



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on the Plurinational State of Bolivia

Report of 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 periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The United Nations country team encouraged the Plurinational State of Bolivia to continue its efforts to submit the reports to treaty bodies that were now overdue, in particular its report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It also recommended that the State party ratify the Protocol against the Smuggling of Migrants by Land, Sea And Air, supplementing the United Nations Convention against Transnational Organized Crime.³

3. In 2016, the Committee on the Rights of Persons with Disabilities recommended that the State ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.⁴

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended the State for supporting the adoption of the Global Compact on Refugees.⁵

5. The Country Office in the Plurinational State of Bolivia of the Office of the United Nations High Commissioner for Human Rights (OHCHR), established in 2007, was closed in 2017 following the Government's decision.⁶ Since 2018, support had been provided by the OHCHR Regional Office for South America and through a Human Rights Adviser supporting the country team.⁷



III. National human rights framework⁸

6. In 2017, OHCHR noted that the Government had, in 2015, created a national mechanism to coordinate its reporting to the international human rights mechanisms and the follow-up to their recommendations, and had since developed a web-based tool to facilitate the process of monitoring the implementation of the recommendations.⁹ The United Nations country team said that the tool was technologically flawed and recommended that it be improved.¹⁰

7. The United Nations country team reported that the National Human Rights Council had approved the Plurinational Human Rights Policy 2015–2020 and the Human Rights Plan 2016–2020 but that the latter had yet to be approved by the Ministry of Development Planning.¹¹

8. The United Nations country team noted that the Criminal Justice System Code, which represented a comprehensive reformulation of criminal law and criminal procedural legislation, had been abrogated before it had entered into force. The team recommended that a participatory dialogue be undertaken with a view to restoring the legislative advances embodied in the Code in order to enable the Plurinational State of Bolivia to be in compliance with the international human rights instruments that it has ratified.¹²

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

A. Cross-cutting issues

1. Equality and non-discrimination¹³

9. In 2017, OHCHR reported that the National Committee against Racism and All Forms of Discrimination had continued to disseminate its multisectoral plan against racism and all forms of discrimination and had promoted the implementation of the 58 specific actions contained therein. Nonetheless, the limited resources made available to the Committee had had a negative impact on its planned activities.¹⁴

10. In 2015, the Committee on the Elimination of Discrimination against Women expressed concern about the persistence of discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. It recommended that the Plurinational State of Bolivia develop a comprehensive strategy to overcome stereotypical attitudes and train media workers on gender.¹⁵

11. The United Nations country team drew attention to the substantial progress made towards recognition of the LGBTI+Q population. It noted, however, that portions of the Gender Identity Act (Act No. 807) of 2016 had been declared unconstitutional and recommended that steps be taken to move forward with legislative measures that fully recognize the fundamental rights of that population group.¹⁶

2. Development, the environment, and business and human rights¹⁷

12. In 2019, 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, noted that the Bolivian socioeconomic communitarian productive model had been remarkably successful. However, in order to ensure its long-term sustainability, the country would have to address several issues, including the lack of diversification of the economy, the regressive nature of the tax system, the large informal sector, the lack of economic and labour inclusion of women, and the tension between infrastructure development and respect for the rights of indigenous people.¹⁸

13. The United Nations country team recommended that the Plurinational State of Bolivia further pursue its implementation of its systems for living in harmony with nature based on poverty reduction, the maintenance and restoration of environmental services and the sustainable development of production and that it establish effective mechanisms for protecting biodiversity and prevent trafficking in wildlife resources.¹⁹

14. The team also noted that, in recent years, droughts and flooding have had a severe impact on the population and on the country's social and productive infrastructure and recommended that the State strengthen preventive policies and post-disaster recovery policies.²⁰

B. Civil and political rights

1. Right to life, liberty and security of person²¹

15. In 2018, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that the definition of torture set forth in the Criminal Code was inadequate. It reiterated the urgent need for the Plurinational State of Bolivia to bring its laws into line with the international treaties on torture that it had ratified.²²

16. The Subcommittee was troubled by reports of excessive use of force and allegations of torture in the context of social protests. It recommended conducting an independent and impartial investigation into such allegations.²³

17. The Subcommittee acknowledged the work of the Service for the Prevention of Torture, but was seriously concerned that its independence was compromised by its legal attachment to the Ministry of Justice. The Subcommittee urged the authorities to designate or set up a national preventive mechanism that was in full compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.²⁴

18. The Subcommittee noted that pretrial detainees accounted for more than 70 per cent of the prison population, which had led to extreme overcrowding.²⁵ The United Nations country team recommended that the State party pursue its efforts to fully apply the protocol for conducting hearings on precautionary measures; adopt legislation that is in line with international standards on pretrial detention; make use of non-custodial measures; and strengthen the various court systems other than the criminal court system.²⁶

19. The Subcommittee on Prevention of Torture noted that, in general, the material conditions in the country's prisons fell far short of acceptable standards.²⁷ It had received reports that acts of torture and ill-treatment were frequently committed by members of the police force and the prison service and by inmates belonging to the prisons' self-governing structures as a method of investigation, extortion, punishment or discipline.²⁸

20. In 2015, the United Nations High Commissioner for Human Rights noted that the OHCHR country office had continued to record reports of lynchings. He recommended that the authorities investigate all instances of lynching and implement a public policy to prevent and combat lynchings.²⁹

21. The United Nations country team recommended that steps be taken to establish effective punishments for serious crimes against the life and physical integrity of the LGBTI+Q population.³⁰

2. Administration of justice, including impunity, and the rule of law³¹

22. The United Nations country team noted the significant delays in criminal proceedings identified in the 2018 assessment of the justice system and suggested that the Plurinational State of Bolivia implement the proposals for reforming that system made at the 2016 National Summit on Plurinational Justice as part of the Right Way of Living, including the proposal concerning the establishment of indicators for use in assessing the efficiency of the courts and the performance of individual judges.³² The Committee on the Elimination of Discrimination against Women was concerned about the lack of an

institutional career path at the low and middle levels of the judicial system, which limited the independence and impartiality of the judiciary.³³

23. The Subcommittee on Prevention of Torture noted the progress made by the State in connection with the indigenous justice system. However, it regretted that, because certain material and territorial matters were excluded from the scope of that system, the Jurisdiction Demarcation Act did not conform to the Constitution or to international law. It urged the State to expedite the implementation of the indigenous justice system and strengthen the pluralistic justice system in accordance with the Constitution.³⁴

24. The Subcommittee welcomed the adoption of the 2014 Children and Adolescents Code and appreciated the State's efforts to incorporate a restorative justice approach into the new juvenile criminal justice system. However, it was concerned that the age of criminal responsibility had been reduced from 16 to 14 years and that recourse to pretrial detention for children and adolescents aged 14 to 18 years remained widespread.³⁵

25. The Subcommittee reiterated its recommendation regarding the need to strengthen the Plurinational Public Defender Service and provide it with the resources necessary to fulfil its mandate.³⁶ It also recommended that the State set up the specialized technical defence service for children and adolescents provided for in Act No. 463 of 2013.³⁷

26. The Committee on the Rights of Persons with Disabilities recommended that the State repeal any legal provision that limited access to justice for persons with disabilities and that it ensure the accessibility of facilities, information and communication.³⁸

27. In 2017, the Human Rights Committee reiterated its recommendations that the State actively investigate human rights violations committed under the de facto regimes of 1964–1982; ensure that the Armed Forces cooperated fully in the investigations and promptly handed over all the information at their disposal; revise the standards of proof in relation to acts for which reparation was sought, establish a mechanism for appeal and review of applications, and make available the resources needed to ensure full compensation of victims; and guarantee the effective enjoyment of the right to full redress.³⁹

28. The United Nations country team drew attention to the establishment of the Truth Commission in 2016 to investigate the human rights violations committed under the military dictatorships in power between 1962 and 1982. It recommended that the State ensure that the Commission functioned properly and encouraged the international community to provide technical and financial assistance to enable the Commission to carry out its work effectively.⁴⁰

3. Fundamental freedoms and the right to participate in public and political life⁴¹

29. With regard to the application of Supreme Decree No. 1597 regulating Law No. 351 on the granting of legal status to non-governmental organizations, in 2015 the High Commissioner for Human Rights noted that the OHCHR country office had received reports about administrative slowness and delays in the accreditation process that had generated a climate of uncertainty with many such organizations.⁴²

30. The United Nations country team observed that it was public knowledge that a number of journalists had been driven to quit their jobs or had been laid off since 2014. The team recommended that the Plurinational State of Bolivia ensure the independence of the media and uphold freedom of expression.⁴³ The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged the Government to consider taking advantage of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity as a means of strengthening the protection of journalists.⁴⁴

31. UNESCO noted that that the Constitution guaranteed the right to access information, but that there was no specific law guaranteeing such access.⁴⁵ It recommended that the Government decriminalize defamation and place it within a civil code that was in accordance with international standards.⁴⁶

32. UNESCO noted that the Telecommunication and Transportation Regulation and Supervision Authority, which regulated the broadcasting sector, operated under the

auspices of the Ministry of Public Works, Services and Housing. It encouraged the Government to strengthen the independence of that Authority.⁴⁷

33. In 2018, the Human Rights Committee noted that, pursuant to circular No. 71/2014 issued by the Supreme Electoral Court, a number of persons who had been members of the Legislative Assembly in the 2010–2015 term had been prevented from standing for election to municipal councils, among other positions, in 2015.⁴⁸ It considered that such restriction to the right to stand for election was not based on objective and reasonable criteria that were clearly established by law, and that the State was therefore under an obligation to take appropriate steps to prevent similar violations in the future.⁴⁹

34. The Committee on the Rights of Persons with Disabilities noted with concern that persons who had been declared legally unfit could not exercise their right to vote or to be elected and that they were not registered on the electoral roll.⁵⁰

4. Prohibition of all forms of slavery⁵¹

35. The Committee on the Elimination of Discrimination against Women noted with concern the high and growing number of cases of trafficking in human beings, particularly women and children in border areas; cases of internal trafficking of indigenous women for purposes of forced prostitution; the absence of shelters for women victims of trafficking outside La Paz and Santa Cruz; and the harsh sentences imposed on victims of trafficking for criminal offences committed as a direct result of their trafficked status.⁵²

36. In 2017, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations noted the adoption by the Plurinational State of Bolivia of the multisectoral plan to combat trafficking and people smuggling and other measures.⁵³ The United Nations country team recommended that the State strengthen its mechanisms for the coordination, implementation and evaluation of public policies designed to combat human trafficking, provide relevant training to public officials and strengthen binational and regional cooperation focusing on the early detection of victims and on the cross-border investigation and prosecution of such crimes.⁵⁴

37. UNHCR recommended that the State adopt effective measures to facilitate the prompt identification and referral of survivors of trafficking or sexual exploitation to the asylum system, when appropriate.⁵⁵

38. In 2017, the ILO Committee of Experts urged the Government to take effective and time-bound measures to prevent children from becoming victims of debt bondage or forced labour in the sugar cane and Brazil nut harvesting industries, and to remove child victims from those worst forms of child labour and ensure their rehabilitation and social integration.⁵⁶

39. The Committee on the Rights of Persons with Disabilities was concerned that there were no measures in place to prevent exploitation of persons with disabilities through begging, and no programmes for the rescue and compensation of victims.⁵⁷

5. Right to privacy and family life⁵⁸

40. The Committee on the Elimination of Discrimination against Women welcomed the promulgation in 2014 of the new Family and Family Procedure Code, which had brought national family law into line with the Convention on the Elimination of All Forms of Discrimination against Women, recognizing different types of families. It recommended that the Plurinational State of Bolivia enforce that legislation, including concerning the 18-year minimum age of marriage for girls, and carry out awareness-raising and education programmes on the new provisions.⁵⁹

41. The Committee on the Rights of Persons with Disabilities was concerned that persons under legal interdiction could not exercise their right to marry or start a family.⁶⁰

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

42. The Independent Expert on foreign debt highlighted the fact that the Government had consistently raised the minimum wage above inflation and had provided, in 2018, a second annual bonus for workers, as the economy had grown by at least 4.5 per cent.⁶¹

43. The Independent Expert noted that the informal sector in the Bolivian economy was still considerable, exposing workers to precarious and temporary jobs without pensions or health insurance. The participation rate of women in the formal labour market was much lower than that of men.⁶² The Committee on the Elimination of Discrimination against Women recommended that the State adopt a time-bound plan to implement the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).⁶³

44. The same Committee was concerned about exploitation of women and girls in domestic work. It recommended that the State ensure that they had access to effective remedies to file complaints about abusive conduct and exploitation by their employers, and monitor their conditions and terms of work.⁶⁴

45. The United Nations country team recommended that the State ensure full compliance with the Programme for the Inclusion of Persons with Disabilities in the Labour Market by bringing the percentage of persons with disabilities employed in both public and private companies up to 4 per cent.⁶⁵

46. In 2016, the ILO Committee of Experts requested the Government to ensure equality in access to education and vocational training for indigenous peoples, Afro-Bolivians and migrants to enable them to enjoy equality of opportunity in access to employment and remuneration.⁶⁶

2. Right to an adequate standard of living⁶⁷

47. The Independent Expert on foreign debt highlighted the fact that, between 2006 and 2017, the poverty rate had fallen from 59.9 to 36.4 per cent and the extreme poverty rate from 37.7 to 17.1 per cent. The Gini coefficient of income inequality had followed a downward trend.⁶⁸

48. The United Nations country team noted that the Plurinational State of Bolivia had implemented sectoral and multisectoral conditional cash transfer and voucher programmes as a means of reducing poverty and inequality. It considered that it was important for the State to act upon the recommendations made pursuant to the evaluations of these programmes in order to heighten their impact, particularly on vulnerable population groups, and for the State to assess their long-term sustainability.⁶⁹

49. The United Nations country team noted that, despite the State's efforts, inequality gaps persist that put indigenous and rural populations at a disadvantage and recommended that the State step up its affirmative action mechanisms in order to close those gaps.⁷⁰

50. The Committee on the Rights of Persons with Disabilities was concerned at the fact that over 80 per cent of persons with disabilities lived in poverty and that very few received the solidarity allowance.⁷¹ The Committee on the Elimination of Discrimination against Women was concerned about the persistence of poverty in female-headed households.⁷²

51. The United Nations Human Settlement Programme (UN-Habitat) observed that the State had been implementing the Multi-year Plan for the Reduction of the Housing Deficit 2016–2020 and had substantially increased the number of new or improved housing units. It recommended that the State develop a national housing policy that would ensure the exercise of the right to adequate housing and provide for measures for improving conditions in urban areas. It also recommended that the State compile disaggregated data for use in monitoring the exercise of the right to adequate housing under the Multi-year Plan and its impact on vulnerable population groups.⁷³

52. UN-Habitat recommended that the State strengthen the legal framework for the prevention of forced evictions and pursue its efforts to implement Act No. 247, which

provides for the judicial regularization of the property rights of owners of residential properties in order to ensure security of tenure in urban areas.⁷⁴

53. UN-Habitat said that the State had made progress in increasing access to drinking water, with coverage at 91 per cent in 2017, but indicated that increasing access to basic sanitation had proven more difficult, and the coverage of that basic service was only 58.7 per cent.⁷⁵

3. Right to health⁷⁶

54. In 2015, while recognizing the efforts of the Plurinational State of Bolivia in the field of health services, the High Commissioner for Human Rights noted weaknesses in the health system, particularly with regard to protocols for patient care, the lack of human resources and equipment and the absence of adequate budgetary allocations.⁷⁷ The United Nations country team highlighted the adoption of the Unified Health System Act No. 1152 in 2019, which will benefit 5.8 million previously uninsured persons, and recommended that the State allocate sufficient resources for its implementation, improve the management of the public health system and conclude agreements between the central and local governments to ensure its proper enforcement.⁷⁸

55. The team also recommended that the State approve the Sexual and Reproductive Health Plan without delay and ensure that the necessary funding was made available for its implementation and monitoring.⁷⁹ It further recommended that the State ensure the availability of contraceptives, especially for adolescents, and prioritize the problem of pregnancies among girls under 15 years of age with a view to taking immediate action and establishing special protocols for the delivery of sexual and reproductive health care to that population group.⁸⁰

56. The Committee on the Elimination of Discrimination against Women recommended that the State decriminalize abortion and ensure that it was legally available in cases of threats to the life or health of the pregnant woman, rape, incest and serious impairment of the fetus, in addition to ensuring the appropriate implementation of the Constitutional Court ruling abolishing the requirement of judicial authorization for access to abortion in cases of rape or incest.⁸¹

57. The United Nations country team acknowledged the results of the implementation by the Ministry of Health of the National Strategy to Accelerate the Reduction of Maternal and Neonatal Mortality 2016–2020 but also noted that the percentage of live births remained below the regional average. It recommended that the State strengthen its maternal mortality monitoring system, with special emphasis on indigenous women, compile data on severe maternal morbidity and implement policies to reduce obstetric violence.⁸²

58. The United Nations country team recommended that the State promulgate a framework law on sexual and reproductive rights with a view to reducing maternal mortality rates, the number of unsafe abortions and the incidence of the unmet need for contraception; to ensuring the prevention and treatment of HIV and other sexually transmitted infections, as well as cervical, breast and prostate cancer; and to closing gaps in access to sexual and reproductive health services in rural areas and for indigenous communities.⁸³

59. The Committee on the Rights of Persons with Disabilities recommended that the State ensure the accessibility of medical facilities, information and communication for persons with disabilities and launch a training and promotion campaign for health professionals and staff on the rights of persons with disabilities.⁸⁴

4. Right to education⁸⁵

60. UNESCO highlighted the fact that, in 2014, education expenditure had been 7.1 per cent of gross domestic product and had amounted to 16.8 per cent of total government expenditure. It also noted that there was a gross enrolment rate of 99 per cent at the primary level, but that completion rates fell throughout the system, and that high dropout rates were often due to children's engagement in economic activities and difficulties with access in rural areas.⁸⁶

61. UNESCO recommended that the Plurinational State of Bolivia further improve the quality of education offered to indigenous groups, Afro-Bolivians and other disadvantaged groups, and continue to develop a culturally responsive educational environment.⁸⁷

62. The Committee on the Elimination of Discrimination against Women was concerned about the 30 per cent school dropout rate owing to teenage pregnancy and the absence of education in sexual and reproductive health and rights within the education system.⁸⁸ The United Nations country team recommended the adoption of a public policy for the provision of comprehensive sex education within the education system.⁸⁹

63. The United Nations country team recommended that the State incorporate gender equality issues and the concepts of the unacceptability of discrimination and violence on grounds of gender identity and sexual orientation into school curricula.⁹⁰

64. The Committee on the Rights of Persons with Disabilities was concerned at the low school enrolment and high dropout rates of persons with disabilities and the fact that most of those who were enrolled were in special, segregated schools. It urged the State to adopt policies on inclusive quality education and a strategy for the provision of reasonable adjustments in schools and other learning institutions.⁹¹

D. Rights of specific persons or groups

1. Women⁹²

65. The Committee on the Elimination of Discrimination against Women welcomed the inclusion of the principle of non-discrimination and gender equality in the Constitution and the profound legislative transformation in favour of women. It recommended that the Plurinational State of Bolivia establish strong accountability mechanisms for the implementation of laws in accordance with the constitutional rights of women, and allocate adequate human, technical and budgetary resources to those mechanisms.⁹³

66. The Committee highlighted the limited decision-making authority and the lack of resources of the Deputy Minister for Equality of Opportunities at the Ministry of Justice and the Unit for Depatriarchalization and Decolonization at the Ministry of Culture. It recommended that the State consider the establishment of a ministry of women's affairs or other high-level office with authority to coordinate all public policies for gender equality and the advancement of women.⁹⁴

67. It also recommended that the State accelerate the implementation of the National Plan for Equality of Opportunities and ensure the broader participation of women's organizations, including organizations of indigenous and Afro-Bolivian women, and women with disabilities in its implementation.⁹⁵

68. It further recommended that the State adopt temporary measures aimed at accelerating substantive equality between women and men in all areas covered by the Convention on the Elimination of All Forms of Discrimination against Women, including participation in economic life, education, health and social security.⁹⁶

69. While commending the State for its progressive laws regarding women's political participation and protection from gender-based violence, the Committee was concerned about the underrepresentation of women, especially indigenous women, in high-level decision-making positions in the Government, particularly at the departmental and municipal levels.⁹⁷ The United Nations country team recommended familiarizing State officials with the Act on Political Harassment and Violence against Women (Act No. 243) in order to ensure the proper application of the specific offences defined therein.⁹⁸

70. The Committee on the Elimination of Discrimination against Women noted that Act No. 348 of 2013 established a comprehensive framework for guaranteeing women a life free from violence. Nevertheless, it was concerned about the prevalence of violence against women in the country.⁹⁹ It recommended that the State develop a strategy to prevent violence against women, with the participation of various stakeholders and considering the special situations of risk to indigenous and Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention.¹⁰⁰

71. The same Committee recommended that the State give priority to and allocate appropriate human and financial resources for the functioning of specialized courts that dealt exclusively with cases of violence against women, in accordance with Act. 348 of 2013.¹⁰¹ It also recommended strengthening the mandate of the “Genoveva Rios” special police force to combat violence against women and ensuring that cases of violence against women, including domestic violence, were under no circumstances referred to any alternative dispute resolution procedures.¹⁰²

2. Children¹⁰³

72. The United Nations country team reported that 2017 saw the establishment of the Plurinational Committee for Children and Adolescents and the adoption of the Plurinational Integral Development Plan for Children and Adolescents. The team recommended that the Plurinational State of Bolivia implement that plan effectively and provide greater support for the offices of the Ombudsman for Children and Adolescents.¹⁰⁴

73. The team also observed that, in 2017, the Constitutional Court had declared article 129 of the Code for Children and Adolescents to be unconstitutional. That article had exceptionally allowed children to work in self-employment from the age of 10 and be employed starting from the age of 12. The Code had been amended in 2018 pursuant to that ruling.¹⁰⁵

74. In 2017, while noting the Government’s efforts to prevent child labour, the ILO Committee of Experts noted with regret that the national policy for the eradication of child labour had not yet been adopted and requested the Government to adopt it.¹⁰⁶

75. The United Nations country team said that, despite the progress made, violence against children remained a matter of concern. It recommended that the State develop violence prevention programmes and complaints mechanisms and promote good parenting practices.¹⁰⁷

76. The Committee on the Rights of Persons with Disabilities recommended that the State take steps to remove children with disabilities from institutions and to protect their right to live in a family environment and to be included in the community. It was concerned at reports of cases of killing of newborn children with disabilities in the country’s most remote communities, motivated by persistent prejudices.¹⁰⁸

3. Persons with disabilities

77. The Committee on the Rights of Persons with Disabilities recommended that the Plurinational State of Bolivia review its entire legislation with a view to recognizing persons with disabilities as full holders of all human rights. It also recommended that the State adopt mechanisms for open, broad-based and democratic consultation with organizations of persons with disabilities and urged it to finish setting up the National Committee for Persons with Disabilities.¹⁰⁹

78. The same Committee was concerned that the criteria used in certifying disability continued to reflect the medical model and that the procedure for obtaining a certificate of disability was complicated and expensive for the majority of persons with disabilities. It was also concerned at the continued existence of regimes that limited the legal capacity of persons with disabilities and recommended that the State repeal them and implement systems to support persons with disabilities in the exercise of their legal capacity.¹¹⁰

79. The United Nations country team recommended that the State incorporate affirmative action measures for persons with disabilities into sectoral and multisectoral policies under the Economic and Social Development Plan.¹¹¹

80. The Committee on the Rights of Persons with Disabilities recommended that the State recognize denial of reasonable adjustments as a form of disability-based discrimination. It was concerned about the non-existence of support services to enable persons with disabilities to be included and participate fully in the community.¹¹²

4. Minorities and indigenous peoples¹¹³

81. UNESCO noted that 42 per cent of the population of the Plurinational State of Bolivia was formed by indigenous peoples from more than 37 indigenous nations.¹¹⁴

82. The United Nations country team drew attention to the protection afforded by the legislative framework for the rights of indigenous peoples, the promotion of their participation in decision-making processes and the mainstreaming of an intercultural approach in public policies. It noted, however, that there continued to be incongruencies between the recognition of indigenous peoples' rights, on the one hand, and economic policies concerning the extraction of natural resources that had a disproportionate impact on indigenous territories and communities, on the other.¹¹⁵

83. The Independent Expert on foreign debt noted that the legal framework prescribing processes of prior consultation with communities affected by large-scale infrastructure projects was ad hoc and its application did not appear to adequately meet international human rights standards.¹¹⁶ The United Nations Country Team recommended that the State implement adequate consultation procedures and push for the consideration of the bill on consultation with indigenous peoples by the Legislative Assembly.¹¹⁷

5. Migrants, refugees, asylum seekers and internally displaced persons¹¹⁸

84. The United Nations country team noted that the Constitution and the Migration Act both guarantee migrants the ability to exercise of their rights. It recommended that the Plurinational State of Bolivia draft a comprehensive, inclusive policy on migration in coordination with the National Migration Board and compile statistical data using a human rights approach.¹¹⁹

85. UNHCR noted that the national legislation and regulatory framework regarding refugees were in line with the main international standards, but that frequent changes in the composition of the National Refugee Commission and its secretariat, coupled with the lack of training of the authorities on asylum issues, had weakened the capacity of the asylum system in a context in which asylum applications were increasing exponentially.¹²⁰ The Committee on the Elimination of Discrimination against Women recommended that the State adopt protocols developed by UNHCR for conducting the refugee status determination in a gender-sensitive manner.¹²¹

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Plurinational State of Bolivia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/BOIndex.aspx.
- ² For the relevant recommendations, see A/HRC/28/7, paras. 113.2–113.4, 114.1–114.4 and 115.6.
- ³ United Nations country team submission for the universal periodic review of the Plurinational State of Bolivia, para. 2.
- ⁴ CRPD/C/BOL/CO/1, para. 68 (c).
- ⁵ UNHCR submission for the universal periodic review of the Plurinational State of Bolivia, p. 1.
- ⁶ OHCHR, "UN human rights in the field: Americas", *OHCHR Report 2017*, p. 213; www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21687&LangID=E.
- ⁷ OHCHR, *OHCHR Report 2018*, pp. 187 and 247. See also United Nations country team submission, para. 4.
- ⁸ For the relevant recommendations, see A/HRC/28/7, paras. 113.1, 113.5–113.10, 114.6, 114.8, 114.34 and 114.42–114.43.
- ⁹ OHCHR, "UN human rights in the field: Americas", *OHCHR Report 2017*, p. 215. See also A/HRC/37/3, para. 16; <http://acnudh.org/junto-a-autoridades-y-sociedad-civil-acnudh-analisis-avances-y-desafios-de-derechos-humanos-en-bolivia/>; United Nations country team submission, para. 1.
- ¹⁰ United Nations country team submission, para. 1.
- ¹¹ *Ibid.*, para. 3. See also OHCHR, "UN human rights in the field: Americas", *OHCHR Report 2017*, p. 215.
- ¹² United Nations country team submission, para. 13.
- ¹³ For the relevant recommendations, see A/HRC/28/7, paras. 114.6, 114.31–114.33, 114.35–114.39 and

- 115.4.
- 14 OHCHR, “UN human rights in the field: Americas”, *OHCHR Report 2017*, p. 215. See also A/HRC/28/3/Add.2, para. 92 (f); United Nations country team submission, para. 51.
- 15 CEDAW/C/BOL/CO/5-6, paras. 16–17 (a) and (c).
- 16 United Nations country team submission, para. 52.
- 17 For the relevant recommendations, see A/HRC/28/7, paras. 114.125, 114.29 and 115.3.
- 18 See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24612&LangID=E. See also www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- 19 United Nations country team submission, para. 28.
- 20 *Ibid.*, para. 29. See also CRPD/C/BOL/CO/1, paras. 25–26; www.unicef.org/about/annualreport/files/Bolivia_2017_COAR.pdf.
- 21 For relevant recommendations, see A/HRC/28/7, paras. 113.15–113.19, 114.69 and 114.114.
- 22 CAT/OP/BOL/3, paras. 26–27. See also CCPR/C/117/2, pp. 11–12; CCPR/C/BOL/CO/3/Add.2, para. 26.
- 23 CAT/OP/BOL/3, paras. 109 and 111 (c). See also CCPR/C/117/2, pp. 11–12; CCPR/C/BOL/CO/3/Add.2, para. 37.
- 24 CAT/OP/BOL/3, paras. 12 and 15–16. See also CRPD/C/BOL/CO/1, paras. 39–40; CCPR/C/117/2, pp. 11–12; CAT/OP/BOL/3/Add.1, paras. 2–6; CCPR/C/BOL/CO/3/Add.2, paras. 27–37; A/HRC/28/3/Add.2, para. 71.
- 25 CAT/OP/BOL/3, para. 28. See also A/HRC/28/3/Add.2, para. 67; United Nations country team submission, para. 8.
- 26 United Nations country team submission, paras. 9–10. See also CAT/OP/BOL/3, para. 30.
- 27 CAT/OP/BOL/3, para. 74. See also CAT/OP/BOL/3/Add.1, paras. 94–98; A/HRC/28/3/Add.2, para. 92 (e).
- 28 CAT/OP/BOL/3, para. 17. See also CAT/OP/BOL/3/Add.1, paras. 8–12 and 56–58.
- 29 A/HRC/28/3/Add.2, paras. 66 and 92 (j).
- 30 United Nations country team submission, para. 52.
- 31 For relevant recommendations, see A/HRC/28/7, paras. 113.14, 113.20–113.26, 114.44–114.45, 114.47, 114.56–114.68, 114.70, 114.127–114.128, 115.2 and 115.11–115.13.
- 32 United Nations country team submission, para. 5. See also A/HRC/28/3/Add.2, paras. 41, 48–50 and 92 (a)–(b).
- 33 CEDAW/C/BOL/CO/5-6, para. 10 (c). See also United Nations country team submission, para. 11; A/HRC/28/3/Add.2, paras. 45 and 92 (c).
- 34 CAT/OP/BOL/3, paras. 105 and 110. See also CAT/OP/BOL/3/Add.1, paras. 158–166; CEDAW/C/BOL/CO/5-6, para. 10 (a); A/HRC/28/3/Add.2, paras. 52–53.
- 35 CAT/OP/BOL/3, paras. 85 and 117. See also CAT/OP/BOL/3/Add.1, paras. 168–181.
- 36 CAT/OP/BOL/3, para. 50. See also CAT/OP/BOL/3/Add.1, paras. 142–146; A/HRC/28/3/Add.2, para. 51.
- 37 CAT/OP/BOL/3, para. 54. See also CAT/OP/BOL/3/Add.1, paras. 151–153.
- 38 CRPD/C/BOL/CO/1, paras. 30 and 32.
- 39 CCPR/C/117/2, pp. 10–11. See also CCPR/C/BOL/CO/3/Add.2, paras. 1–23; https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BOL/INT_CAT_FUL_BOL_17606_E.pdf.
- 40 United Nations country team submission, para. 15. See also A/HRC/37/3, para. 40; OHCHR, “UN human rights in the field: Americas”, *OHCHR Report 2017*, p. 215; CED/C/BOL/Q/1, para. 13.
- 41 For relevant recommendations, see A/HRC/28/7, paras. 114.71–114.74 and 115.14–115.15.
- 42 A/HRC/28/3/Add.2, para. 75.
- 43 United Nations country team submission, para. 14.
- 44 UNESCO submission for the universal periodic review of the Plurinational State of Bolivia, p. 7.
- 45 *Ibid.*, p. 3. See also www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- 46 UNESCO submission, p. 6.
- 47 *Ibid.*, pp. 3 and 7.
- 48 CCPR/C/122/D/2628/2015, para. 11.3; CCPR/C/122/D/2629/2015, para. 11.3.
- 49 CCPR/C/122/D/2628/2015, paras. 11.3, 11.5 and 13; CCPR/C/122/D/2629/2015, paras. 11.3, 11.5 and 13. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22952&LangID=E.
- 50 CRPD/C/BOL/CO/1, para. 65.
- 51 For relevant recommendations, see A/HRC/28/7, paras. 113.42 and 114.48–114.55.
- 52 CEDAW/C/BOL/CO/5-6, para. 20 (a)–(d). See also www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3329114,102567,Bolivia,%20Plurinational%20State%20of,2017.

- ⁵³ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3336369,102567,Bolivia,%20Plurinational%20State%20of,2017. See also United Nations country team submission, para. 58.
- ⁵⁴ United Nations country team submission, paras. 58–59.
- ⁵⁵ UNHCR submission, p. 2.
- ⁵⁶ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3336365,102567,Bolivia,%20Plurinational%20State%20of,2017.
- ⁵⁷ CRPD/C/BOL/CO/1, para. 41 (b).
- ⁵⁸ For the relevant recommendation, see A/HRC/28/7, para. 113.11.
- ⁵⁹ CEDAW/C/BOL/CO/5-6, paras. 38–39 (a)–(b).
- ⁶⁰ CRPD/C/BOL/CO/1, para. 53.
- ⁶¹ See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- ⁶² Ibid.
- ⁶³ CEDAW/C/BOL/CO/5-6, para. 27 (a). See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3298327,102567,Bolivia,%20Plurinational%20State%20of,2016.
- ⁶⁴ CEDAW/C/BOL/CO/5-6, paras. 26 (d) and 27 (d).
- ⁶⁵ United Nations country team submission, para. 60. See also CRPD/C/BOL/CO/1, paras. 61–62; www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3294917,102567,Bolivia,%20Plurinational%20State%20of,2016.
- ⁶⁶ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3298327,102567,Bolivia,%20Plurinational%20State%20of,2016.
- ⁶⁷ For relevant recommendations, see A/HRC/28/7, paras. 113.12–113.13, 114.5, 114.7, 114.10–114.18 and 114.113.
- ⁶⁸ See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- ⁶⁹ United Nations country team submission, para. 16. See also www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- ⁷⁰ United Nations country team submission, para. 54.
- ⁷¹ CRPD/C/BOL/CO/1, para. 63.
- ⁷² CEDAW/C/BOL/CO/5-6, para. 30.
- ⁷³ UN-HABITAT submission for the universal periodic review of the Plurinational State of Bolivia, pp. 2 and 4–5. See also United Nations country team submission, paras. 61 and 64.
- ⁷⁴ UN-HABITAT submission, pp. 3 and 5. See also United Nations country team submission, para. 63.
- ⁷⁵ UN-HABITAT submission, p. 1. See also United Nations country team submission, para. 27; *Social Panorama of Latin America 2018* (United Nations publication, Sales No. E.18.II.G.7), p. 157.
- ⁷⁶ For relevant recommendations, see A/HRC/28/7, paras. 113.30–113.31, 114.19–114.21, 114.30, 114.76–114.77 and 114.111–114.112.
- ⁷⁷ A/HRC/28/3/Add.2, para. 12.
- ⁷⁸ United Nations country team submission, para. 17. See also A/HRC/28/3/Add.2, para. 12; www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- ⁷⁹ United Nations country team submission, para. 20.
- ⁸⁰ Ibid., paras. 21–22.
- ⁸¹ CEDAW/C/BOL/CO/5-6, para. 29 (c). See also letter dated 13 April 2018 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Mission of the Plurinational State of Bolivia to the United Nations Office and other international organizations in Geneva, available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BOL/INT_CEDAW_FUL_BOL_30896_E.pdf, pp. 4–5; CEDAW/C/BOL/CO/5-6/Add.1, paras. 23–26; A/HRC/28/3/Add.2, para. 26; United Nations country team submission, para. 38.
- ⁸² United Nations country team submission, para. 18. See also CEDAW/C/BOL/CO/5-6, para. 29 (a); www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- ⁸³ United Nations country team submission, para. 38.
- ⁸⁴ CRPD/C/BOL/CO/1, para. 58 (a)–(b).
- ⁸⁵ For relevant recommendations, see A/HRC/28/7, paras. 113.40, 113.45, 114.9, 114.22–114.26, 114.28, 114.40, 114.124, 114.129–114.130, 114.132 and 115.5.
- ⁸⁶ UNESCO submission, p. 4.
- ⁸⁷ Ibid., p. 6.
- ⁸⁸ CEDAW/C/BOL/CO/5-6, para. 24. See also UNESCO submission, p. 6.
- ⁸⁹ United Nations country team submission, para. 25.

- ⁹⁰ Ibid., para. 53.
- ⁹¹ CRPD/C/BOL/CO/1, paras. 55–56 (a) and (d). See also UNESCO submission, pp. 5–6.
- ⁹² For relevant recommendations, see A/HRC/28/7, paras. 113.28–113.29 and 114.79–114.110.
- ⁹³ See CEDAW/C/BOL/CO/5-6, paras. 8 and 9 (a).
- ⁹⁴ Ibid., paras. 12 (a) and 13 (a).
- ⁹⁵ Ibid., para. 13 (b)–(c). See also CRPD/C/BOL/CO/1, para. 16.
- ⁹⁶ Ibid., paras. 14–15 (a).
- ⁹⁷ Ibid., para. 22. See also United Nations country team submission, para. 31; www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- ⁹⁸ United Nations country team submission, para. 32.
- ⁹⁹ CEDAW/C/BOL/CO/5-6, para. 18 (a). See also www.unicef.org/about/annualreport/files/Bolivia_2017_COAR.pdf; United Nations country team submission, para. 33.
- ¹⁰⁰ CEDAW/C/BOL/CO/5-6, para. 19 (a). See also https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BOL/INT_CEDAW_FUL_BOL_30896_E.pdf; CEDAW/C/BOL/CO/5-6/Add.1, paras. 3–13.
- ¹⁰¹ CEDAW/C/BOL/CO/5-6, para. 11 (d). See also A/HRC/28/3/Add.2, para. 92 (i); United Nations country team submission, para. 36.
- ¹⁰² CEDAW/C/BOL/CO/5-6, para. 19 (d)–(e). See also CEDAW/C/BOL/CO/5-6/Add.1, paras. 14–17; https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BOL/INT_CEDAW_FUL_BOL_30896_E.pdf; United Nations country team submission, para. 35.
- ¹⁰³ For relevant recommendations, see A/HRC/28/7, paras. 113.32–113.39, 113.41, 113.43–113.44, 114.115–114.123, 115.1 and 115.7–115.10.
- ¹⁰⁴ United Nations country team submission, para. 40.
- ¹⁰⁵ Ibid., para. 42.
- ¹⁰⁶ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3336365,102567,Bolivia,%20Plurinational%20State%20of,2017. See also United Nations country team submission, paras. 43–44.
- ¹⁰⁷ United Nations country team submission, para. 46.
- ¹⁰⁸ CRPD/C/BOL/CO/1, paras. 18 and 23–24.
- ¹⁰⁹ Ibid., paras. 6 and 10.
- ¹¹⁰ Ibid., paras. 7 and 27–28.
- ¹¹¹ United Nations country team submission, para. 60.
- ¹¹² CRPD/C/BOL/CO/1, paras. 14 and 49.
- ¹¹³ For relevant recommendations, see A/HRC/28/7, paras. 113.46, 114.126 and 114.131.
- ¹¹⁴ UNESCO submission, p. 5.
- ¹¹⁵ United Nations country team submission, para. 54.
- ¹¹⁶ See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24607&LangID=E.
- ¹¹⁷ United Nations country team submission, para. 55. See also CEDAW/C/BOL/CO/5-6, para. 34; A/HRC/28/3/Add. 2, paras. 29 and 92 (g).
- ¹¹⁸ For relevant recommendations, see A/HRC/28/7, paras. 113.27, 114.41, 114.78.
- ¹¹⁹ United Nations country team submission, para. 56. See also CMW/C/BOL/Q/3, paras. 1–2.
- ¹²⁰ UNHRC submission, p. 3. See also United Nations country team submission, para. 57.
- ¹²¹ CEDAW/C/BOL/CO/5-6, paras. 36–37.