



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Concluding observations on the initial report of the  
Plurinational State of Bolivia**

Addendum

**Comments received from the Plurinational State of Bolivia  
on the concluding observations\***

[Date received: 5 October 2016]

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\* The present document is being issued without formal editing.



**Report MJ-VIO-DGPCD No. 0382/2016**

To: Dr. Virginia Velasco Condori  
Minister of Justice

Through: Juan Antonio Pérez Fernández  
Deputy Minister for Equality of Opportunities

From: Javier Salguero Aramayo  
Director General for Persons with Disabilities

Re: Report regarding the concluding observations on the initial report of the Plurinational State of Bolivia to the Committee on the Rights of Persons with Disabilities

Date: 13 September 2016

Dear Madam:

1. The concluding observations on the initial report of the Plurinational State of Bolivia, issued by the Committee on the Rights of Persons with Disabilities, were forwarded by you in communication VRE-DGRM-OPOI-Cs-936/2016 and received on 8 September 2016. The report on the Committee's recommendations is presented below, in accordance with the report submitted to the Permanent Mission of Bolivia in Geneva.

**I. Background**

2. The initial report on compliance with the Convention on the Rights of Persons with Disabilities was submitted by the Ministry of Justice in July 2013. In April 2016, the Committee on the Rights of Persons with Disabilities sent a list of 27 issues in relation to the initial report (CRPD/C/BOL/Q/1). Responses to these issues were drawn up by the various ministries and sent to the United Nations Office at Geneva by the Ministry of Foreign Affairs. Subsequently, following a preparatory process involving the Ministry of Foreign Affairs, the Counsel General's Office and the Ministry of Justice, and supported by the country office of the United Nations High Commissioner for Human Rights in Bolivia, the interactive dialogue with the Committee took place on 17 and 18 August, during the Committee's sixteenth session. The meetings were also attended by representatives of civil society and the leader of the recent demonstrations in La Paz by persons with disabilities. At the meetings, the delegation of Bolivia answered all the questions asked by Committee members and concluded by inviting the experts to visit the country, an invitation that was welcomed by Committee members at the final meeting with the delegation.

3. After being informed of the concluding observations on the report in a communication from the Permanent Mission of Bolivia to the United Nations in Geneva, we initially sent comments of a purely editorial nature that were included in the submission made by the Ambassador to the Committee on the Rights of Persons with Disabilities in the form of note verbale NV-MBNU-311/10. This submission makes it very clear that the recommendations had been made without any consideration being given to the information provided by the Plurinational State of Bolivia on its compliance with the Convention on the Rights of Persons with Disabilities. It also refutes some of the statements made in the recommendations.

4. Subsequently, a note was sent to the diplomatic authorities in which we reiterated our concern that the observations had not been updated and still did not take account of the replies sent in response to the list of issues or the answers given by the government

delegation during the interactive dialogue. In the same note, we expressed our surprise that the interactive dialogue had not been taken into account when the recommendations were issued. We requested the Permanent Mission of Bolivia to the United Nations in Geneva to formally request the Committee on the Rights of Persons with Disabilities to ensure that the recommendations took into account the replies to the Committee's list of issues, which had been sent on 27 June 2016, and the answers to all the questions raised during the interactive dialogue on 17 and 18 August during the sixteenth session.

## II. Analysis

5. In the light of the situation described above, and with the aim of establishing the truth in relation to the recommendations made by the Committee, which are being used for political purposes by the opposition to the current Government, I will now examine all the actions carried out by central Government to promote the interests of persons with disabilities, making reference to the concluding observations issued by the Committee on the Rights of Persons with Disabilities.

6. As regards the first recommendation in the document, set out in paragraph 6 (CRPD/C/BOL/CO/1), it should be made clear that the Constitution promulgated in 2009 incorporates the rights of persons with disabilities as recognized by the Convention on the Rights of Persons with Disabilities and its Optional Protocol. As persons with disabilities in Bolivia have acknowledged, a critical examination of our constitutional history shows that the 2009 Constitution is one of the most advanced in its recognition of the rights of persons with disabilities. We understand that the observations must take the question of applicability into account. For this reason, in drafting legislation, the Plurinational State of Bolivia has focused on recognizing persons with disabilities as full holders of all human rights. Examples of such legislation include the General Persons with Disabilities Act (No. 223), the Comprehensive Act Guaranteeing Women a Life Free from Violence (No. 348), the Children and Adolescents Code (No. 548), the Family Code (No. 603) and other laws that further the process of change and promote the social inclusion of persons with disabilities. Consequently, the recommendation that the Government should "review its entire legislation, including the Constitution" should take into account the social, political, economic and historical implications of the social and rights-based model of disability reflected in the Constitution.

7. With regard to the recommendation in paragraph 8, the Committee was duly informed that the first campaign to quantify the number of persons with disabilities was carried out in 2009 by the "Moto Méndez" Solidarity Mission. This campaign involved geneticists, child neurologists, neuro-physiotherapists, ear, nose and throat specialists, specialists who work with persons with disabilities, and psychologists from Bolivia, Cuba and Venezuela who diagnose and subsequently treat disabilities.

8. Persons with disabilities are certified and registered in accordance with Ministerial Decision No. 130 of 6 March 2008 of the Ministry of Health, which provides for the implementation of the Programme on the Central National Register of Persons with Disabilities (PRUNPCD). As of 2015, 61,447 persons had been registered through the programme.

9. Every year, the Ministry of Health improves the certification process by recruiting professionals (doctors, psychologists, social workers) to join certification teams distributed across nine departmental health services.

10. The teams work as follows: reference teams, of which there is one per department, monitor the quality of the certification process, while mobile teams certify disabilities in each municipality, ensuring that the entire population is covered.

11. The recommendation in paragraph 10 was extensively addressed during the dialogue, in which it was mentioned that every action taken by central Government for the benefit of this population group is a collective endeavour carried out in a democratic manner and in consultation with organizations of persons with disabilities, typified by an open dialogue between senior government officials in all departments and municipalities and all organizations working in the areas of disability mentioned in the General Persons with Disabilities Act. The drafting of the Act was a prime example of this approach: it involved holding 40 workshops all around the country. The same procedure is followed in drawing up other regulations and decisions that affect persons with disability.

12. In accordance with the General Persons with Disabilities Act, the board of the National Committee for Persons with Disabilities is made up of nine representatives of organizations of persons with disabilities. Although these representatives have not so far been elected by the organizations, the Ministry of Justice has on several occasions asked them to elect their representatives as part of its ongoing coordination efforts.

13. The recommendation in paragraph 12 fails to take into account the adoption in 2010 of Act No. 45, under which racism and all forms of discrimination are punishable as crimes.

14. With regard to measures taken 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 preventive and awareness-raising actions and measures to disseminate information on the Act to the general public.

15. The implementation of the Act involves an educational and preventive component and the complaint system can be accessed in every department in the country in the mother tongue of the person concerned. Sign language interpreters are available to assist persons with hearing disabilities at the legal and social support centres of the Ministry of the Office of the President. All cases that are reported and processed are followed up.

16. Attention is also drawn to Supreme Decree No. 1302 of 1 August 2012, the purpose of which is to establish mechanisms to help eradicate acts of violence, ill-treatment and abuse that threaten the lives and the physical, psychological and/or sexual integrity of girls, boys and adolescents in schools where there are children and adolescents with disabilities.

17. With regard to the recommendations in paragraphs 16 and 42, it should be noted that the National Equal Opportunities Plan is no longer in force. The body whose actions incorporate a focus on gender and women with disabilities is the Specialist Gender-Based Violence Unit of the Comprehensive Plurinational System to Prevent, Address, Punish and Eradicate Gender-Based Violence (SIPPASE), which has designed an information system that includes a single registry on violence. This system, which was implemented in 2015, incorporates a disability variable to identify victims of violence under the Comprehensive Act Guaranteeing Women a Life Free from Violence. The identity of the assailant is also included, if he or she has been identified. We can therefore confirm that the information system, which will produce data on the characteristics of victims and aggressors at the national level, 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.

18. In paragraph 23, the Committee again states that it is concerned to have received reports of killings of newborns with disabilities. This expression of concern fails to reflect that, on two occasions during the interactive dialogue, the Minister and I specifically asked for details of the killings so that appropriate steps could be taken. No reply was received, either from the Rapporteur or from the Chair of the Committee.

19. The recommendations in paragraphs 18 and 24 are being implemented and were addressed by the Government of Bolivia and by the delegation in Geneva. In this regard, it should be mentioned that the rights of children and adolescents with disabilities are addressed throughout the Children and Adolescents Code, which was promulgated under Act. No. 548 of 17 July 2014.

20. 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.

21. 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.

22. 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.”

23. 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”.

24. 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.

25. As part of the mechanisms that guarantee these children’s rights, particularly the right to education, the Children and Adolescents 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.”

26. 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”.

27. 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)).

28. 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. In order to achieve this goal, work will begin this year on the design of a baseline survey which 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.

29. With regard to the recommendation in paragraph 20, the Plurinational State of Bolivia, through the ministries involved in this area and in conjunction with organizations of persons with disabilities, continually undertakes comprehensive awareness-raising programmes aimed at public servants throughout central Government, the provincial governments and the 339 municipalities in the country.

30. With regard to the recommendation in paragraph 22, the Committee was informed that, in order to address the concerns of persons with disabilities, 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 *Mi Teleférico* cable car 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) In the terminals, which have non-slip flooring, smooth side walls and control-button panels with large lettering, numbers in high relief and Braille writing, it is possible to move safely in a horizontal or vertical direction;
- (16) The transport cabins have strategically placed intercoms for use in emergencies;
- (17) The cable-car system has an emergency medical service that can be accessed directly by persons with disabilities and other commuters. Eight wheelchairs are also available for use across its three lines;
- (18) 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;

(19) 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;

(20) 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.

31. With regard to the recommendation in paragraph 26, a written response was provided which stated that the Government had adopted Act No. 602 on risk management of 14 November 2014 and Supreme Regulatory Decree No. 2342 of 29 April 2015. It had also created and launched the Comprehensive Information and Warning System for Disaster Risk Management, which covers persons with disabilities in the population groups considered to be especially vulnerable in disaster situations.

32. 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.

33. An emergency protocol gives priority to persons with disabilities. A formal mechanism ensures that when an evacuation is carried out, priority is granted in accordance with the type and degree of disability, as set out in the natural disaster risk management plan.

34. With regard to the recommendations in paragraphs 28, 30 and 32, appropriate responses have already been given, to the effect that 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.

35. 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.

36. With regard to the recommendations in paragraphs 34 and 36, the Committee has already been informed that the Ministry of Justice has produced a protocol on access to due process by persons with disabilities that will be reviewed by the Judiciary and the Public



Prosecution Service. 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.

37. 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.

38. 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 Prosecution Service must increase cooperation with the executive with a view to protecting the rights of persons with disabilities in the criminal justice system.

39. With regard to the issue of non-responsibility, the Committee was informed that a new draft code of criminal procedure is being drawn up that will analyse this concept in relation to the provisions of the Convention and international treaties that safeguard the rights of persons with disabilities.

40. With regard to the recommendation in paragraph 38, the Committee was informed that Bolivia has never detained any individual on grounds of impairment or disability. There is no need to carry out a survey because no individual has ever been detained for that reason.

41. The recommendation in paragraph 40 is inconsistent as, during the interactive dialogue, a Committee member praised Bolivia for establishing the Torture Prevention Service, indicating that she had studied the work of this body and found that the legal framework within which it operated served to prevent, protect and defend the rights of persons with disabilities.

42. With regard to the recommendation in paragraph 42, again, a response was given during the interactive dialogue to the effect that article 271 (on forced sterilization) of the Comprehensive Act Guaranteeing Women a Life Free from Violence (No. 348) of 9 March 2013 provides that an individual who temporarily or permanently deprives another person of his or her reproductive function without his or her express, voluntary, free and informed consent, or that of his or her legal representative in the case of persons with severe intellectual disabilities, shall be punished by between 5 and 12 years' imprisonment.

43. With regard to the recommendation in paragraph 46, the Committee was informed that there has been no crackdown on demonstrations by persons with disabilities. At each of the marches, the authorities made ambulances, firefighters and traffic police available. During all demonstrations, it is necessary to tighten security measures, or provide what could be called protection. However, this is done for all events, marches and demonstrations, where first-aid staff are made available.

44. With regard to the recommendation in paragraph 48, the Committee was also informed that the civil registry is implementing measures to ensure that all newborns with disabilities are given a name, in accordance with the provisions of the Constitution on the right to an identity and article 109 (I) of the Children and Adolescents Code, which states

that a child or adolescent has the right to his or her own name. The measures taken include birth registration campaigns and free health care; the presence of a civil registry official in health centres and hospitals to facilitate the issuance of free birth certificates for persons with a disability on an equal basis with others; 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.

45. To ensure that individuals enjoy the right to an identity, the Personal Identity Service 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. Identity services are provided to 339 remote municipalities by mobile units and semi-permanent offices.

46. 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.

47. With regard to the recommendation in paragraph 50, we repeat that community support services are provided with a view to helping persons with disabilities live independently and be included in the community.

48. 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.

49. Furthermore, 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.

50. 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. These specialists are currently working in the rehabilitation centres.

51. With regard to the recommendation in paragraph 52, the Committee was informed that, pursuant to Supreme Decree No. 328 of 14 October 2009, Bolivian sign language is recognized as the official language of deaf persons and the National Sign Language Council has been established. The Council has approved the process for accrediting Bolivian sign language interpreters for the purpose of providing interpreting services in judicial proceedings for persons appearing as witnesses, plaintiffs or defendants in courts, police stations or branches of the Public Prosecutor's Office.

52. Different modules of Bolivian sign language have been developed and distributed to all special educational units for use in the education of students with hearing disabilities. Bolivian sign language versions of the Convention on the Rights of Persons with Disabilities have also been developed and plans are in place to produce more copies for distribution to persons with hearing disabilities.

53. With regard to the recommendation in paragraph 54, the Committee was informed that the Family and Family Procedure Code does not restrict the right of persons with disabilities to marry freely. The recommendation is unnecessary as article 8 of the General Persons with Disabilities Act provides that such persons have the right to establish their own families. Furthermore, article 32 (VII) of the Act, which is currently being implemented by the Ministry of Health, explicitly recognizes the sexual and reproductive

rights of persons with disabilities and establishes that they must be free from coercion, discrimination and violence.

54. With regard to the recommendation in paragraph 56, the Committee was specifically informed that fully inclusive education for persons with disabilities is provided by the Ministry of Education, the Office of the Deputy Minister of Alternative and Special Education and the Directorate-General of Special Education. In making this recommendation, the Committee ignored the fact that the public policies that have been implemented have enabled more students with disabilities to participate at all levels of the plurinational education system.

55. With reference to the recommendation in paragraph 57, the Committee was informed that 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

56. 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.

57. The Ministry of Health, in cooperation with the National Committee for Persons with Disabilities 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.

58. Moreover, the Ministry of Health has taken a momentous step towards establishing universal health care by promulgating Act No. 475 of 31 December 2013, on universal health insurance. 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.

59. 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.

60. In 2015, a preliminary 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.

61. With regard to the recommendation in paragraph 60, the Committee was informed that the various ministries involved with disability issues have been implementing a community-based rehabilitation strategy since 2014. The aims of the strategy are to involve families, society and the authorities in the process of improving the quality of life of persons with disabilities and their families, to meet their basic needs and to ensure their inclusion and participation in society by enabling them to become more self-reliant.

62. With regard to the recommendation in paragraph 62, the Committee was informed that the Ministry of Labour, Employment and Social Welfare is considering a policy that will grant access to employment to persons with disabilities and their parents, guardians and spouses. For this reason, an employment bill has been drawn up and agreed on by organizations of persons with disabilities to ensure that at least 4 per cent of public sector employees and 2 per cent of private sector employees are persons with disabilities.

63. With regard to the recommendation in paragraph 64, the Committee was informed that, following a frank, sincere and transparent dialogue, a 42-point agreement had been signed with organizations of persons with disabilities. Among other things, it was agreed to conduct a socioeconomic study of all persons with disabilities so that they can subsequently be given appropriate social support, financial or otherwise. The study is now in full swing and its conclusions will be applied next year for the benefit of those most in need in all regions, particularly indigenous campesinos.

64. The recommendation in paragraph 66 was presumably made in error as there are no provisions in Bolivia that limit the right to vote on grounds of legal capacity. On the contrary, persons with disabilities, including intellectual and mental disabilities, can exercise their right to vote and stand as candidates for elected office.

65. With regard to the recommendation in paragraph 68, the Committee was informed that the Ministry of Sports and Education encourages persons with disabilities to practise sports at different levels and provides the necessary material and human resources. Championships in all sporting disciplines are organized at all educational establishments by the Federation of Integrated Sports and Plurinational Student Games for students with disabilities.

66. Signage is being installed at historical and heritage sites. Accessible tourism and participation in cultural and recreational activities are being promoted in conjunction with the autonomous municipal governments.

67. With regard to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, awareness of this legal instrument is being raised among organizations of persons with visual disabilities and, as stated during the interactive dialogue with the Committee, a request to ratify the treaty will shortly be submitted to the Plurinational Legislative Assembly.

68. With regard to the recommendation in paragraph 70, a database of all persons with disabilities, containing all the relevant data, is currently being compiled by the Ministry of Development Planning. The database in question will be sent to organizations of persons with disabilities.

69. With regard to the recommendation in paragraph 72, the Committee was informed that the rights of persons with disabilities are mainstreamed in the Economic and Social Development Plan 2016-2020, 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

70. 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”.

71. 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).

72. The Economic and Social Development Plan 2016-2020 also 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.

73. 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.

74. The Plan is consistent with the implementation of the 2030 Agenda and the Sustainable Development Goals at the national level.

75. The recommendation in paragraph 74 is unnecessary as the Ombudsman's Office has sufficient resources to effectively carry out its mandate of monitoring the Convention without its independence being compromised by central Government or by any other State body.

76. The recommendation in paragraph 76 also makes no sense as the National Committee for Persons with Disabilities has included persons with disabilities, through their organizations, in all its activities.

77. Having responded to the recommendations mentioned in paragraph 78 in the replies to the list of issues and during the interactive dialogue, the Government of the Plurinational State of Bolivia can provide information in relation to these two recommendations at any time. With regard to the recommendation in paragraph 18, we repeat that Bolivian legislation does not allow children with disabilities to be forcibly institutionalized. With regard to the recommendation in paragraph 46, no acts of repression or violence took place at the recent demonstrations. Rather, the Bolivian police, by constitutional mandate, restricted itself to maintaining order, guaranteeing the security of the rest of the Bolivian population and protecting State property. All information in this regard is attached.

78. Bolivia was implementing the recommendations in paragraphs 79 and 81 before they were made, as should be clear from this report, the replies to the list of issues and the interactive dialogue on 17 and 18 August 2016 at the sixteenth session of the Committee. In line with our usual practice, the recommendations, with these necessary clarifications, will be transmitted to all the bodies and organizations of persons with disabilities mentioned in them.

79. With regard to the recommendation in paragraph 80, plans had already been made to include civil society organizations in the preparation of the second periodic report before this recommendation was made.

### **III. Conclusions**

80. These necessary and important clarifications and explanations should be taken into consideration by the members of the Committee, as should the replies to the Committee's list of issues that were sent on 27 June 2016 through diplomatic channels and the replies given during the interactive dialogue on 17 and 18 August at the sixteenth session of the Committee in Geneva, since the recommendations were made without taking into account these replies or any of the actions mentioned above.

### **IV. Recommendations**

81. It is recommended that you submit this report to the Ministry of Foreign Affairs so that the latter can bring it to the attention of the Committee on the Rights of Persons with Disabilities and thus reiterate the State party's concern over the Committee's failure to consider the replies to the list of issues and the responses made by the Bolivian delegation during the interactive dialogue in Geneva on 17 and 18 August.

82. Please accept, Madam, the assurances of my highest consideration.

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