Bolivian People.

⁹⁰ Adopted by Ministerial Decision No. 1309/2018.

⁹¹ Adopted by Multiministerial Decision No. 0001/2017 of 10 April 2017. The Plan sets five goals: (1) Eliminate hunger and undernutrition, and reduce malnutrition; (2) Guarantee universal access to supplementary school feeding; (3) Achieve food sovereignty through local food production; (4) Recognize and encourage the diversification of production, protect local varieties and foster dietary traditions and cultures; and (5) Implement intersectoral programmes as part of the Food and Nutrition Policy.

⁹² Adopted by Ministerial Decision No. 069/2017.

⁹³ Act No. 459, art. 1: “The purpose of this Act is to: govern the exercise, practice and harmonization of traditional Bolivian ancestral medicine within the national health system; govern the structure,

166. Pursuant to Act No. 459, the National Intercultural Health Programme was developed to encourage the harmonization of traditional Bolivian ancestral medicine with conventional medicine and promote its technological sovereignty and revaluation.

167. In addition, under Act No. 459, steps were taken to encourage the recognition of traditional ancestral medicine practitioners, including traditional doctors, male and female midwives, naturopaths and spiritual guides. Through legislation enacted in the nine departments of the country, efforts were made to promote the recognition of these practitioners within the public health system.

Recommendation made in paragraph 29

Equality between men and women

168. In accordance with Act No. 070, the main objective of the Bolivian State is to imbue women and men with a sense of identity and an awareness of the territorial, economic, social and cultural diversity of the country, and to implement comprehensive educational support policies and programmes for vulnerable and socially disadvantaged groups.

169. As mentioned above, incentives are provided to encourage students to stay in education. These include the Juancito Pinto grant in State and faith-based primary and secondary schools and the Outstanding student – Excellence at school bonus, which is a grant of Bs 1,000 awarded to one boy and one girl in every school in the country. In 2016, a total of 9,135 students received the bonus, including 4,051 girls and 4,073 boys in the mainstream education system, of whom 14 girls and 6 boys nationwide achieved a grade-point average of 100. In the alternative education system, 519 girls and 492 boys received the bonus.

170. In 2017, in the mainstream education subsystem, 2,883,960 students, of whom 49 per cent were girls and 51 per cent were boys, were enrolled at the preschool, primary and secondary levels. The 2 per cent difference can be explained by the composition of the Bolivian population (annex 89).

171. The Constitution⁹⁴ establishes that equitable land distribution shall be ensured in accordance with sustainable rural development policies and women's rights to access land and benefit from its distribution and redistribution, without discrimination on account of marital status. The State also has a duty to promote policies aimed at eliminating all forms of discrimination against women in access to, ownership and inheritance of land.

172. As a result of the land redistribution process, 53 per cent of land titles are held by men and 46 per cent by women, with the other 1 per cent having been awarded to communities (annex 90). With regard to processes for granting and distributing government lands, 42 per cent of participants have been women, 39,631 families have benefited nationwide, and the area of the lands in question has totalled 3,020,537 hectares.

173. In accordance with the principle of progressive realization of rights, when it comes to the right to housing, the National Housing Agency, within its sphere of competence, as established by Supreme Decree No. 986 of 21 September 2011 (annex 91), has prioritized instruments focusing on vulnerable groups through a policy on access to social housing for women heads of household.⁹⁵

organization and functioning of associations and consultative, training and research entities; set out the rights and obligations of users of traditional Bolivian ancestral medicine in all its forms, including all therapeutic procedures; and promote and strengthen the exercise and practice of traditional Bolivian ancestral medicine.”

⁹⁴ Constitution, art. 395.

⁹⁵ Single women who are heads of household, have two or more dependent children, live in conditions of vulnerability and are not homeowners shall receive adequate and secure housing, with access to social services that provide education and care for their children, recreational opportunities and equipment, so as to foster the personal development of mothers and their dependants.

Creation of new jobs

174. From 2012 to 2017, the Bolivian State implemented the Employment Support Programme, which benefited 19,580 people nationwide by facilitating their labour-market participation and work experience. Of those people, 8,422 are recorded as having entered the labour market.⁹⁶

175. Furthermore, in 2017, in order to promote policies on immediate employment and incentives to enter the labour market, the Job Creation Scheme was adopted. The Scheme comprises: (a) the Urban Infrastructure Programme;⁹⁷ (b) the Programme for the Protection and Strengthening of Areas of Production;⁹⁸ (c) the Labour-Market Participation Programme;⁹⁹ (d) the Seed Capital Fund;¹⁰⁰ and (e) productive projects financed through the Indigenous Development Fund.¹⁰¹

176. Through the implementation of the Job Creation Scheme, 58,296 new jobs have been created, benefiting 200,000 families and leading to 280 new ventures.

177. In 2017, through the Ministry of Planning and Development, the Unit for the General Coordination of the National Employment Plan was set up with the aims of implementing the Labour-Market Participation Programme and encouraging the private sector to create decent new jobs for young people. The Programme has two facets:

- The Programme to Improve the Employability and Earned Incomes of Young People, which focuses on promoting the labour-market participation, in urban areas, of young people aged 18 to 26 who have low incomes and have not completed tertiary education;
- The Employment Support Programme II – Young People’s Pilot, which offers incentives to companies in order to foster the labour-market participation of young people aged 18 to 35 who have academic technical and/or professional training, with or without work experience. The Programme is financed by the Inter-American Development Bank, which covers the cost of providing a basic salary of between Bs 2,500 and 4,000.

178. Moreover, the National Public Employment Service, which is free and can be used by anyone over 18 years old who needs to find a job:

- Facilitates coordination between jobseekers (supply) and employment services (demand);
- Helps companies to find candidates to fill their vacancies (job placement);
- Advertises job vacancies through an online platform;
- Links labour supply and demand with employment projects.

179. In addition, the Ministry of Labour, Employment and Social Welfare has launched the Employment Support Programme II with a view to enabling more than 25,000 persons

⁹⁶ Through in-situ training in certain sectors of the national economy.

⁹⁷ The Programme created 5,412 jobs across the country through the construction of roads and the upgrading of urban infrastructure. It also provides for a competitive grant fund entitled “My neighbourhood, my home”, which supports 24 projects that created 10,000 jobs.

⁹⁸ Once the pre-investment stage is complete, the Programme will involve efforts to protect and strengthen areas of production with the goal of creating 5,000 jobs.

⁹⁹ The purpose of the Programme is to create high-quality, decent jobs for young professionals and non-professionals with or without experience. Through economic incentives, the Programme, which has a budget of \$40 million, covers a percentage of the labour costs incurred by private companies, enabling them to cut those costs by 45 per cent. The Programme has benefited 4,224 young people who are now working in various companies across the country and 900 young people who received training through a range of employability workshops.

¹⁰⁰ Through the Seed Capital Fund, credit is made available for business ventures. To date, 280 have been financed using more than \$2 million of the \$9.4 million in the Fund.

¹⁰¹ Through the Fund, priority is given to the intensive recruitment of local workers in rural areas of the country. This has created 40,806 new jobs and benefited 187,851 families.

over the age of 18 to find employment in public and private companies in departmental capitals, regardless of their educational background.

180. In terms of legislative measures, the Bolivian State has adopted Act No. 977 of 29 September 2017, on the reintegration into the labour market of, and provision of financial support to, persons with disabilities (annex 92), the aim of which is to encourage the labour-market participation, in the public and private sectors, of persons with disabilities and of parents, spouses and guardians who are responsible for one or more persons with disabilities under 18 years of age.¹⁰² The Act requires autonomous municipal governments to award a monthly grant to persons with severe or very severe disabilities whose legal residence falls under their jurisdiction. In 2017, Supreme Decree No. 3437 of 26 September (annex 93) was adopted to regulate the Act.

181. Pursuant to Supreme Decree No. 3437, the “Eustaquio Moto Méndez” Plurinational Information Platform for Persons with Disabilities was established under the responsibility of the Ministry of Labour, Employment and Social Welfare. The Platform is used to produce annual and monthly reports on the payment of the monthly grant for persons with severe or very severe disabilities.¹⁰³

Recommendation made in paragraph 31

Social security

182. Article 18 of the Constitution establishes that there shall be a single health system, which shall be universal, free, equitable, intercultural and participatory, and characterized by quality, friendly service and social control. The system shall be based on the principles of solidarity, efficiency and co-responsibility, and shall operate through public policies at all levels of government.

183. Articles 35 to 45 of the Constitution govern the rights to health and social security and provide that the State, at all levels, shall protect the right to health by promoting public policies designed to improve quality of life, collective well-being and free access for the population to health services.

184. Article 5 of Act No. 475 defines the beneficiaries entitled to comprehensive health care and financial protection in health as all inhabitants of the national territory who have no health insurance and are members of one or more of the following groups:

- Pregnant women, from the beginning of the pregnancy until six months after the birth;
- Children under 5 years of age;
- Women and men over 60 years of age;
- Women of childbearing age, with regard to sexual and reproductive health-care services;
- Persons identified as having a disability in the financial database of the Programme on the Central National Register of Persons with Disabilities.

185. Article 6 of Act No. 475 provides that comprehensive health care includes the following benefits: actions for the promotion of health and the prevention of disease, comprehensive outpatient treatment, hospitalization, complementary medical, dental and surgical treatment and diagnostic services, and the provision of essential medicines, medical supplies and traditional natural products.

186. According to figures from the National Institute of Statistics, in 2015, there were around 154,000 self-employed workers, who access social security on a voluntary basis.

¹⁰² Act No. 977, art.1.

¹⁰³ The information on the Eustaquio Moto Méndez platform is accessible to the Ministry of Labour, Employment and Social Welfare, the Ministry of Health, the Ministry of Economy and Public Finance and autonomous municipal governments.

187. Self-employed workers may participate in the Compulsory Social Security Scheme and register with a Pension Fund Administrator freely and voluntarily through the payment of an initial contribution. Self-employed workers have access to social security benefits on an equal footing with employees. Members' retirement pensions are based on the amount of capital in their individual accounts. Retirement benefits are paid, regardless of age, when members have enough capital in their individual accounts to finance a pension of at least 70 per cent of their base salary and a death benefit for their dependants. Members aged 65 years or over are entitled to request, voluntarily, that retirement benefits be paid to them or their dependants, irrespective of the amount of capital in their individual accounts.

188. The income on which self-employed workers pay contributions is calculated on the basis of the income that they declare each month to the Pension Fund Administrator with which they are registered. For self-employed contributors, the monthly income declared may not be less than the national minimum wage or more than the equivalent of 60 times that wage. Self-employed workers pay contributions to the Pension Fund Administrator with which they are registered or to institutions with which the Administrator has an agreement.

189. Self-employed workers may contribute the equivalent of 10 per cent of their taxable income. Moreover, members may freely increase the value of their contributions by making additional payments.

190. Article 5 of Pensions Act No. 065 of 10 December 2010 (annex 94) recognizes three types of pension fund: contributory schemes, which include the pension savings fund, the old-age pension fund and the joint insurance fund; semi-contributory schemes; and non-contributory schemes.

Recommendation made in paragraph 32

Food and nutrition

191. The following are among the main laws adopted in relation to food and nutrition since 2014: Act No. 622, which highlights matters pertaining to local food purchases and responsibilities at the national, departmental and municipal levels, and Act No. 775, which establishes mechanisms and guidelines to promote healthy eating habits and thereby prevent chronic diet-related diseases with the aim of contributing to the exercise of the rights to health and food.

192. The measures taken by the State include the implementation, through the Technical Committee of the National Food and Nutrition Council, of the Multisectoral Zero Malnutrition Programme for 2016–2020, which has three components: supplementary school meals, food and nutrition education and school vegetable gardens.

193. Supplementary school meal initiatives were introduced to respond to difficulties related to school meals and nutrition at the national level, and a technical support paper has been drafted for autonomous municipal governments under the title "Technical Administrative Guidelines and Quality Standards for the Provision of Supplementary School Meals". The provision of supplementary school meals was assessed in 2013 and 2015.¹⁰⁴

194. Content related to food and nutrition has been incorporated into the basic curriculum of the education system, and education and training materials have been produced for teachers. Relevant training has been provided to 14,800 teachers, who have been encouraged to put this training into practice in the classroom.

195. The Ministry of Education has created 10 school vegetable gardens in urban and rural areas nationwide, which are designed to be sustainable.

196. Concerning food production measures, two main laws have been promulgated since 2011: Acts No. 144 and No. 338.

¹⁰⁴ <http://extwprlegs1.fao.org/docs/pdf/bol152754.pdf>.

197. Act No. 144 provides for the establishment of 16 policies and the creation, inter alia, of various State institutions, an agricultural insurance scheme, seed and agricultural input companies, technical assistance services and loan services. The Act highlights the creation of the “Pachamama” universal agricultural insurance scheme and of the Plurinational Productive Economic Council as the authority responsible for coordinating its implementation.

198. In the same vein, the socially minded products of recently established financial services include the Seed Capital Fund,¹⁰⁵ which is a new measure adopted by the Bolivian State to meet the funding needs of individuals, especially those who are beginning their professional or technical careers, and recently created micro- and small businesses that require funding in order to stimulate their productive and service-based enterprises, thereby supporting the economic transformation of the country.

199. Act No. 338 defines and characterizes sustainable family agriculture so that it may be recognized by the State as forming part of the plural economy and as a source of food for national programmes such as the supplementary school meals and breastfeeding subsidy initiatives.

200. Act No. 144 establishes, with regard to the policy of protecting genetic natural resources, that the Bolivian State has a duty to protect biodiversity, which supports life systems and natural processes, and to guarantee people’s safety, food sovereignty and health. To this end, it prohibits the bringing into the country of technological agricultural packs that contain genetically modified seeds from species for which the Plurinational State of Bolivia is a centre of origin or diversity, or that threaten genetic heritage, biodiversity, the health of life systems or human health.¹⁰⁶

Recommendation made in paragraph 33

Combating violence

201. In order to prevent and combat all forms of gender-based violence and ensure the effective implementation of the relevant legislative framework, progress has been made with regard to dismantling the patriarchy of the Bolivian State, public management and the redistribution of resources. Comprehensive Act No. 348 of 9 March 2013, on guaranteeing a life free of violence for women (annex 95), establishes comprehensive mechanisms, measures and policies to prevent violence, provide support, protection and redress to women victims and prosecute and punish perpetrators.

202. Since 2012, there have been indicators on the right of women to a life free of violence, the aim of which is to collect statistical data that make it possible to develop, monitor and evaluate public programmes and policies designed to promote and protect that right.

203. Since 2015, pursuant to Act No. 348 and Act No. 243 of 28 May 2012, on political harassment and violence against women (annex 96), six sectoral and intersectoral councils have been set up under the title “For a Life Free from Violence” to establish coordination between State agencies at different levels through an advisory body that serves as a forum for proposals, dialogue and approval.

204. In 2014, the Integrated Plurinational System for the Prevention, Punishment and Elimination of Gender-Based Violence and the Protection and Support of Victims was implemented by the relevant unit of the Ministry of Justice and Institutional Transparency. This led to the reorganization of the system for the comprehensive support of women affected by violence, and information on public and private services. The System is used to issue criminal record certificates for abusers, deal with complaints and instructions for action by civil servants, and provide any information that may help with regard to prevention, support, protection and punishment in individual cases.

¹⁰⁵ Established by Ministry of Economy and Public Finance Decision No. 055 of 10 February 2017.

¹⁰⁶ Act No. 144, art. 5.2.

205. The System includes the following specialized tools designed to strengthen the work of actors who intervene directly in the prevention, prosecution and punishment of gender-based violence and the provision of support, protection and redress to victims:

- (a) The model used by the Comprehensive Urgent Support Unit;
- (b) The Integrated Bolivian Model of Support in Response to Gender-Based Violence (annex 97);
- (c) The Guide to Raising the Alarm in Cases of Gender-Based Violence (annex 98);
- (d) The Guide to Managing Temporary Shelters (annex 99);
- (e) The Guide to the Operation of Comprehensive Municipal Legal Services (annex 100);
- (f) The Guide to Action for Indigenous Authorities (annex 101);
- (g) The Information System of the Single Registry on Violence.¹⁰⁷

206. The Single Registry on Violence, which is part of the information system of the Integrated Plurinational System for the Prevention, Punishment and Elimination of Gender-Based Violence and the Protection and Support of Victims, is used to register cases of violence and the characteristics of victims and their aggressors. The statistics gathered through the Registry support the formulation of relevant public policies.

207. The Special Police Force to Combat Gender-Based Violence uses the following tools to bolster its efforts to support women victims of violence: a risk assessment form, a list of recommendations on the care and information to be provided to women affected by violence, safety plans, suggestion boxes and a georeferenced information system for the handling of complaints and monitoring of cases.

208. The Attorney General's Office, meanwhile, offers specialized assistance and protection to victims of gender-based violence¹⁰⁸ using numerous instruments with the aim of ensuring prompt and objective investigations. Between 2013 and 2018, the State Judicial Academy incorporated gender as a central, cross-cutting element in academic programmes, including in various modules and learning units of the curriculum of the first ordinary judicial training and specialization course (which was taught from 2015 to 2017 and completed by 171 people who have been appointed to judicial posts by the Council of the Judiciary) and the second ordinary judicial training and specialization course (on which are

¹⁰⁷ The Single Registry on Violence may be accessed at: <http://sippase.justicia.gob.bo./sippase-ruv/App/Modules/Main/index.php>.

¹⁰⁸ Protocol for the Information-Based Handling of Gender-Based Violence Against Women, Protocol for the Provision of Care to Street Children and Adolescents and the Prevention of Homelessness, Protocol for Investigating Femicide, 2012 Protocol for Gesell Dome Interviews and the Methodology for Gathering Testimonies from Child and Adolescent Victims and/or Witnesses, 2013 Protocol for the Forensic Medical Assessment of Sexual Offences, 2013 Protocol for the Provision of Specialized Forensic Medical Care to Women Victims of Violence, 2013 Protocol for the Provision of Specialized Forensic Psychological Care to Women Victims of Violence, 2013 Protocol for the Standardization of Medical Certificates, Protocol for the Adoption of Protection and Assistance Measures by the Public Prosecution Service, 2013 Protocol for the Criminal Prosecution of Cases under Act No. 348, 2014 Protocol and Interinstitutional Road Map for the Provision of Care and Protection to Victims Pursuant to Act No. 348, Latin American Model Protocol for the Investigation of Gender-Related Killings of Women, Guidelines for the Care of Victims of Sexual Violence aimed at ensuring the implementation of Constitutional Decision No. 0206/2014, Guidelines for the Effective Investigation of Femicide, Guidelines for the Classification of Violent Acts under Act No. 348, 2013 Guidelines on Using a Gesell Dome, 2016 Guidelines for Victim and Witness Protection Units, 2014 Guidelines for Victim and Witness Protection Units (second edition), 2017 Guidelines on Using a Gesell Dome (second edition), Handbook of Legislation on Violence Against Women, 2016 Handbook of Minimum Guidelines for the Investigation of Femicide and Gender-Based Criminal Offences that Endanger Women's Lives, 2016 Internal Regulations on the Use of Funds Allocated to Protection Measures, Frequently Asked Questions Concerning Act No. 348, Glossary of Terms for the Implementation of Act No. 348, Manual on Police Procedures for Combating Violence Against Women, developed by the Special Police Force to Combat Gender-Based Violence.

enrolled 150 students, and which began in December 2017 and is expected to end in October 2019).

209. Moreover, the Multisectoral Plan to Dismantle the Patriarchal System and Promote the Right of Women to Practise the Good Way of Living for 2016–2020 (annex 102) has been drawn up and implemented. An interinstitutional commission composed of seven ministries¹⁰⁹ has been established, and adopted the Comprehensive Public Policy on a Decent Life for Women, the aim of which is to create conditions and opportunities for women to exercise their right to a life free of violence, with a focus on building a culture of peace, ensuring respect for their rights, and implementing departmental plans to combat gender-based violence.

210. With regard to its duty to protect, the Plurinational State of Bolivia, in prioritizing the defence and protection of vulnerable social groups, established the budgetary resources to be allocated for the defence and protection of women¹¹⁰ with the goal of ensuring the promotion of national, departmental and municipal social plans, programmes, projects and policies for vulnerable women.

211. Within this framework, autonomous departmental governments allocate 30 per cent of the funds for citizen security generated from the direct tax on the sale of hydrocarbons to the construction and fitting out of temporary shelters for women victims of violence and their dependants, and 10 per cent to staffing and operational costs. Similarly, autonomous municipal governments allocate between 25 and 30 per cent of these funds to the operation of comprehensive municipal legal services, infrastructure, equipment and the promotion and implementation of programmes for economic and productive development and employment aimed at women.

212. For example, in the department of La Paz, shelters provide nutritious and balanced food services, a changing room, multidisciplinary protection and care in the areas of health, social work and psychology, and technical training. A shelter has also been set up for women victims of violence in the department of Potosí. It has the capacity to accommodate 30 victims and their children, who are offered psychological treatment, technical training and food for a period of six months.

Recommendation made in paragraph 34

Access to the health system

213. In accordance with the Constitution, Supreme Decree No. 29601 of 11 June 2008 (annex 103) and Act No. 031,¹¹¹ the Bolivian State has developed the Family, Community, and Intercultural Health Policy, the aim of which is to eliminate social exclusion and guarantee universal free access for the entire Bolivian population through a single health system. The Policy is implemented at all levels of care, with priority given to the primary level so as to strengthen the promotion of health, the prevention of disease and comprehensive and intercultural care.

214. Since 2013, the Ministry of Health, through the Family, Community, and Intercultural Health Policy Programme, has been implementing the “My health” programme in 310 municipalities,¹¹² with over 2,800 doctors working across the country in 2,237 primary health-care facilities. More than 16,000,000 medical services have been provided, half of them during home visits (annex 104).

215. With regard to maternal and child health indicators, according to consolidated national data, from 2013 to 2018, a total of 21,695 babies were delivered, 149,702 pregnancies were confirmed, 201,832 cervical screening tests were conducted and

¹⁰⁹ Justice and Institutional Transparency; Education; Health; Communication; the Interior; Culture and Tourism; and Labour, Employment and Social Welfare.

¹¹⁰ Budgetary programme No. 25.

¹¹¹ Act No. 031, art. 81.I.

¹¹² 78 municipalities in La Paz, 51 in Santa Cruz, 47 in Cochabamba, 29 in Chuquisaca, 37 in Potosí, 24 in Oruro, 11 in Tarija, 18 in Beni and 15 in Pando.

2,334,988 comprehensive assessments were carried out among children under 5 years of age, of which 735,483 involved children under 1 year of age (annex 105).

216. The “My health” programme includes a family health assessment process and life skills education, as a result of which, between 2013 and 2018, a total of 2,373,513 home monitoring visits were conducted,¹¹³ 5,533,282 educational talks were given to individuals and 1,513,686 such talks were given to focus groups and in workplaces and educational facilities (annex 106).

Recommendation made in paragraph 35

Universal Maternal and Infant Insurance scheme

217. Since 2012, the coverage provided by the Universal Maternal and Infant Insurance scheme has been expanded to include 231 new services¹¹⁴ for children under 5 years of age and pregnant women who have no health insurance, and who receive free treatment until up to six months after they have given birth. Coverage had been expanded, at no extra cost to patients, to include 79 public health services.

218. Thanks to the coverage provided by the scheme, between 2006 and 2011, the infant mortality rate fell from 52 to 40 deaths per 1,000 live births. Over the same period, the under-5 mortality rate was reduced from 65 to 51 deaths per 1,000 live births, and the maternal mortality ratio decreased from 290 to 180 deaths per 100,000 live births.

219. In 2013, Act No. 475 was enacted with the aim of increasing the number of population groups that benefit from the provision of services. The purpose of the Act is to provide for and regulate comprehensive health care and financial protection for beneficiaries who do not have short-term compulsory social insurance.

220. Act No. 475 defines the beneficiaries entitled to comprehensive health care and financial protection as all inhabitants of the national territory who have no health insurance and are members of one or more of the following groups:¹¹⁵

- Pregnant women, from the beginning of the pregnancy until six months after the birth;
- Children under 5 years of age;
- Women and men over 60 years of age;
- Women of childbearing age, with regard to sexual and reproductive health-care services;
- Persons identified as having a disability in the database of the Programme on the Central National Register of Persons with Disabilities.

221. Up to 2016, a total of 37,916,967 interventions were provided in health facilities in the country.

Recommendation made in paragraph 36

Community-based renewal

222. The purpose of the Community-Based Agrarian Reform Renewal Act (No. 3545) of 28 November 2006 (annex 107) and its implementing regulations (Supreme Decree No. 29215 of 2 August 2007) (annex 108), as amended by Supreme Decree No. 3467 of 24

¹¹³ During which each family member was assessed and categorized into one of the different risk groups, and all information pertinent to family medical records was collected.

¹¹⁴ Including: physical therapies, laboratory tests, cleft lip treatment, haemodialysis, reconstructive surgery, and screenings for congenital disorders, such as cystic fibrosis, which affects children’s lungs and digestive systems. The cost of these new medical services is covered using leftover municipal funds for the calendar or fiscal year.

¹¹⁵ Act No. 475, art. 5.

January 2018 (annex 109), is to provide legal safeguards and protection for indigenous peoples and grant them land tenure rights through the issuance of title deeds – with one of the main aspects being the scope of the right to self-determination and levels of autonomy – while respecting gender equality, and with the goal of preserving their traditional way of life, habits and customs.

Recommendation made in paragraph 37

Intellectual property

223. Article 100.II of the Constitution establishes that the State shall register and protect individual and collective intellectual property rights over the works and discoveries of authors, artists, composers, inventors and scientists.

224. In 2017, the National Intellectual Property Service held consultations entitled “Legal and administrative diagnoses of traditional and ancestral knowledge”, in which national and international regulations were analysed with a view to establishing a registry of such knowledge. Moreover, as of 2018, steps are being taken to draft a bill on traditional and ancestral knowledge and the protection thereof.
