



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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**Consideration of reports submitted by parties
to the Convention under article 35**

List of issues in relation to the initial report of the Plurinational State of Bolivia

Addendum

Replies of the Plurinational State of Bolivia to the list of issues*, **

[Date received: 2 June 2016]

* The present document is being issued without formal editing.

** Annexes can be consulted in the files of the secretariat.

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A. Purpose and general obligations (arts. 1 to 4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/BOL/Q/1)

1. During the work undertaken by organizations and institutions working in the area of disability as part of the constitutional process in 2007 and 2008, emphasis was placed on the inclusion of the rights of persons with disabilities. Those efforts are reflected in our Constitution.
2. In that connection, Act No. 4024 ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol was promulgated in 2009.
3. These two key instruments recognizing the rights of persons with disabilities, together with the establishment in 2009 of the Directorate-General for Persons with Disabilities under the Ministry of Justice, ensure that the approach taken during the legislative process is based on those rights.
4. The rights of persons with disabilities are also included in the Code for Children and Adolescents (2014), the Family Code (2015), the Act guaranteeing women a life free from violence (2013), the Avelino Siñani-Elizardo Pérez Education Act (2010), the Youth Act (2013) and the Jurisdiction Demarcation Act (2010), among other instruments. These laws make no use of discriminatory or pejorative terms and recognize the rights of persons with disabilities, thus respecting the Constitution and international human rights treaties and agreements.
5. Similarly, the State Policy against Racism and All Forms of Discrimination (plan of action) contains a strategy to eradicate the use of pejorative terms against persons with disabilities in the media and to promote appropriate language when referring to persons with disabilities. This strategy influences the three branches of Government.

Reply to the issues raised in paragraph 2 of the list of issues

6. The classification and registration of persons with disabilities is set out in Ministry of Health Decision No. 130 of 6 March 2008, which provides for the implementation of the Programme on the Central National Register of Persons with Disabilities (PRUNPCD) in accordance with the Ministry's Decision No. 0595 of 3 August 2007. The Programme was implemented by the Ministry of Health and Sports, now known as the Ministry of Health, through the disability, rehabilitation and biopsychosocial habilitation unit.
7. Article 3 of Ministerial Decision No. 130 of 6 March 2008 approves the instruments to be used in the implementation of PRUNPCD. These instruments and certificates, which form an integral part of the Ministerial Decision, are:
 - The manual for assessing disability
 - The user guide for the Central National Register of Persons with Disabilities certificate
 - The procedural manual for classifying persons with disabilities
 - The biopsychosocial classification forms
 - The Central National Register of Persons with Disabilities certificate
 - The disability card.
8. Under article 7 of the aforementioned Decision, a disability level of at least 30 per cent is required to receive a disability card. Furthermore, departmental health services must programme and include the necessary financial resources in their annual operational

programmes to recruit professionals to form assessment teams, which consist of a doctor, social worker, psychologist and administrative and paramedic support staff, in order to ensure the sustainability of PRUNPCD.

9. The following persons are eligible for PRUNPCD:

- Those aged 59 years or younger with any form of anatomical and/or functional impairment that limits their ability to carry out everyday activities.
- Those aged 60 years or older whose impairment was acquired before their sixtieth birthday.

10. The process for classifying persons with disabilities and issuing disability cards is as follows:

- The degree of disability is determined by a multidisciplinary team comprising a doctor, psychologist and social worker, using a scale to identify the type, degree and percentage of the disability.
- The classification process is accessible to all persons with disabilities thanks to the mobile assessment teams that travel to all of the country's municipalities in coordination with departmental health service managers.

11. The support to which registered persons with disabilities are entitled includes:

Health

- Free health care for persons with disabilities holding a valid disability card (Act No. 475);
- Since 2012, payment of a solidarity benefit of 1,000 bolivianos (Bs) per year to persons with serious and very serious disabilities (Supreme Decree No. 1498).

Other areas

- A 50 per cent discount on interdepartmental air, water, road and rail travel for persons with serious or very serious disabilities;
- Preferential treatment when travelling; it is prohibited to prevent a person with a disability from boarding or using transport services (Act No. 165);
- Job opportunities (Act No. 223);
- Security of employment guaranteed by the State for persons with disabilities and their partners, parents and/or guardians (Act No. 223);
- Access to cash machines and cashiers in financial institutions with as few physical barriers as possible and facilities for completing transactions, including companions for blind persons (Financial System Supervisory Authority (ASFI) Resolution No. 796/2012);
- A special rate for mobile telephones (Administrative Decision ATT/DJ/RA/TL/LP No. 2310/2014);
- Adaptation and/or provision of housing in accordance with the requirements set out by the relevant body;
- The right to enrol and remain in the plurinational education system (Supreme Decrees Nos. 256 and 445).

12. Other benefits are granted by certain institutions in line with the provisions of national, departmental and municipal legislation.

Reply to the issues raised in paragraph 3 of the list of issues

13. Given the variety and diversity of associations of persons with disabilities, legislation and public policies relating to disability are always drafted and adopted through ongoing consultation processes, even when parallel organizations exist in some of the country's departments. A significant achievement resulting from that process is the current General Persons with Disabilities Act, which was initially presented and disseminated as a bill entitled "Legal Provisions for Persons with Disabilities", which became the Act over the course of the process.

14. The organizations of persons with disabilities that were consulted during the drawing up of the Act include the national organization, known as the Bolivian Confederation of Persons with Disabilities (COBOPDI), and the national and departmental federations. In departments with parallel organizations, such as Santa Cruz and La Paz, consultation was held with both organizations in order to obtain as broad a consensus as possible.

15. As a result of this process, article 49 of the General Persons with Disabilities Act provides for the participation of persons with disabilities in decision-making with regard to public policies. Therefore, when regulatory supreme decrees and other regulations applying to those with disabilities were being formulated, organizations of persons with disabilities were brought together and consulted.

B. Specific rights**Equality and non-discrimination (art. 5)****Reply to the issues raised in paragraph 4 of the list of issues**

16. Act No. 045 of 8 October 2010 created the National Committee against Racism and All Forms of Discrimination, which currently comprises representatives of 68 accredited public institutions and community organizations, including COBOPDI; indigenous, native and campesino organizations; Afro-Bolivian communities; human rights defence organizations and civil society organizations. Technical guidance is provided to the National Committee by the Ombudsman's Office and the Office of the United Nations High Commissioner for Human Rights in Bolivia.

17. With regard to the measures adopted to combat multiple and intersectional discrimination, it should be noted that the Ministry of Culture and Tourism, through the Office of the Deputy Minister for Decolonization, has undertaken activities relating to prevention, awareness-raising, the dissemination of regulations combating racism and all forms of discrimination, and individual cases, as described below:

Education

1. Plurinational days against racism and all forms of discrimination, including the National Day against Racism and All Forms of Discrimination on 24 May;
2. Meetings with mainstream education institutions;
3. Meetings with district and education unit directors.

18. As a result of these events, a written agreement was signed with the main authorities of the departmental education directorates to ensure that they met the requirement to adapt their internal regulations by the end of the 2014 academic year.

<i>Department</i>	<i>Staff trained</i>
Santa Cruz	1 717
Tarija	286
Potosí	450
Chuquisaca	560
Pando	156
Beni	234
Oruro	247
Cochabamba	661
La Paz	837
Total	5 148

Source: Ministry of Culture and Tourism.

Meetings with higher education establishments with the participation of teacher training colleges in the department of Cochabamba

<i>Municipality</i>	<i>Teacher training college</i>	<i>Participants</i>
Quillacollo	Simón Rodríguez Paucarpata	220
Paracaya	Manuel Ascencio Villaruel	280
Vacas	Ismael Montes	310

Source: Ministry of Culture and Tourism.

Legal system

1. Workshops with judicial officials;
2. Workshops with police officers;
3. Workshops with financial institutions.

19. The following table lists the complaints lodged by persons with disabilities:

Complaints lodged by persons with disabilities, 2012-2016

<i>Year</i>	<i>Institution</i>	<i>Status</i>
2012	7 public	3 closed
	2 private	4 abandoned
		2 rejected
2013	4 public	4 closed
	3 private	1 rejected
	2 individuals	3 settled (reinstatement to post, verbal agreement, civil offence)
		1 follow-up

<i>Year</i>	<i>Institution</i>	<i>Status</i>
2014	7 public	3 rejected
	1 private	2 follow-up
	2 individuals	5 settled (verbal apologies, conciliation)
2015	7 private	3 rejected
	1 public	5 follow-up
2016	3 public	2 settled (conciliation)
	2 private	3 follow-up

Source: Ministry of Culture and Tourism.

Women with disabilities (art. 6)

Reply to the issues raised in paragraph 5 of the list of issues

20. Bolivia adopted the National Equal Opportunities Plan, “Women Building a New Bolivia for a Decent Standard of Living”, through Supreme Decree No. 29850 of 10 December 2008.

21. The Plan is a State policy stemming from work undertaken jointly by the Government and women’s community organizations from across the country, without distinction of any kind. This work facilitated the formulation and promotion of the national gender equality and equity policy, which includes a strategy to combat violence.

22. The Specialist Gender-Based Violence Unit of the Comprehensive Plurinational System to Prevent, Address, Punish and Eradicate Gender-Based Violence (SIPPASE) has designed an information system that includes a single registry on violence. The information system, implemented in 2015, incorporates a disability variable in order to identify victims of violence under Act No. 348. This variable may also apply to the aggressor. The information system, which will produce data on the characteristics of victims and aggressors at the national level, therefore takes disability into account. The information system and single registry on violence are also being made available in 61 municipalities and 9 provincial governments. Accordingly, a user guide for the information system will be finalized by October and will provide detailed information on providing support for women with disabilities, in particular.

Children with disabilities (art. 7)

Reply to the issues raised in paragraph 6 of the list of issues

23. A cross-cutting approach to children and adolescents with disabilities is used throughout the Code for Children and Adolescents, which was promulgated through Act No. 548 of 17 July 2014.

24. Specifically, articles 29 to 32 of the first chapter of the Code, entitled “The Right to Life, Health and the Environment”, contain provisions intended to protect the rights of children and adolescents with disabilities.

25. The Code highlights the importance of focusing on children and adolescents with disabilities, who enjoy all universal rights, as well as the rights inherent to their specific condition.

26. The Code therefore establishes that:

“the responsible parties shall guarantee the following rights to children and adolescents with disabilities:

- (a) Access to a specialized diagnosis at an early age;
- (b) Specialized, immediate, ongoing and continuous care, whether as an inpatient or an outpatient, that allows them to be independent;
- (c) Active participation in the community and enjoyment of a full life, with dignity and equality;
- (d) Access to timely and suitable comprehensive care and rehabilitation services;
- (e) Access to inclusive, relevant and comprehensive education that provides them with opportunities, in line with their needs, expectations and interests, preferably in the mainstream education system, or in special education centres;
- (f) Participation in an early detection and prevention programme.”

27. Additionally, paragraph III states that “... the State, at all levels, shall provide the necessary means to raise the population’s awareness of disability and early detection mechanisms ...”.

28. Article 30 reiterates that “parents, guardians, carers or the body legally responsible for a child or adolescent are required to ensure his or her timely and appropriate access to early detection tests, care services, rehabilitation and education, when necessary, through specialized institutions and to comply with the relevant guidance and recommendations”. Anyone who becomes aware of a child or adolescent with a disability who is not receiving treatment or who is receiving inadequate care is required to report the situation.

29. As part of the mechanisms that guarantee these children’s rights, particularly the right to education, the Code provides that “State health-care agencies and specialized institutions shall assess the degree of disability of children and adolescents so that they may enter, preferably, the mainstream education system or, if necessary, special education centres. Children and adolescents who are placed in institutions so as to receive care, protection or treatment for their physical or mental health have the right to periodic evaluations, at least once every six months. Children and adolescents with disabilities who are receiving outpatient treatment have the same right.”

30. In relation to the right to recreation, leisure, sport and play established in article 121, as well as “recognizing that this right must aim to guarantee the comprehensive development of children and adolescents and to promote values of solidarity, tolerance, cultural identity and environmental conservation”, paragraph III establishes that “the State, at all levels, shall promote public policies with sufficient financial resources to establish recreation, leisure and sports programmes for all children and adolescents, particularly those with disabilities”.

31. With regard to measures to prevent abuse and/or abandonment of children with disabilities in families living in poverty, article 145 of the Code establishes the right to integrity of the person, article 146 sets out the right to fair treatment and article 147 provides that violence that constitutes an offence under criminal law shall be sanctioned by a criminal court judge; violence that does not constitute such an offence is deemed a misdemeanour and shall be sanctioned by a juvenile court judge. Additionally, article 148 establishes the right to protection against sexual violence, article 149 sets out the preventive and protection measures against sexual violence, and articles 150 to 152 address the protection of children and adolescents against violence in the education system. As part of

this framework, the offices of the Ombudsman for Children and Adolescents that report to municipal governments are involved on an ongoing basis in defending children and adolescents before administrative and judicial bodies, for any reason or ground and whatever the status of the case, without an express mandate (article 188 (b)).

32. Moreover, the Comprehensive Programme to Combat Sexual Violence has been drawn up and coordinated so that it may be implemented with the assistance of the Ministry of the Interior, the Ministry of Health and the Public Prosecution Service. One of the Programme's objectives is to gather updated official information on sexual violence against children and adolescents, and an agreement has been reached with the United Nations Population Fund to enable the design of a baseline survey to that end, commencing this year. The survey will provide reliable data on the number of children and adolescents with disabilities who are suffering or have suffered sexual violence. The research will also examine their family situations in order to find out whether these victims belong to families living in poverty. In that connection, it should be noted that the first pillar of the Patriotic Agenda proposes the eradication of extreme poverty, understood as material, spiritual and social poverty; violence is an example of spiritual and material poverty, and a violence protection programme has therefore been planned as part of the Economic and Social Development Plan.

Accessibility (art. 9)

Reply to the issues raised in paragraph 7 of the list of issues

33. The Ministry of Public Works, Services and Housing implements official State policies relating to persons with disabilities as follows:

1. All entities under its authority are required to ensure that 4 per cent of their workforces are persons with disabilities (Supreme Decree No. 29608).
2. Persons with disabilities are entitled to a 50 per cent discount for travel on national airlines upon presentation of their disability card.
3. Pursuant to Administrative Decision No. 036/2015 persons with disabilities are entitled to a 50 per cent reduction off the regular rate on the *Mi Teleférico* cable car system.
4. Four per cent of social housing is reserved for persons with disabilities or families with at least one member with a disability; candidates must first undergo a socioeconomic assessment and meet the relevant regulatory criteria.
5. Persons with disabilities are entitled to a special rate for telecommunications services of Bs. 0.80 per minute, approximately 60 per cent of the regular rate.
6. State entities are required to eliminate physical barriers and ensure that buildings are accessible for persons with disabilities (Supreme Decree No. 1893).
7. State entities are required to ensure that all projects under development are designed and funded to ensure accessibility, with accessibility features clearly indicated for the public.
8. The Civil Aviation Authority reviewed the implementation of regulations on accessibility to air travel and organized a training and awareness course for airport personnel who deal with or provide assistance to persons with disabilities with a view to ensuring such persons receive appropriate assistance.

9. The country's major airports renovated their passenger terminals, eliminating physical obstacles in order to make all areas and services fully accessible for persons with disabilities.
10. National and foreign airlines have procedures for assisting persons with disabilities based on air transportation industry best practices, in order to provide them with safe, efficient and reliable transportation.
11. The Department of Highways is responsible for planning and managing the construction, maintenance, repair and operation of the national road network and its entry points. In that context, it implements measures to improve the living conditions of vulnerable populations.
12. In designing and constructing road projects in densely populated urban areas, for example the La Paz-El Alto motorway, it intends to build access ramps to facilitate the movement of persons with disabilities.
13. In the context of socio-environmental management and social responsibility, when a road right-of-way is identified, managers and contractors must implement measures to assist vulnerable groups displaced by the right-of-way, including persons with disabilities, so that they can resume their lives elsewhere under equivalent or better conditions.
14. The cable car "Mi Teleferico" system, built in 2012-2015 and currently comprising three lines covering a total of 10 kilometres, was designed based on European Union Directive 2000/9/CE of 20 March 2000, which provides for appropriate accessibility measures, including for persons with disabilities.
15. The document "Physical Accessibility for Persons with Disabilities", adopted in Ministerial Resolution No. 077-2014, contains 17 standards for the elimination of physical barriers and serves as a national guide on principles and measures to be followed by the autonomous territories in drafting or implementing their own building standards for new construction or refurbishment of existing buildings. It likewise applies to national government infrastructure. The standards were developed through nationwide consultations and on a consensus basis by Technical Committee 12.20, in coordination with the Bolivian Standardization and Quality Institute, public and private institutions and representatives of organizations of persons with disabilities.
16. The regulations of the National Housing Agency, the operational branch of the Vice-Ministry for Housing and City Planning, give priority to vulnerable populations, including persons with disabilities, in the allocation of social housing.
17. Act No. 0164 on telecommunications and information and communication technologies guarantees access to those services for persons with disabilities. The relevant administrative regulations set out the conditions for persons with disabilities to be eligible for a solidarity rate for prepaid cell phones.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the issues raised in paragraph 8 of the list of issues

34. Act No. 602 on risk management of 14 November 2014, Supreme Regulatory Decree No. 2342 of 29 April 2015 and the Comprehensive Information and Warning System for Disaster Risk Management include persons with disabilities in the population groups considered to be especially vulnerable in disaster situations.

35. The national risk management policy takes into account the needs and specific lifestyle of persons with disabilities on an equal basis with others. It provides for effective measures to mitigate risks and provide assistance in disaster or emergency situations.

36. A national system for risk reduction and disaster and emergency response (SISRADE) has been established; it has territorial, institutional and social branches, the latter of which includes organizations of persons with disabilities.

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 9 of the list of issues

37. The Ministry of Justice has produced a plan for access to justice for persons with disabilities, within the framework of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. The purpose of the Plan is to promote effective access to justice for persons with disabilities by raising awareness among justice system personnel about obstacles to direct and indirect participation by persons with disabilities in judicial proceedings, including during the preliminary and investigatory phases.

38. In keeping with the Plan's objective of guaranteeing persons with disabilities the effective enjoyment of their basic rights, the Judiciary, in cooperation with autonomous territorial entities, international bodies and other organizations and institutions, is reviewing the existing legal framework with a view to drafting new provisions and repealing measures that limit or do not recognize the legal capacity of persons with disabilities. It takes into account international initiatives to review norms on legal capacity, for example by the relevant working group of the Organization of American States Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS) with a view to establishing supported decision-making models that respect the will and preferences of the persons affected. Those efforts will begin in the current year and will lead to the drafting and adoption of norms that reflect the outcomes of the National Summit on Plural Justice, in particular with regard to access to justice, the elimination of measures that limit the legal capacity of persons with disabilities and assistance for and guarantees of full exercise of their rights.

Access to justice (art. 13)

Reply to the issues raised in paragraph 10 of the list of issues

39. The Ministry of Justice, with the support of the United Nations Partnership to Promote the Rights of Persons with Disabilities and the Office of the United Nations High Commissioner for Human Rights, has produced a protocol on access to due process by persons with disabilities that will be reviewed by the Judiciary and the Office of the Prosecutor. The protocol is an essential tool for the participation of persons with disabilities in judicial proceedings, whether as complainant, accused or witness, and includes special provisions for those with severe or acute disabilities who require the presence of another person to carry out their everyday activities.

40. Organizations of persons with disabilities participated in the Judicial Summit held in Sucre on 10 and 11 June 2016, which adopted a plan on access to justice by persons with disabilities with a view to ensuring the implementation of the General Persons with Disabilities Act by the Supreme Court of Justice, the Judiciary, the Agricultural and Environmental Court and the Plurinational Constitutional Court.

41. The outcomes of that important event will contribute to the development of a new legal framework on accessibility for persons with disabilities that will complement already

implemented changes to procedures and stiffer sanctions for justice system staff whose actions at various stages of the judicial process may constitute acts of discrimination or show ignorance of the rights and different methods of communication of persons with disabilities. That will finalize the process of social awareness-raising for justice system staff that began in November 2015 and is beginning to show results, as evidenced by the requirement that prosecutors and technical staff of the Public Prosecutor's Office must increase cooperation with the executive with a view to protecting the rights of persons with disabilities in the criminal justice system.

42. Article 7 of Act No. 260, the Public Prosecutor's Office Organization Act, requires prosecutors to ensure that all individuals involved in an investigation or criminal procedure have equal and timely access and are treated in the same manner, humanely and with dignity.

43. Those legal principles have been applied across the Public Prosecutor's Office so that persons with disabilities have effective access to criminal procedures. They are also reflected in such normative instruments as: the Guide on the Use of Gessell Chambers; the Inter-institutional Protocol and Road Map for the care and protection of victims developed pursuant to Act No. 348; and guidelines RJGP/DGFSE No. 078/2013 on the implementation of measures agreed at the First National Conference of the Public Prosecutor's Office and RJGP/DGFSE No. 005/2013 on priority treatment for persons in preventive detention, execution of sentences, arrest, seizure, etc.

44. The Public Prosecutor's Office is implementing a new management system for criminal procedures that contains special provisions for meeting the needs of vulnerable individuals and groups and specifically provides that persons with disabilities will be given priority, be treated with dignity and receive preferential high-quality and caring service in a spirit of solidarity.

Liberty and security of the person (art. 14) and freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the issues raised in paragraph 11 of the list of issues

45. There are no psychiatric detention centres in Bolivia, although persons with a psychological or mental disability who are deprived of their liberty may be sent to psychiatric institutes, as is the case in the departments of Cochabamba, Chuquisaca, La Paz and Santa Cruz. Furthermore, the Obrajes Guidance Centre for Women in the department of La Paz has a psychiatrist available for such persons.

46. There are currently 33 persons with disabilities nationwide who were involved in the commission of a crime but declared not criminally responsible; they have been deprived of their liberty and are incarcerated in the following institutions:

Persons with disabilities nationwide disaggregated by prison

<i>Department</i>	<i>Prison</i>	<i>No. of persons with disabilities</i>
La Paz	Qalauma	1
	San Pedro	2
	Conchocoro	1
Cochabamba	Quillacollo	2
	San Antonio (men)	2
	San Sebastian (women)	2

<i>Department</i>	<i>Prison</i>	<i>No. of persons with disabilities</i>
Santa Cruz	Palmasola	12
Chuquisaca	San Roque	4
Oruro	San Pedro	4
Tarija	Morros Blancos	2
Pando	Villa Busch	1
Total		33

Source: Ministry of the Interior.

47. Of the 33 persons with disabilities deprived of their liberty, 22 have physical disabilities, 3 sensory disabilities, 2 multiple disabilities, 2 intellectual disabilities and 4 mental disabilities. They are aged from 19 to 61 years, with an average age of 40; 3 are women and 30 men.

48. The multidisciplinary team within the Directorate-General of Prisons opens and maintains a file to manage the assessment and classification of detainees with disabilities and the updating of their disability card, in coordination with the Ministry of Health, the Ministry of Justice and the competent municipal and departmental authorities.

Reply to the issues raised in paragraph 12 of the list of issues

49. In view of the fact that various public, private and contracted centres provide care to psychiatric patients and persons with a mental or psychiatric disability, there is currently no database of all the psychiatric institutions and residences where persons with disabilities are institutionalized. However, the mental health unit of the Directorate-General for Health Promotion of the Ministry of Health and the Directorate-General of Prisons of the Ministry of the Interior are working together to create such a database, which will be available in July 2016.

50. There are psychiatric and mental health institutions where persons with disabilities are resident for long periods operated by the San Juan de Dios hospital order of the Catholic Church, located in the cities of La Paz, Cochabamba, Sucre and Santa Cruz.

51. Pursuant to Act No. 474 of 30 December 2013, the Torture Prevention Service (SEPRET) was established to protect the human rights of persons deprived of their liberty, including institutionalized persons with disabilities.

Freedom from exploitation, violence and abuse (art. 16)

Reply to the issues raised in paragraph 13 of the list of issues

52. Chapter VIII of the Code for Children and Adolescents establishes the right to integrity of the person and protection against violence in all settings. Title II, chapter II, of the Code provides for a comprehensive plurinational protection system for children and adolescents as part of the public policies relating to children and adolescents. Article 164 of the Code deals with the issue of the right to a life free from violence, including for children and adolescents with disabilities, whose very disabilities increase the risk of violent treatment, and sets out specific policies:

(a) Promotion of a culture of good treatment in the family, school and community as a policy for the prevention of all forms of violence;

(b) Comprehensive protection and care policies for child and adolescent survivors of violence (abuse, sexual violence, human trafficking and smuggling, street children).

53. In accordance with the twelfth transitional provision of Act No. 548, the Ministry of Justice has developed the Comprehensive Programme to Combat Sexual Violence referred to in the replies to paragraph 6.

54. Pursuant to article 13 of the implementing regulations of Act No. 348 guaranteeing women a life free of violence, the departmental governments must allocate 30 per cent of the revenue from the direct tax on hydrocarbons for the construction of refuges and shelters for women victims of violence and their dependents. Any woman victim of violence, whatever her situation, including women with disabilities, has access to the shelters. In 2015, seven shelters and two temporary refuges, all accessible, were built.

55. Child and adolescent victims of domestic violence are housed in temporary centres for a maximum of 30 days (Act No. 548, arts. 53 and 54) or placed in foster care with foster families, either a relation or a third party (arts. 57 to 60), or, for want of any alternative, are placed in a centre for wards of the State.

56. In the above situations the Offices of the Ombudsman for Children and Adolescents work with the family to make the family environment safe with a view to reintegrating the child or adolescent. Alternatively, the departmental social services, in consultation with the youth court, may determine the best solution for the protection of the child or adolescent and his or her return to the family on the understanding that the violence that caused the removal of the child or adolescent from the family must not be repeated.

57. The duties of the police in preventing exploitation, violence and abuse are set out in Supreme Decree No. 1893, article 37, on training of police and prison personnel. Beginning in August 2015, the Ministry of Justice's Directorate-General of Prisons, in coordination with the Directorate-General for Persons with Disabilities, will offer workshops on national and international standards relating to the rights of persons with disabilities who are deprived of their liberty.

58. At present, training in that regard is being provided to officials of the Directorate-General of Prisons and to the multidisciplinary team and guards of the La Paz municipal prisons.

Protecting the integrity of the person (art. 17)

Reply to the issues raised in paragraph 14 of the list of issues

59. Article 66 of the Constitution guarantees women and men exercise of their sexual and reproductive rights, without distinction. The General Persons with Disabilities Act guarantees persons with disabilities the right to life and to have a family and assume their responsibilities as fathers, mothers and spouses; accordingly, they are not subject to forced sterilization.

60. The Ministry of Health developed and applied nationwide the Comprehensive Care and Treatment Standards for the Sexual and Reproductive Health of Persons with Disabilities, which include:

- Contraception measures must be requested by the person with a disability and require informed consent obtained in accordance with the eligibility criteria for each type of disability. If the individual is not legally capable of taking his or her own decisions, the immediate blood relatives (mother, father, brothers and sisters) shall

have that responsibility. If there are no immediate blood relatives, a family court judge may grant that authority to a second or third degree blood relative.

- Sexual violence is dealt with in Act No. 348 guaranteeing women a life free from violence, the Comprehensive Care Guide for Victims of Sexual Violence as well as the procedure for legal and safe termination of a pregnancy and related technical health-care procedures as provided for in Constitutional Court Decision No. 0206/2014 guaranteeing women the right to legal, safe termination of pregnancy if the pregnancy is the result of rape or if the mother's life and health are at risk.

Liberty of movement and nationality (art. 18)

Reply to the issues raised in paragraph 15 of the list of issues

61. The civil registry is implementing measures to ensure that all newborns with disabilities are given a name. These measures include birth registration campaigns and free health care; presence of a civil registry official in health clinics and hospitals to facilitate the issuance of free birth certificates for persons with a disability on an equal basis with others, in accordance with the constitutional right to an identity and article 109 (1) of the Code for Children and Adolescents, which states that a child or adolescent has the right to his or her own name; and exemption from fees as provided for in articles 14 and 41 of the General Persons with Disabilities Act and approved in Administrative Decision No. 044/2014 issued by the Supreme Electoral Court.

62. The Personal Identity Service (SEGIP) has permanent and semi-permanent offices and mobile units where persons with disabilities are given priority. If there is a request for service in a hospital, at a personal residence or in a shelter, the mobile service responds.

63. Identity services are provided to 339 remote municipalities by mobile units and semi-permanent offices.

64. Persons with a severe or very severe disability are issued an identity card valid for an indefinite period, in accordance with article 19 of Act No. 145, while persons with other types of disabilities are issued a card valid for six years.

Living independently and being included in the community (art. 19)

Reply to the issues raised in paragraph 16 of the list of issues

65. Community support services are provided with a view to helping persons with disabilities live independently and be included in the community.

66. The Ministry of Health, in coordination with the National Solidarity and Equality Fund for Persons with Disabilities attached to the Ministry of the Office of the President, has established 23 rehabilitation centres across the country which provide rehabilitation and habilitation services in such areas as mechanotherapy, electrotherapy, heat therapy and hydrotherapy, as well as others based on the needs of clients.

67. The Ministry of Health provided training to general practitioners on comprehensive care for persons with disabilities and allocated Bs. 240,000 for awareness-raising, prevention, comprehensive care and rehabilitation in rehabilitation centres and communities in an effort to improve the quality of life of persons with disabilities and their families.

68. To date, 31 medical professionals have been trained nationwide and received their diplomas in comprehensive care for persons with disabilities at sessions offered by the

Ministry of Health in 2011 and 2013. Those specialists are currently working in the rehabilitation centres.

Freedom of expression and opinion, and access to information (art. 21)

Reply to the issues raised in paragraph 17 of the list of issues

69. Pursuant to Supreme Decree No. 328 of 14 October 2009, Bolivian sign language is recognized and promoted as the first language of deaf persons and the language for their education and training. Bolivian sign language and the use of sign language interpreters are gradually being introduced in public and private institutions. The Bolivian sign language council is taking steps to ensure that the rights of the deaf are respected and to guarantee deaf persons full exercise of their right to identity, culture and communication.

70. Information is being gathered from stakeholders and reviewed, in coordination with the Bolivian Deaf Federation, with a view to having Bolivian sign language recognized as an official language of the Plurinational State of Bolivia. That will make decision-making entities and authorities more aware of the right to communicate in sign language. Once that information has been compiled and undergone technical and legal review a proposal will be transmitted to the relevant authorities as either a supplement to article 5 of the Constitution or a bill to be submitted to the Plurinational Legislative Assembly.

Respect for the home and the family (art. 23)

Reply to the issues raised in paragraph 18 of the list of issues

71. The Family and Family Procedure Code does not use the term “incapable”. Article 141 (a) of the chapter on marriage or common law relationships provides that adults or emancipated minors who have a mental or psychiatric disability that reduces their capacity to care for themselves or their property are to be made subject to interdiction and may not enter into such a relationship. A declaration of interdiction is made by a court based on an expert assessment of the individual’s condition. Accordingly, a specific judicial procedure is required to prevent the marriage of a person subject to interdiction. Any such proceeding is monitored by the Ministry of Justice to ensure that the rights of the person with a disability are not violated. The amended Civil Code is expected to include similar provisions and restrictions relating to interdiction and legal capacity to prevent violations of the rights of a person with a disability.

Education (art. 24)

Reply to the issues raised in paragraph 19 of the list of issues

72. In 2015, there were 8,961 students enrolled in Special Education Centres, of whom 1,123 had a hearing disability, 666 were visually impaired, 5,169 had an intellectual disability, 488 had a motor disability and 1,515 had multiple disabilities.

73. There were 8,819 students with disabilities enrolled in the initial, primary and secondary levels of the ordinary school system as well as 126 students with disabilities enrolled in the teacher-training colleges. The total number of students with disabilities was therefore 17,906.

74. Of that number, 7,787 were female and 10,119 male.

Students with disabilities in special education centres

<i>Gender</i>	<i>Auditory</i>	<i>Visual</i>	<i>Intellectual</i>	<i>Motor</i>	<i>Multiple</i>	<i>Subtotal</i>
Female	527	306	2 145	217	710	3 905
Male	596	360	3 024	271	805	5 056
Total	1 123	666	5 169	488	1 515	8 961

Source: Bolivian education information system (SIE) (2015).

Students with disabilities in the ordinary school system by level and in higher education

<i>Initial</i>	<i>Primary</i>	<i>Secondary</i>	<i>Higher Education</i>	<i>Total</i>
677	5 415	2 727	126	8 945

Source: Bolivian education information system (SIE) (2015).

Students with disabilities in ordinary and higher education by gender

<i>Gender</i>	
Male	5 063
Female	3 882
Total	8 945

Source: Bolivian education information system (SIE) (2015).

Health (art. 25)**Reply to the issues raised in paragraph 20 of the list of issues**

75. The Ministry of Health has included an annex on accessibility for persons with physical disabilities in its standards for first and second-level health-care establishments.

76. With regard to the use of inclusive language, the Ministry of Health's comprehensive standards for the sexual and reproductive health of persons with disabilities contains specific language and communication guidelines for each type of disability and basic notions of accessibility for the care of persons with disabilities. Organizations of persons with disabilities were involved in approving those standards.

77. The Ministry of Health, in cooperation with the National Committee for Persons with Disabilities (CONALPEDIS) and civil society organizations, is organizing basic training in Bolivian sign language for staff of the La Paz departmental health service, the National Occupational Safety Institute and the disability biopsychosocial rehabilitation and habilitation unit.

Reply to the issues raised in paragraph 21 of the list of issues

78. Act No. 475 of 31 December 2013 on universal health insurance transformed health care. It requires the Ministry of Health to provide universal health coverage. Chapter II, article 5, of the Act defines the beneficiaries entitled to comprehensive health care and financial protection as all inhabitants and residents in the national territory who have no

health insurance and are members of certain groups, including persons identified as having a disability in the database of the Programme on the Central National Register of Persons with Disabilities.

79. The Act is binding and the Government is currently undertaking a new awareness and follow-up process in all municipalities to identify and impose sanctions on municipalities that are not implementing the law.

80. In 2015, a bill on mental health was submitted to the Plurinational Legislative Assembly and then circulated to various entities for further analysis and review. It is still before the Assembly.

Work and employment (art. 27)

Reply to the issues raised in paragraph 22 of the list of issues

81. The Ministry of Labour, Employment and Social Welfare is responsible for the enforcement of social and labour rights and investigates complaints of violations of the social and labour rights of persons with disabilities, in accordance with relevant legislation.

82. Complaints relating to the private sector are dealt with by the departmental and regional labour offices under the supervision and authority of the Directorate-General of Labour and Occupational Health and Safety; those relating to the public sector are dealt with by the Directorate-General of the Civil Service in coordination with the departmental and regional labour offices. Complaints might relate to job security and the issue of disability, requests for reinstatement, dismissal, payment of social benefits, discrimination in hiring, harassment and others. They are dealt with as indicated in the flow charts annexed to this report.

83. Under current social and labour regulations, the labour and social security courts are the competent bodies for settling complaints of violations of the social and labour rights of employees with disabilities (Annex 1).

Adequate standard of living and social protection (art. 28)

Reply to the issues raised in paragraph 23 of the list of issues

84. The 2016-2020 Economic and Social Plan is the most significant public policy in Bolivia. Goal 1 (to eliminate extreme material poverty and significantly reduce moderate poverty) and Pillar 1 (to eliminate extreme poverty) contain targets for persons with disabilities in two important areas:

- Increased access for persons with disabilities registered in comprehensive community-based social inclusion programmes;
- Promotion of community-based rehabilitation programmes to guarantee persons with disabilities the exercise of their rights.

85. Those results must be achieved by the end of the Plan in 2020 through measures at the national, regional, municipal and territorial levels aimed at guaranteeing persons with disabilities the exercise of their rights. Community-based rehabilitation is to be implemented through the combined efforts of persons with disabilities themselves, their families and communities and the health, education, social, labour and other services responsible for meeting the needs of persons with disabilities. All parties must play their part in order to avoid marginalization and isolation of and discrimination against persons with disabilities. Persons with disabilities and their families are key actors in their

rehabilitation and social adaptation, in cooperation with society, with a view to achieving the objective of a society for all.

86. That strategy will be implemented through policies in the following areas: health (promotion, prevention and care); education (access to the ordinary school system, including technical and higher education); occupational assistance (access to technical training and education and paid employment in the labour market); social programmes (personal and family relationships, personal assistance, access to justice); empowerment (facilitate the organization of self-help groups to ensure that persons with disabilities play a role in changing policies in their communities).

87. The 2016-2020 Plan sets out other goals, strategies and outcomes in such areas as inclusion in society and the elimination of all forms of exclusion and discrimination experienced by persons with disabilities. Target 4, on the elimination of discrimination and racism, requires State and private institutions serving the public to prevent, eliminate and punish mistreatment and racist or discriminatory behaviour. Target 5, outcome 5, calls on all State entities to establish community and neighbourhood centres in both urban and rural areas and adopt measures to prevent domestic violence against persons with disabilities, including a complaint mechanism.

88. The Plan also provides for the construction of 51,290 new housing units (one-family, multi-family, housing complexes and relocation in case of disaster) and the modernization, extension and/or renovation of 63,710 homes countrywide with a view to making them more energy-efficient; 4 per cent of those homes will be allocated to persons with disabilities by agreement with social entities.

Reply to the issues raised in paragraph 24 of the list of issues

89. The Constitution defines and guarantees the rights of persons with disabilities, without distinction and regardless of their place of origin. It declares that a person with a disability must be protected by their family and the State, has the right to an education and to comprehensive free health care and may communicate in an alternative language. It prohibits discrimination of any kind and requires that any discrimination be punished. Accordingly, the State must adopt affirmative action measures to promote the effective employment and economic, political, social and cultural integration of persons with disabilities. That will create the conditions necessary for progress and improved living conditions for persons with disabilities.

90. Persons with disabilities are guaranteed comprehensive prevention and rehabilitation services as well as other legal benefits. According to article 5 (3) of Act No. 073 of December 2010, the Jurisdiction Demarcation Act, the native indigenous campesino courts may not deprive older persons or persons with disabilities of their land or banish them for failing to perform their community duties, tasks and work or make the expected contribution to the community.

91. The Office of the Deputy Minister for native indigenous campesino justice within the Ministry of Justice is working to promote the rights of persons with disabilities in native indigenous campesino communities through training and awareness-raising activities relating to the protection and exercise of those rights. The native indigenous campesino justice authorities likewise must protect those rights in rural areas by promoting the integration of persons with disabilities in society and the full exercise of their civil and political rights on an equal basis.

Participation in political and public life (art. 29)

Reply to the issues raised in paragraph 25 of the list of issues

92. In October 2014, the Supreme Electoral Court sitting in plenary approved assisted voting and determined that the Intercultural Service for Strengthening Democracy (SIFDE) would be responsible for promoting awareness of and explaining the voting process for persons with disabilities through the mass media in a format and using alternative languages appropriate for that group. All election-related television and radio material and broadcasts must encourage persons with disabilities to participate in elections and exercise their right to vote. They must also provide for the use of an alternative language.

93. The broadcast media must also use alternative languages in their election coverage.

94. Appropriate voting assistance is available for persons with a motor, visual or auditory disability and/or persons older than 60, at their request.

95. Materials are also being developed to help persons who require assistance for voting, for example: ballots in braille for the blind; magnifying glasses for the visually impaired; printed material and voting instructions for the hearing impaired.

96. With regard to physical infrastructure, there are special entrances for persons with motor disabilities whether or not they need wheelchairs or assistive devices to move about. Voting places must provide accessible areas for persons who require assistance to vote and provide voting tables, seating for rest and accessible toilets on each floor. If a voting table for a person requiring assistance is in a not very accessible location the polling officer shall carry the ballot box to the person with a disability.

97. Assistance must be available at the information points available in each polling station from the voting guides, who are trained volunteers.

C. Specific obligations

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 26 of the list of issues

98. The data on persons with disabilities collected in the 2012 census are:

Bolivia: number of persons with some permanent disability, by type and department, 2012 census

Dept.	Persons with some disability				Type of difficulty					
	Total	Women	Men	Total	Seeing (Even when using contact lenses glasses)	Hearing (even when using hearing aids)	Speaking Communicating Conversing	Walking/ Climbing stairs	Remembering/ Concentrating	Not specified
Bolivia	342 929	174 683	168 246	398 284	188 036	59 454	37 452	68 073	29 550	15 719
Chuquisaca	21 260	11 125	10 135	25 074	8 842	4 659	3 663	4 266	2 130	1 514
La Paz	108 859	54 546	54 313	125 382	63 217	18 689	9 053	21 890	8 777	3 756
Cochabamba	54 502	28 022	26 480	63 343	28 903	10 068	5 632	11 696	5 317	1 727
Oruro	18 638	9 351	9 287	21 733	10 989	3 613	1 428	3 405	1 301	997
Potosí	25 571	13 012	12 559	29 768	11 551	5 672	2 721	5 303	2 178	2 343

Dept.	Persons with some disability				Type of difficulty					
	Total	Women	Men	Total	Seeing (Even when using contact lenses glasses)	Hearing (even when using hearing aids)	Speaking Communicating Conversing	Walking/ Climbing stairs	Remembering/ Concentrating	Not specified
Tarija	18 212	9 528	8 684	21 410	8 970	3 501	2 619	3 425	1 773	1 122
Santa Cruz	80 703	41 727	38 976	94 013	47 510	11 181	10 276	15 110	7 083	2 853
Beni	12 437	6 106	6 331	14 521	6 486	1 807	1 725	2 606	835	1 062
Pando	2 747	1 266	1 481	3 040	1 568	264	335	372	156	345

Source: National Statistics Institute.

(Annex 2)

99. Bolivia has been developing human rights indicators that include disaggregated information on persons with disabilities since 2012.

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 27 of the list of issues

100. In accordance with the General Persons with Disabilities Act, the State authority responsible for monitoring the implementation of the Convention is the National Committee for Persons with Disabilities (CONALPEDIS). Under article 46 (5) and (6) of the Act, the Committee has the following responsibilities: to take measures to ensure compliance with international and regional legal instruments on disability and publicize and monitor compliance with obligations contracted with Governments and entities in other countries and international organizations in the field of disability. According to article 47 of the Act, the board of the Committee shall include nine representatives of organizations of persons with disabilities elected at a national convention that shall also review the Committee's efforts to implement the Convention.

101. The General Act entered into force in 2012 but despite the best efforts of the Government it has not been fully implemented due to disputes about whether the organizations' representatives were truly representative of that group. Those problems are being resolved and a board of directors should be elected by September of the current year.

102. The Office of the Ombudsman is an independent monitoring mechanism with the authority to investigate and report, on its own initiative or in response to a complaint, any act or omission that might constitute a violation of the human rights and guarantees, whether individual or collective, prescribed in the Constitution, legislation or international treaties to which Bolivia is a party. The Ombudsman designs, develops, implements and supervises programmes to increase awareness of and protect human rights, including specific programmes and measures to protect the human rights of persons with disabilities. The Ombudsman likewise ensures follow-up of public policies through various concrete measures.