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# Plurinational State of Bolivia

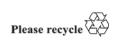
Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

# I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review. It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

# II. Scope of international obligations and cooperation with human rights mechanisms

- 2. In 2019, the Committee on Enforced Disappearances welcomed the fact that the Plurinational State of Bolivia had ratified all the core United Nations human rights treaties and nine of the optional protocols thereto.<sup>2</sup> In 2022, the Committee on the Elimination of Discrimination against Women welcomed the ratification by the State, in 2019, of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).<sup>3</sup>
- 3. In 2023, the Committee on the Elimination of Racial Discrimination encouraged the State to ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance, both of which the State had signed in 2015. The United Nations country team recommended that the State ratify pending treaties on environmental rights, labour rights, protection from racism and discrimination, cybercrime and child sexual abuse.
- 4. A technical mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) operated in the State between 2019 and 2022.6 After that, OHCHR implemented technical cooperation projects and, since 2024, the State has been covered by the OHCHR Regional Office for South America.7 OHCHR supported the State by monitoring the human rights situation during the electoral crisis and strengthening national capacities with regard to protection of journalists, access to justice and reparation for victims of past political violence, and the rights of women, Indigenous Peoples, and persons deprived of their liberty. 8 Two committees recommended that the State continue cooperation with OHCHR and ensure its representation in the country.9





# III. National human rights framework

### Institutional infrastructure and policy measures

- 5. The United Nations country team noted that the State had adopted several public policies with an impact on human rights, including the *Vivir Bien* multisectoral comprehensive development plans for the period 2021–2025 and the Plurinational Policy on Decolonization and Dismantling the Patriarchy, and recommended that adequate human and financial resources be set aside for their implementation.<sup>10</sup>
- 6. Four committees recommended that the State ensure sufficient resources for the Ombudsperson's Office to carry out its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). <sup>11</sup> In 2021, the Committee against Torture welcomed the designation of the Ombudsperson's Office as the national preventive mechanism, and recommended that the State guarantee the functional and financial independence of the mechanism. <sup>12</sup>
- 7. Two committees noted with concern the ineffectiveness of the Plurinational System for Follow-up, Monitoring and Statistics on Human Rights Recommendations. <sup>13</sup> The country team recommended reactivating this tool and strengthening its capacity for coordination, information management and dialogue with civil society organizations. <sup>14</sup>

# IV. Promotion and protection of human rights

# A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

#### 1. Equality and non-discrimination

- 8. The Committee on the Elimination of Racial Discrimination expressed concern that Act No. 045 of 2010 on the elimination of racism and all forms of discrimination did not expressly and clearly define and prohibit direct and indirect discrimination in both the public and the private spheres and did not provide for the reversal of the burden of proof in civil and administrative law cases concerning racial discrimination. <sup>15</sup> Two committees expressed concern about the inadequate resources allocated to the implementation of the Act and the limited number of convictions in cases involving the offences defined in it. <sup>16</sup>
- 9. Two committees welcomed the adoption of the Multisectoral Comprehensive Development Plan for Peaceable, Harmonious, Ethical and Environmentally Sustainable Living (*Vivir Bien*) Against Racism and All Forms of Discrimination 2021–2025.<sup>17</sup> The Committee on the Elimination of Racial Discrimination expressed concern that the Plan's goals were largely based on actions and activities, without impact indicators.<sup>18</sup> The United Nations country team recommended implementing the conclusions of the National Summit Against Racism and Discrimination held in 2022.<sup>19</sup>
- 10. The Committee on the Elimination of Racial Discrimination expressed concern about the persistence of socioeconomic, racial and gender disparities in the State. It also expressed concern about the increasing use of racist speech and violence, including in the media and on social networking platforms, and discriminatory statements made by public officials and politicians, and recommended that the State ensure that all those responsible for racist hate speech and hate crimes were brought to justice.<sup>20</sup>
- 11. In 2021, the Committee on Economic, Social and Cultural Rights recommended that the State adopt a law on hate crimes against lesbian, gay, bisexual, transgender and intersex persons.<sup>21</sup>

#### 2. Right to life, liberty and security of person, and freedom from torture

12. In 2022, the Human Rights Committee recommended that the State adopt a definition of the offence of torture that met international standards and establish a penalty reflecting its extreme seriousness.<sup>22</sup>

- 13. Four United Nations mechanisms and bodies expressed concern about the acts of violence and grave human rights violations committed in the context of the 2019 post-election crisis, including disproportionate use of force, violations of the right to life, torture and ill-treatment, and the insufficient progress made in the investigation and prosecution of allegations of such acts.<sup>23</sup> They also expressed concern about acts of racially motivated violence reportedly committed by organized groups during the crisis, particularly against Indigenous women.<sup>24</sup>
- 14. The United Nations country team indicated that the State had agreed with the Inter-American Commission on Human Rights to establish the Interdisciplinary Group of Independent Experts to assist in the investigation of the human rights violations that had occurred between September and December 2019 and to establish a follow-up committee to monitor the implementation of its recommendations.<sup>25</sup> Four United Nations mechanisms and bodies recommended that the State ensure that all human rights violations committed during the protests were investigated promptly, thoroughly and independently, that the alleged perpetrators were brought to justice and that the victims received full reparation.<sup>26</sup>
- 15. The Committee on the Elimination of Racial Discrimination expressed concern about the continued use of racial profiling by law enforcement officials and recommended that the State adopt legislation explicitly prohibiting it.<sup>27</sup>
- 16. The Committee against Torture welcomed the efforts made by the State to improve conditions in places of detention and reduce overcrowding. However, it expressed concern about the increase in prison population, the excessive and generalized use of pretrial detention, and the reduction in the budget allocated to the prison system.<sup>28</sup> Two committees and the United Nations country team recommended that the State continue to improve existing prison facilities, ensure that pretrial detention was used only on an exceptional basis and for the shortest possible time, and ensure that the prison system had the resources necessary to operate effectively.<sup>29</sup>

#### 3. Human rights and counter-terrorism

17. The Committee against Torture expressed concern that the Criminal Code defined the offences of sedition and terrorism based on extremely vague concepts, and recommended that the State amend the definitions to ensure that they complied with the principle of legality and international human rights standards.<sup>30</sup>

#### 4. Administration of justice, including impunity, and the rule of law

- 18. Numerous United Nations human rights mechanisms noted the efforts made by the State to reform the justice system, but expressed concern about the structural problems affecting it, including the lack of independence of the judiciary and the Public Prosecution Service, the high number of provisional judges and prosecutors, the lack of security of tenure, the inadequate geographical coverage of justice services, the high judicial backlog, the limited budget, and cases of political interference and corruption.<sup>31</sup>
- 19. The Special Rapporteur on the independence of judges and lawyers recommended that a national consultation be held to reform the rules for appointment to the high courts and the Council of the Judiciary; that the judiciary be provided with sufficient resources and access to the justice system be improved throughout the country; that steps be taken to tackle corruption in the judicial system; and that an effective judicial career system be established.<sup>32</sup> The Special Rapporteur also expressed concern about the delay in judicial elections, warning that the lack of political agreement risked undermining the independence of the judiciary, and insisted on the importance of a transparent process to elect new high judicial authorities.<sup>33</sup>
- 20. Three committees recommended that the State ensure that the Plurinational Public Defence Service had sufficient resources to effectively carry out its mandate throughout the country.<sup>34</sup>
- 21. The United Nations country team recommended reforming the Jurisdiction Demarcation Act (No. 073) of 2010 in consultation with Indigenous Peoples in order to broaden the jurisdiction of the Indigenous, original and campesino justice system.<sup>35</sup> The Committee on the Elimination of Racial Discrimination recommended that the State ensure

the allocation of sufficient resources to the Indigenous, original and campesino justice system and ensure its coordination with the ordinary justice system.<sup>36</sup>

- 22. The Committee on the Rights of the Child welcomed the separate, specialized criminal justice system for adolescents established by the Children and Adolescents Code (Act No. 548 of 2014), the reduction in the rate of use of pretrial detention orders and the increase in the rate of use of non-custodial measures. However, it noted that it remained seriously concerned about the reduction of the age of criminal responsibility from 16 to 14 years and urged the State to consider reviewing that measure.<sup>37</sup>
- 23. The country team encouraged the State to continue implementing the Plurinational Anti-Corruption Policy and to redouble its efforts to investigate and punish corruption offences.<sup>38</sup>
- 24. The Committee against Torture welcomed the presentation of the report of the Truth Commission on the grave human rights violations committed between 1964 and 1982.<sup>39</sup> Two committees recommended that the State disseminate the report and fully implement its recommendations, and ensure progress in the investigation of all allegations of human rights violations, bring the perpetrators to justice and provide full reparation for all victims.<sup>40</sup>

#### 5. Fundamental freedoms and the right to participate in public and political life

- 25. The Human Rights Committee urged the State to amend Act No. 351 of 2013 on the granting of legal personality to remove any provision that could disproportionately restrict the ability of non-governmental organizations to operate freely, independently and effectively.<sup>41</sup>
- 26. The United Nations country team recommended that the State ensure respect for and protection of the right to peaceful assembly by strengthening the capacities of the police to respond to tension and violence in accordance with human rights standards.<sup>42</sup>
- 27. Several United Nations mechanisms and bodies expressed concern about allegations of acts of violence, reprisal, intimidation and improper use of judicial proceedings against human rights defenders, journalists and members of Indigenous, original and campesino nations and peoples defending human rights, including economic, social, cultural and environmental rights.<sup>43</sup> Five committees recommended that the State investigate all such acts, bring perpetrators to justice and provide reparation to victims.<sup>44</sup> Two committees and OHCHR recommended that the State adopt a policy for the protection of human rights defenders.<sup>45</sup>
- 28. OHCHR recommended that the State guarantee and respect the freedom, pluralism and diversity of the media and refrain from any form of direct or indirect censorship, including by adopting a legal framework for transparent, objective and non-discriminatory criteria for the allocation of government advertising. 46 Four United Nations mechanisms and bodies recommended that the State adopt legislation on access to information that was in accordance with international standards. 47 The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that the State decriminalize defamation and place it under civil legislation. 48
- 29. In June 2024, the United Nations High Commissioner for Human Rights stated that he was deeply worried about the military incursion that had taken place at the presidential palace in the State. He called upon the State authorities, including the armed forces, to ensure full respect for human rights under all circumstances, protect the constitutional order and maintain peace.<sup>49</sup>
- 30. The Committee on the Elimination of Discrimination against Women commended the State for its legal framework to address harassment of and violence against women in politics and the measures taken to ensure parity and alternation. However, it noted with concern the lenient penalties in Act No. 243 of 2012 on harassment of and violence against women in politics and high levels of impunity in this context.<sup>50</sup>
- 31. The country team recommended ensuring the credibility and transparency of electoral processes, improving logistical, technical and procedural aspects and strengthening electoral institutions with a gender focus to promote an inclusive and diverse political environment.<sup>51</sup>

#### 6. Right to marriage and family life

32. The Committee on Economic, Social and Cultural Rights recommended that the State update its legislation to guarantee the same rights for same-sex couples as for heterosexual couples, in particular with respect to access to statutory benefits such as health, social security and pensions.<sup>52</sup>

#### 7. Prohibition of all forms of slavery, including trafficking in persons

- 33. The Human Rights Committee welcomed the measures taken by the State to prevent and combat trafficking in persons and forced labour, but expressed concern about reports that trafficking in persons continued and that the number of convictions was very low.<sup>53</sup> Four committees recommended that the State promptly, thoroughly and impartially investigate cases of trafficking in persons and forced labour, bring those responsible to justice and ensure that victims received comprehensive reparation.<sup>54</sup>
- 34. Two committees and the United Nations country team noted the adoption of the Plurinational Policy against Trafficking in Persons, the Smuggling of Migrants and Related Offences 2021–2025.<sup>55</sup> In 2022, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that the State allocate sufficient resources to enable the Plurinational Council against Human Trafficking and Smuggling to fulfil its mandate.<sup>56</sup>
- 35. Three committees welcomed the adoption, in 2020, of the standardized protocol for the specialist care of victims of human trafficking and smuggling.<sup>57</sup> The Committee on the Elimination of Discrimination against Women recommended that the State increase the number and accessibility of shelters.<sup>58</sup>

#### 8. Right to work and to just and favourable conditions of work

- 36. The Committee on Economic, Social and Cultural Rights welcomed the reduction in unemployment, but expressed regret that insufficient steps had been taken to tackle job losses resulting from the crisis triggered by the coronavirus disease (COVID-19) pandemic. It also expressed concern about the high rate of informal employment, in particular the disproportionately high number of women in the informal economy.<sup>59</sup>
- 37. The Committee on the Elimination of Discrimination against Women, while noting the efforts made by the State, expressed concern about the persistent gender pay gap, and recommended that the State enforce the principle of equal pay for work of equal value and eliminate occupational segregation.<sup>60</sup>
- 38. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, and the Committee on Economic, Social and Cultural Rights recommended that the State recognize the value of unpaid care and domestic work, taking into account the contribution of such work to the economy.<sup>61</sup>
- 39. Three committees recommended that the State step up labour inspections, monitor the conditions of employment of domestic workers and ensure that they had access to effective remedies to combat abuse or exploitation. <sup>62</sup> The Committee on Economic, Social and Cultural Rights expressed concern about the exploitation of Indigenous workers employed informally in the livestock and agricultural sectors and by logging companies. <sup>63</sup>
- 40. The same Committee recommended that the State implement a policy to promote decent work for persons with disabilities and monitor compliance with requirements to provide reasonable accommodation in the workplace.<sup>64</sup>

#### 9. Right to social security

41. The Committee welcomed the expansion in the number of people entitled to a pension. However, it expressed concern about barriers to social security for disadvantaged and marginalized groups who were engaged in precarious informal employment.<sup>65</sup>

#### 10. Right to an adequate standard of living

- 42. The Committee recognized the significant reduction in poverty and the improvements in several social indicators. However, it expressed concern about the high poverty rate, and the persistent socioeconomic gaps between rural and urban populations and between Indigenous and non-Indigenous populations. It recommended that the State step up its efforts to further reduce poverty and close such inequality gaps. <sup>66</sup> The Independent Expert on foreign debt recommended that the State broaden the direct tax bases and consider more progressive forms of direct taxes. <sup>67</sup>
- 43. The United Nations country team recommended expanding assistance programmes for small producers and promoting the organization of markets with local agricultural products and fair prices for producers.<sup>68</sup> The Committee on the Elimination of Discrimination against Women recommended that the State combat poverty among rural women and integrate a gender perspective into its agricultural policies.<sup>69</sup>
- 44. The Committee on the Rights of the Child recommended that the State strengthen measures to provide families in need with social housing and other support measures.<sup>70</sup>
- 45. The country team noted that while drinking water coverage had increased, people in rural areas and Indigenous Peoples continued to face significant challenges in accessing this resource. It recommended increasing investment in water infrastructure in rural areas and promoting community participation in water resources management.<sup>71</sup>

#### 11. Right to health

- 46. The Committee on Economic, Social and Cultural Rights expressed concern about the inadequate funding of Act No. 1152 of 2019, through which the Unified Health System had been established, and the structural weaknesses of the health system, which had been exacerbated by the COVID-19 pandemic. It also noted the insufficient number of home visits and specialists trained in using an intercultural approach, and barriers to access to health services for persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons.<sup>72</sup>
- 47. The Committee on the Elimination of Racial Discrimination recommended that the State strengthen the Unified Health System, and redouble its efforts to implement the Intercultural Community Family Health Policy.<sup>73</sup> The United Nations country team noted that there had been a marked decline in immunization coverage since 2018 and recommended stepping up efforts to reverse that trend.<sup>74</sup>
- 48. The country team noted that the teenage pregnancy rate had decreased by four percentage points over the previous five years.<sup>75</sup> Four committees noted that they remained concerned about the high number of teenage pregnancies.<sup>76</sup> The Committee on the Rights of the Child recommended that the State approve and promulgate a law on sexual and reproductive rights and renew the strategic plan for sexual and reproductive health to prevent early and unwanted pregnancies, and ensure access to health and reproductive rights, in particular for Indigenous children, children with disabilities and children living in rural areas.<sup>77</sup>
- 49. Four committees expressed concern about the high rate of maternal mortality. <sup>78</sup> The Committee on the Elimination of Racial Discrimination recommended that the State take all measures necessary to reduce the incidence of maternal mortality among Indigenous and Afro-Bolivian women, and ensure that all women have access to family planning services and contraceptive drugs. <sup>79</sup>
- 50. The Committee on the Elimination of Discrimination against Women noted with concern the criminalization of abortion, except in cases of rape, incest and threats to the life or health of the pregnant woman, and the challenges to implement decision No. 206/2014 of the Plurinational Constitutional Court, in which the Court eliminated the requirement to obtain judicial authorization to gain access to legal abortion. <sup>80</sup> Five committees recommended that the State ensure effective and timely access to legal abortion for women and girls, decriminalize abortion in all circumstances and ensure that the exercise of conscientious objection on the part of medical staff did not impede women's effective access to sexual and reproductive health services.<sup>81</sup>

- 51. The country team encouraged the State to continue implementing care programmes for persons living with HIV, to strengthen prevention measures and to conduct awareness-raising campaigns against discrimination.<sup>82</sup>
- 52. While noting progress, two committees expressed concern about the persistent high rates of chronic malnutrition in rural areas and the increase in rates of overweight and obesity.<sup>83</sup> The Committee on the Rights of the Child urged the State to ensure the availability of sufficient healthy and nutritious food, in particular for children in disadvantaged situations, and take measures to reduce obesity and overweight in children of all ages.<sup>84</sup>
- 53. The same Committee recommended that the State develop specific healthcare protocols for lesbian, gay, bisexual, transgender and intersex children and adolescents and train healthcare staff. 85 It also recommended that the State ensure that all children with disabilities, in particular in rural areas, had access to healthcare. 86

#### 12. Right to education

- 54. Two committees welcomed the State's achievements in reducing illiteracy and school dropout rates. However, they expressed concern about the high dropout rates in secondary education, especially in rural areas, affecting mostly Indigenous and Afro-Bolivian students. <sup>87</sup> The United Nations country team recommended prioritizing independent evaluations of the quality of education under the Plurinational Educational System. <sup>88</sup>
- 55. The Committee on the Elimination of Racial Discrimination recommended that the State take all measures necessary to effectively combat racist stereotypes and attitudes in the education sector, reduce school dropout rates and ensure the effective implementation of intra- and intercultural education in all regions and departments of the State.<sup>89</sup>
- 56. The Committee on the Elimination of Discrimination against Women expressed concern about the underrepresentation of women and girls in non-traditional fields of study, particularly in the areas of science, technology, engineering and mathematics. 90
- 57. The country team noted that the Ministry of Education had updated the basic curriculum of the Plurinational Education System in 2023, strengthening the content relating to comprehensive sexuality education. <sup>91</sup> The Human Rights Committee recommended that the State redouble its efforts to raise awareness of and provide education on sexual and reproductive rights. <sup>92</sup>
- 58. The Committee on the Rights of the Child urged the State to disseminate the updated protocol for preventing and handling physical, psychological and sexual violence in State, private and faith schools and special education facilities. 93 It recommended that the State ensure that all children with disabilities had access to and benefited from inclusive education at all levels. 94
- 59. Two committees and the Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed Ministerial Decision No. 001/2022, of the Ministry of Education, which facilitated access for migrant children to school.<sup>95</sup>

#### 13. Development, the environment, and business and human rights

- 60. The United Nations country team noted that the State had enacted the Plurinational Policy against Climate Change in 2023 and recommended the development of climate solutions with a gender focus, especially in rural areas.<sup>96</sup>
- 61. The country team expressed concern about the increasing loss of forest cover and urged the State to implement urgent measures to reduce deforestation and protect native forests and biodiversity.<sup>97</sup>
- 62. The country team observed that the right to a clean, healthy and sustainable environment was undermined by large hydrocarbon exploration and exploitation projects and mercury contamination caused by artisanal placer gold mining. It recommended that urgent measures be taken to protect the right to health of Indigenous Peoples in areas exposed to mercury contamination; that companies be required to conduct due diligence on the impact of their activities on human rights and the environment; that the right to consultation of

Indigenous Peoples be respected; and that a road map for the implementation of the Guiding Principles on Business and Human Rights and the Escazú Agreement be developed.<sup>98</sup>

## B. Rights of specific persons or groups

#### 1. Women

- 63. The Committee on the Elimination of Discrimination against Women commended the State for the progress achieved in adopting a legislative and policy framework for the elimination of discrimination against women, but noted that it remained concerned about challenges to the effective implementation of legislation and policies to protect women's rights.<sup>99</sup> It recommended that the State strengthen efforts to ensure coordination between the Deputy Minister for Equal Opportunities, the Unit for Dismantling the Patriarchy and Decolonization, and the Plurinational Service for Women and for Dismantling the Patriarchy; increase the resources allocated to them; design and implement a comprehensive plan for the advancement of women; and consider the establishment of a dedicated ministry of women's affairs.<sup>100</sup>
- 64. Three committees and the United Nations country team, while noting the measures taken by the State to combat violence against women, expressed concern about the high incidence of such violence, in particular femicide and sexual violence, and the high levels of impunity. The country team recommended that the State allocate a sufficient budget for the effective implementation of the Comprehensive Act on Guaranteeing a Life Free from Violence for Women (No. 348) of 2013. The Committee on the Elimination of Discrimination against Women recommended that the State establish specialized courts with exclusive competence to hear cases of gender-based violence and appoint more prosecutors specialized in that area. The committee of the state and appoint more prosecutors specialized in that area.
- 65. The same Committee welcomed the establishment, in 2021, of the National Commission for Monitoring Cases of Femicide. 104 The country team noted, however, that its effectiveness was limited by a lack of resources and training. 105
- 66. Three committees noted with concern that the definitions of rape and statutory rape in the Criminal Code were incompatible with human rights standards, and recommended that the State amend them as soon as possible. The country team recommended that sufficient resources be provided for the comprehensive care of the victims. The provided for the comprehensive care of the victims.

#### 2. Children

- 67. UNHCR recommended that the State eliminate any administrative practices that prevented the registration at birth of children born in the country to foreign parents who were in an irregular situation and/or who were undocumented. <sup>108</sup> The Human Rights Committee recommended that the State ensure that all children born in the country, irrespective of the gender identity of their parents, were registered immediately after their birth. <sup>109</sup>
- 68. The Committee on the Rights of the Child recommended that the State fully implement the Children and Adolescents Code, in particular at the subnational level, and provide sufficient resources to implement the Multisectoral Development Plan for the *Vivir Bien* of Children and Adolescents 2021–2025.<sup>110</sup>
- 69. Four United Nations mechanisms and bodies recommended that the State amend the Family and Family Procedure Code to remove all exceptions allowing marriage for girls or boys under the age of 18 years and take measures to prevent marriages involving children, in particular in Indigenous and mining communities and in rural areas.<sup>111</sup>
- 70. UNESCO recommended that the State raise the minimum age of employment to at least 15 years, in accordance with international human rights law. 112 The Committee on the Rights of the Child expressed concern about the numerous reports of economic exploitation of children, and recommended that the State take measures to eradicate the worst forms of child labour and to prevent children from becoming victims of debt bondage or forced labour, increase inspections to cover remote locations, and reactivate and ensure the regular functioning of the interministerial committee on the eradication of child labour. 113

- 71. The same Committee took note of Act No. 1443 of 2022 on the protection of victims of femicide, infanticide and sexual violence against children, but noted that it remained concerned about the high level of different forms of violence against girls and its manifestation in infanticides and sexual violence.<sup>114</sup>
- 72. The Committee urged the State to put in place measures to address the sexual exploitation of children, in particular in mining regions and the tourism industry; to ensure prompt investigation and prosecution of child sexual abuse; and to enable access for all child victims of sexual abuse to remedies and redress.<sup>115</sup>
- 73. The Committee noted that it remained deeply concerned about the high percentage of children in institutional care who had an identified family member, and urged the State to provide adequate resources for social and protection services and to take measures to phase out institutionalization.<sup>116</sup>

#### 3. Persons with disabilities

- 74. The Committee noted that it remained concerned about reports of cases of killings of newborn children with disabilities.<sup>117</sup>
- 75. The United Nations country team noted that persons with disabilities, especially in rural areas and Indigenous communities, still faced difficulties in accessing health, education, employment and justice services. It recommended generating disaggregated data on their situation and reassessing the impact of policies and programmes in that regard, allocating adequate budgets.<sup>118</sup>

#### 4. Indigenous Peoples and minorities

- 76. While noting the measures adopted, the Committee on the Elimination of Racial Discrimination expressed concern about reports of limited progress in relation to the demarcation, registration and titling of the lands and territories of Indigenous, original and campesino nations and peoples and about the adverse impact of the expansion of extractive and agricultural activities in those territories, and recommended that the State accelerate the recognition, demarcation, registration and titling processes.<sup>119</sup>
- 77. Five United Nations mechanisms and bodies expressed concern that the regulatory framework on prior consultation was sectoral and fragmented and did not uphold international and regional standards. <sup>120</sup> Three committees also expressed concern about the reported lack of systematic consultations of affected communities regarding infrastructure projects, mining activities and hydrocarbon production. <sup>121</sup> The Committee on the Elimination of Racial Discrimination and the United Nations country team recommended that the State, in consultation with the Indigenous, original and campesino nations and peoples and the Afro-Bolivian people, develop and implement an effective national law on prior consultation. <sup>122</sup> Three other United Nations mechanisms made similar recommendations. <sup>123</sup>
- 78. The country team highlighted the adoption of Supreme Decree No. 4793 regulating Act No. 450 of 2013 on Indigenous Peoples in Voluntary Isolation and Initial Contact. <sup>124</sup> The Committee on the Elimination of Racial Discrimination recommended that the State redouble its efforts to apply Act No. 450 and its implementing regulations; ensure the allocation of sufficient resources to the General Directorate for the Protection of Indigenous and Original Nations and Peoples; accelerate the implementation of the comprehensive monitoring system for Indigenous and original nations and peoples in a highly vulnerable situation; and effectively implement the action plan for the protection of the Tsimane Indigenous People of Yacuma, and ensure that effective measures are taken to protect and grant titles for their land and to guarantee their physical and cultural survival. <sup>125</sup>
- 79. The country team noted the continued lack of visibility of the Afro-Bolivian people and the absence of public policies for their benefit, mainly in the areas of access to justice, employment, health, education and housing. 126

#### 5. Lesbian, gay, bisexual, transgender and intersex persons

80. Three committees noted with concern that, in decision No. 0076/2017 of the Constitutional Court, the Court had restricted the fundamental rights of transsexual and

transgender persons, that lesbian, gay, bisexual, transgender and intersex persons continued to be the object of discrimination and violence, even murder, and that such acts were committed with impunity.<sup>127</sup>

81. The country team encouraged the State to protect the rights of LGBTQI+ persons, including through public awareness-raising campaigns on prejudice, negative stereotypes and discrimination affecting them; continuous training for public officials; protection from and the investigation of violence motivated by prejudice; and the implementation of labour inclusion and health policies.<sup>128</sup>

### 6. Migrants, refugees and asylum-seekers

- 82. The Committee on Migrant Workers noted with satisfaction that migration was not criminalized and migrants were not deprived of their liberty for being in an irregular situation. It noted that it was troubled, however, by allegations that migrants who were denied entry were improperly detained, and urged the State to ensure that the detention of migrants was an exceptional measure of last resort, that grounds were specified in each case and that the measure was reviewed within 24 hours by an independent and impartial judicial authority.<sup>129</sup>
- 83. The same Committee noted with concern the large number of foreign nationals expelled in recent years, including reports of collective expulsions involving family groups with children and adolescents, and expulsions carried out during migration enforcement operations and without the possibility of filing an appeal.<sup>130</sup> UNHCR recommended that the State ensure that migration inspections and expulsion and/or deportation proceedings were carried out in accordance with international human rights standards; enforce the ban on collective and arbitrary expulsions; and ensure identification and referral mechanisms between migration and asylum authorities.<sup>131</sup>
- 84. UNHCR noted that, despite the legal standards in place, the efficiency and effectiveness of the State's asylum system had been declining owing to frequent changes in the staff of the National Commission for Refugees and restrictive practices carried out by migration officers and asylum authorities. <sup>132</sup> It recommended that the State fully implement the Refugee Protection Act (Act No. 251 of 2012) and its implementing decree, strengthen the capacities of the National Commission for Refugees and ensure that the principle of non-refoulement was respected. <sup>133</sup>
- 85. UNHCR noted that the regulatory framework in the State included provisions for the socioeconomic integration of refugees and other persons in need of international protection, but that they had difficulties with regard to access to regular employment and basic public services because of the lack of comprehensive public policies targeting them and a culture of xenophobia towards foreigners in public discourse.<sup>134</sup>

## 7. Stateless persons

86. The Committee on Migrant Workers expressed concern about the lack of a law on statelessness, and recommended that the State adopt such a law. 135

Notes

- <sup>1</sup> A/HRC/43/7, A/HRC/43/7/Add.1 and A/HRC/43/2.
- <sup>2</sup> CED/C/BOL/CO/1, para. 4.
- <sup>3</sup> CEDAW/C/BOL/CO/7, para. 6 (a).
- <sup>4</sup> CERD/C/BOL/CO/21-24, para. 4.
- United Nations country team submission for the universal periodic review of the Plurinational State of Bolivia, para. 1.
- OHCHR, United Nations Human Rights Report 2020, pp. 294 and 298; and OHCHR, United Nations Human Rights Report 2023, pp. 192 and 194.
- OHCHR, United Nations Human Rights Report 2023, p. 130. See also https://acnudh.org/en-visita-a-bolivia-representantes-se-reunieron-con-autoridades-y-aliados-en-la-defensa-de-los-derechos-humanos/.
- OHCHR, United Nations Human Rights Report 2019, pp. 32 and 263; OHCHR, United Nations Human Rights Report 2020, pp. 59, 295, 298 and 299; OHCHR, United Nations Human Rights

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- <sup>10</sup> United Nations country team submission, para. 5.
- CERD/C/BOL/CO/21-24, para. 16; CRC/C/BOL/CO/5-6, para. 12; CMW/C/BOL/CO/3, para. 28 (a); and CEDAW/C/BOL/CO/7, para. 14 (e).
- <sup>12</sup> CAT/C/BOL/CO/3, paras. 14 and 15 (a). See also United Nations country team submission, para. 27.
- <sup>13</sup> CMW/C/BOL/CO/3, para. 25 (c); and E/C.12/BOL/CO/3, para. 4.
- <sup>14</sup> United Nations country team submission, para. 3. See also CRC/C/BOL/CO/5-6, para. 53; E/C.12/BOL/CO/3, para. 5 (b); and CCPR/C/BOL/CO/4, para. 5.
- <sup>15</sup> CERD/C/BOL/CO/21-24, paras. 11 and 12 (a).
- 16 CCPR/C/BOL/CO/4, para. 10; and CMW/C/BOL/CO/3, para. 33 (a) and (b). See also CERD/C/BOL/CO/21-24, para. 11.
- <sup>17</sup> CERD/C/BOL/CO/21-24, paras. 6 (b) and 19; and CMW/C/BOL/CO/3, para. 8 (a).
- <sup>18</sup> CERD/C/BOL/CO/21-24, para. 19.
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- <sup>20</sup> CERD/C/BOL/CO/21-24, paras. 17, 27 and 28 (a)–(c). See also CAT/C/BOL/CO/3, para. 21 (a); CEDAW/C/BOL/CO/7, paras. 15, 37 (b) and 38 (b); and E/C.12/BOL/CO/3, para. 24.
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- <sup>22</sup> CCPR/C/BOL/CO/4, para. 19 (a). See also CAT/C/BOL/CO/3, para. 9; and United Nations country team submission, para. 27.
- <sup>23</sup> CAT/C/BOL/CO/3, para. 18; CCPR/C/BOL/CO/4, para. 22; CERD/C/BOL/CO/21-24, para. 29; and OHCHR, "The human rights situation in the aftermath of the 20 October 2019 general elections in Bolivia", August 2020 (available at www.ohchr.org/sites/default/files/Documents/Countries/BO/OACNUDH-Informe-Bolivia-EN.pdf), pp. 5–8. See also A/HRC/43/45/Add.1, paras. 49 and 50; United Nations country team submission, para. 4; www.ohchr.org/en/press-briefing-notes/2019/10/press-briefing-note-bolivia; and www.ohchr.org/en/press-releases/2019/11/bachelet-says-repression-well-unnecessary-and-disproportionate-use-force.
- <sup>24</sup> CAT/C/BOL/CO/3, para. 20; CCPR/C/BOL/CO/4, para. 10; CERD/C/BOL/CO/21-24, paras. 27 and 29; and OHCHR, "The human rights situation", p. 8.
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- <sup>26</sup> CAT/C/BOL/CO/3, paras. 19 (a) and 21 (a); CCPR/C/BOL/CO/4, para. 23; CERD/C/BOL/CO/21-24, para. 30 (d); and OHCHR, "The human rights situation", p. 10.
- <sup>27</sup> CERD/C/BOL/CO/21-24, paras. 29 and 30 (b).
- <sup>28</sup> CAT/C/BOL/CO/3, para. 34 (a)–(c). See also CCPR/C/BOL/CO/4, para. 24; and A/HRC/50/36/Add.1, para. 55.
- <sup>29</sup> CCPR/C/BOL/CO/4, para. 25; CAT/C/BOL/CO/3, para. 35 (a)–(c); and United Nations country team submission, para. 69. See also OHCHR, "The human rights situation", p. 10.
- <sup>30</sup> CAT/C/BOL/CO/3, paras. 22 (a) and 23 (a). See also OHCHR, "The human rights situation", p. 10.
- A/HRC/50/36/Add.1, paras. 21–29, 32–35, 58–60, 69–73, 75–78 and 83–98; CERD/C/BOL/CO/21-24, para. 51; CAT/C/BOL/CO/3, para. 22 (b) and (c); CEDAW/C/BOL/CO/7, para. 11 (b); CCPR/C/BOL/CO/4, para. 26; and E/C.12/BOL/CO/3, para. 6. See also www.ohchr.org/en/press-releases/2020/03/bolivia-human-rights-un-experts-celebrate-release-mayor-cochabamba.
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- <sup>34</sup> CCPR/C/BOL/CO/4, para. 27 (e); CERD/C/BOL/CO/21-24, para. 52 (c); and CAT/C/BOL/CO/3, para. 13 (a). See also CMW/C/BOL/CO/3, para. 36 (a) and (b).
- United Nations country team submission, para. 19. See also A/HRC/50/36/Add.1, para. 119; and E/C.12/BOL/CO/3, paras. 12 and 13 (b).
- <sup>36</sup> CERD/C/BOL/CO/21-24, para. 54 (b) and (c).
- <sup>37</sup> CRC/C/BOL/CO/5-6, paras. 47 (a) and 48 (a).
- <sup>38</sup> United Nations country team submission, para. 21.
- <sup>39</sup> CAT/C/BOL/CO/3, para. 16.
- <sup>40</sup> Ibid., para. 17 (a)–(c); and CCPR/C/BOL/CO/4, para. 7 (a)–(c). See also CED/C/BOL/CO/1, para. 35 (a) and (b); and United Nations country team submission, para. 20.
- <sup>41</sup> CCPR/C/BOL/CO/4, para. 31 (d).

- <sup>42</sup> United Nations country team submission, para. 29. See also OHCHR, "The human rights situation", pp. 10 and 11.
- <sup>43</sup> CERD/C/BOL/CO/21-24, para. 59; CAT/C/BOL/CO/3, para. 42; E/C.12/BOL/CO/3, para. 8; and United Nations country team submission, para. 70.
- <sup>44</sup> CERD/C/BOL/CO/21-24, para. 60 (a) and (b); CEDAW/C/BOL/CO/7, para. 34 (c); CAT/C/BOL/CO/3, para. 43 (b); CCPR/C/BOL/CO/4, para. 31 (a) and (b); and E/C.12/BOL/CO/3, para. 9 (a).
- <sup>45</sup> CERD/C/BOL/CO/21-24, para. 60 (b); E/C.12/BOL/CO/3, para. 9 (a); and OHCHR, "The human rights situation", p. 11.
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- <sup>47</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) submission for the universal periodic review of the Plurinational State of Bolivia, para. 25; United Nations country team submission, para. 22; A/HRC/50/36/Add.1, para. 128; and A/HRC/43/45/Add.1, para. 59 (i).
- <sup>48</sup> UNESCO submission, paras. 9 and 23. See also CCPR/C/BOL/CO/4, paras. 30 and 31 (c).
- <sup>49</sup> See www.ohchr.org/en/statements-and-speeches/2024/06/bolivia-military-incursion-call-respect-human-rights?sub-site=HRC. See also www.ohchr.org/en/press-releases/2024/06/bolivia-more-international-support-urged-bolster-democracy.
- 50 CEDAW/C/BOL/CO/7, para. 21 (b) and (d). See also CCPR/C/BOL/CO/4, para. 8; and United Nations country team submission, paras. 49–52.
- <sup>51</sup> United Nations country team submission, paras. 23 and 24.
- <sup>52</sup> E/C.12/BOL/CO/3, para. 21 (c).
- <sup>53</sup> CCPR/C/BOL/CO/4, para. 20. See also CAT/C/BOL/CO/3, para. 32; and CRC/C/BOL/CO/5-6, para. 46.
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- 55 CEDAW/C/BOL/CO/7, para. 19; CMW/C/BOL/CO/3, para. 63 (a) and 64 (a); and United Nations country team submission, para. 25.
- <sup>56</sup> CMW/C/BOL/CO/3, para. 64 (d).
- <sup>57</sup> Ibid., para. 8 (d); CEDAW/C/BOL/CO/7, para. 5 (d); and CCPR/C/BOL/CO/4, para. 3 (a).
- <sup>58</sup> CEDAW/C/BOL/CO/7, para. 20 (f).
- <sup>59</sup> E/C.12/BOL/CO/3, paras. 26 and 28. See also A/HRC/43/45/Add.1, paras. 34, 55 and 59; and CEDAW/C/BOL/CO/7, para. 25 (a) and (b).
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- <sup>61</sup> E/C.12/BOL/CO/3, para. 25 (c); and A/HRC/43/45/Add.1, para. 59 (e). See also United Nations country team submission, para. 45.
- <sup>62</sup> E/C.12/BOL/CO/3, para. 31 (a); CMW/C/BOL/CO/3, para. 38 (b); and CEDAW/C/BOL/CO/7, para. 26 (f).
- 63 E/C.12/BOL/CO/3, para. 30.
- <sup>64</sup> Ibid., para. 31 (c). See also CEDAW/C/BOL/CO/7, paras. 25 (f) and 26 (g).
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- <sup>67</sup> A/HRC/43/45/Add.1, para. 59 (a). See also E/C.12/BOL/CO/3, para. 17.
- <sup>68</sup> United Nations country team submission, para. 47.
- <sup>69</sup> CEDAW/C/BOL/CO/7, para. 32 (a) and (b).
- <sup>70</sup> CRC/C/BOL/CO/5-6, para. 39 (c).
- <sup>71</sup> United Nations country team submission, para. 31. See also CRC/C/BOL/CO/5-6, para. 39 (a) and (b); and E/C.12/BOL/CO/3, para. 47.
- <sup>72</sup> E/C.12/BOL/CO/3, para. 50. See also CEDAW/C/BOL/CO/7, para. 27 (f).
- CERD/C/BOL/CO/21-24, para. 44. See also E/C.12/BOL/CO/3, para. 51 (a), (c) and (d); CRC/C/BOL/CO/5-6, para. 34 (d); and United Nations country team submission, paras. 32–38.
- <sup>74</sup> United Nations country team submission, para. 38.
- <sup>75</sup> Ibid., para. 34.
- F/C.12/BOL/CO/3, para. 54; CRC/C/BOL/CO/5-6, para. 35 (a); CEDAW/C/BOL/CO/7, para. 27 (e); and CCPR/C/BOL/CO/4, para. 16.
- <sup>77</sup> CRC/C/BOL/CO/5-6, para. 35 (a). See also CEDAW/C/BOL/CO/7, para. 28 (e); CCPR/C/BOL/CO/4, para. 17 (c) and (d); United Nations country team submission, paras. 34–37; and CEDAW/C/BOL/FCO/7, paras. 19–22.
- <sup>78</sup> CRC/C/BOL/CO/5-6, para. 34 (b); CEDAW/C/BOL/CO/7, para. 27 (b); E/C.12/BOL/CO/3, para. 52; and CERD/C/BOL/CO/21-24, para. 45.
- <sup>79</sup> CERD/C/BOL/CO/21-24, para. 46 (a) and (b). See also CRC/C/BOL/CO/5-6, para. 34 (b) and (c); CEDAW/C/BOL/CO/7, para. 28 (b) and (d); and E/C.12/BOL/CO/3, para. 53.

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<sup>80</sup> CEDAW/C/BOL/CO/7, paras. 27 (c) and 28 (c). See also CAT/C/BOL/CO/3, para. 28; CCPR/C/BOL/CO/4, para. 16; E/C.12/BOL/CO/3, para. 54; and United Nations country team submission, para. 36.
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- 82 United Nations country team submission, para. 65. See also CRC/C/BOL/CO/5-6, para. 36 (a)-(c).
- 83 E/C.12/BOL/CO/3, para. 44; and CRC/C/BOL/CO/5-6, para. 37.
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- 85 Ibid., para. 35 (f).
- <sup>86</sup> Ibid., para. 33 (a). See also CEDAW/C/BOL/CO/7, para. 36 (b).
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- <sup>88</sup> United Nations country team submission, para. 44.
- <sup>89</sup> CERD/C/BOL/CO/21-24, para. 42. See also CRC/C/BOL/CO/5-6, para. 40 (f); and United Nations country team submission, paras. 39–44.
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- <sup>91</sup> United Nations country team submission, para. 44. See also CEDAW/C/BOL/CO/7, paras. 23 (d) and 24 (e); and CRC/C/BOL/CO/5-6, para. 35 (c).
- 92 CCPR/C/BOL/CO/4, para. 17 (d). See also CEDAW/C/BOL/FCO/7, paras. 13–17.
- 93 CRC/C/BOL/CO/5-6, para. 24 (a). See also ibid., paras. 22 (e) and 23 (e); and CEDAW/C/BOL/CO/7, para. 24 (b).
- 94 CRC/C/BOL/CO/5-6, paras. 32 (b) and 33 (c). See also CEDAW/C/BOL/CO/7, paras. 23 (f) and 36 (c); E/C.12/BOL/CO/3, para. 59 (c) and (d); and UNESCO submission, para. 20.
- 95 CMW/C/BOL/CO/3, para. 8 (b); CRC/C/BOL/CO/5-6, para. 40; and UNHCR submission for the universal periodic review of the Plurinational State of Bolivia, p. 2.
- <sup>96</sup> United Nations country team submission, para. 13.
- <sup>97</sup> Ibid., para. 9.
- <sup>98</sup> Ibid., paras. 10–16.
- 99 CEDAW/C/BOL/CO/7, para. 9 (a). See also CCPR/C/BOL/CO/4, para. 3 (b).
- 100 CEDAW/C/BOL/CO/7, para. 14 (a)–(c).
- <sup>101</sup> CAT/C/BOL/CO/3, para. 26 (a); CCPR/C/BOL/CO/4, para. 14; E/C.12/BOL/CO/3, para. 40; and United Nations country team submission, para. 51. See also CEDAW/C/BOL/CO/7, para. 5; and CEDAW/C/BOL/FCO/7, paras. 7–12.
- United Nations country team submission, para. 51. See also CCPR/C/BOL/CO/4, para. 15 (a); CAT/C/BOL/CO/3, para. 27 (a) and (e); CEDAW/C/BOL/CO/7, para. 18 (e); and E/C.12/BOL/CO/3, para. 41 (a) and (b).
- 103 CEDAW/C/BOL/CO/7, para. 18 (a). See also United Nations country team submission, paras. 51 and 52.
- 104 CEDAW/C/BOL/CO/7, para. 5 (b).
- <sup>105</sup> United Nations country team submission, para. 51.
- CEDAW/C/BOL/CO/7, paras. 17 (c) and 18 (b); CCPR/C/BOL/CO/4, paras. 14 and 15 (d); and CRC/C/BOL/CO/5-6, para. 23 (b). See also CAT/C/BOL/CO/3, paras. 26 (b) and 27 (c); United Nations country team submission, para. 52; and CEDAW/C/BOL/FCO/7, paras. 3–6.
- <sup>107</sup> United Nations country team submission, para. 52.
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- <sup>109</sup> CCPR/C/BOL/CO/4, para. 13 (c).
- <sup>110</sup> CRC/C/BOL/CO/5-6, para. 7 (a) and 8 (a).
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- 114 CRC/C/BOL/CO/5-6, para. 22 (a). See also CAT/C/BOL/CO/3, para. 9; and E/C.12/BOL/CO/3, para. 38
- 115 CRC/C/BOL/CO/5-6, para. 26 (b)–(d).
- <sup>116</sup> Ibid., paras. 29 and 30 (a) and (b).
- <sup>117</sup> Ibid., para. 32 (c).
- <sup>118</sup> United Nations country team submission, para. 59. See also CEDAW/C/BOL/CO/7, paras. 35 and 36.
- <sup>119</sup> CERD/C/BOL/CO/21-24, paras. 37 and 38.

- <sup>120</sup> Ibid., para. 31; CCPR/C/BOL/CO/4, para. 32; E/C.12/BOL/CO/3, para. 14; A/HRC/43/45/Add.1, para. 59 (f); and United Nations country team submission, para. 60. See also CEDAW/C/BOL/CO/7, para. 33 (c).
- <sup>121</sup> CERD/C/BOL/CO/21-24, para. 31; CCPR/C/BOL/CO/4, para. 32; and E/C.12/BOL/CO/3, para. 14. See also CEDAW/C/BOL/CO/7, para. 33 (c).
- <sup>122</sup> CERD/C/BOL/CO/21-24, para. 32 (a); and United Nations country team submission, para. 60.
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- United Nations country team submission, para. 61. See also CERD/C/BOL/CO/21-24, para. 6 (a).
- <sup>125</sup> CERD/C/BOL/CO/21-24, para. 34 (a)–(c). See also CCPR/C/BOL/CO/4, para. 33 (c); and United Nations country team submission, paras. 61 and 62.
- <sup>126</sup> United Nations country team submission, para. 63.
- <sup>127</sup> E/C.12/BOL/CO/3, para. 20; CEDAW/C/BOL/CO/7, para. 39 (a) and (b); and CCPR/C/BOL/CO/4, para. 12.
- <sup>128</sup> United Nations country team submission, para. 64. See also CCPR/C/BOL/CO/4, para. 13 (a), (b) and (d).
- <sup>129</sup> CMW/C/BOL/CO/3, paras. 43 and 44 (a).
- <sup>130</sup> Ibid., para, 45 (a).
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- UNHCR submission, pp. 1 and 3. See also United Nations country team submission, paras. 66 and 67; CERD/C/BOL/CO/21-24, para. 49; CMW/C/BOL/CO/3, para. 47; and CAT/C/BOL/CO/3, para. 24.
- UNHCR submission, pp. 3 and 4. See also United Nations country team submission, paras. 66 and 67; CERD/C/BOL/CO/21-24, para. 50 (a); CRC/C/BOL/CO/5-6, para. 42 (d) and (e); and CMW/C/BOL/CO/3, para. 48.
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- 135 CMW/C/BOL/CO/3, paras. 15 and 16. See also UNHCR submission, p. 1.