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Plurinational State of Bolivia

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the document referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR) other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

* Reissued for technical reasons on 30 September 2014.



I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Ratification, accession or succession	ICERD (1970) ICESCR (1982) ICCPR (1982) CEDAW (1990) CAT (1999) OP-CAT (2006) CRC (1990) OP-CRC-AC (2004) OP-CRC-SC (2003) ICRMW (2000) CRPD (2009) CPED (2008)	ICCPR-OP 2 (2013)	
Reservations and/or declarations	OP-CRC-AC (Declaration, art. 3 (2), age of recruitment at 18 years, 2004)		
Complaints procedures, inquiries and urgent action ³	ICERD, art. 14 (2006) ICCPR-OP 1 (1982) OP-CEDAW, art. 8 (2000) CAT, arts. 20, 21 and 22 (2006) OP-CRPD, art. 6 (2009)	OP-ICESCR (2012) OP-CRC-IC, art. 13 (2013)	OP-ICESCR, arts. 10 and 11 ICCPR, art. 41 OP-CRC-IC, art. 12 ICRMW, arts. 76 and 77 CPED, arts. 31 and 32

2. Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol ⁴ Conventions on refugees and stateless persons ⁵ Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁶ ILO fundamental conventions except Nos. 189 ⁷	ILO Convention No. 189 (2013) ⁸	Additional Protocol III to the 1949 Geneva Conventions ⁹ UNESCO Convention against Discrimination in Education

1. In 2013, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) encouraged Bolivia to make the declarations provided for in articles 76 and 77 of the Convention.¹⁰
2. CMW invited Bolivia to accede to ILO Conventions No. 97 (1949) concerning Migration for Employment and No. 143 (1975) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.¹¹
3. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Bolivia to ratify the Convention against Discrimination in Education.¹²

B. Constitutional and legislative framework

4. Several treaty bodies welcomed, inter alia, Comprehensive Acts No. 348 (2013) on guaranteeing a life free of violence for women; No. 263 (2012) on human trafficking and smuggling; No. 251 (2012) on refugee protection; No. 370 (2013) on migration and No. 045 (2010) on the elimination of racism and all forms of discrimination.¹³
5. CMW took note of the Act on the Elimination of Racism and All Forms of Discrimination, the related National Committee and the 2012–2015 National Action Plan, but regretted that they did not treat migrant workers and members of their families as a group at risk of discrimination.¹⁴
6. In 2013, the Committee against Torture (CAT) recommended the incorporation of a definition of torture into the criminal law to include all the elements set forth in article 1 of the Convention.¹⁵ In 2014, the United Nations High Commissioner for Human Rights reported that the legislative assembly had not yet modified the definition of the crime of torture under the Criminal Code, which was not in conformity with international standards, either with regard to the elements of the crime or its punishment.¹⁶
7. The High Commissioner further reported that the Migration Act set out provisions relating to the prevention of harassment and gender and sexual violence, as well as guarantees for the reunification of migrant families.¹⁷
8. In 2013, the Human Rights Committee welcomed the decision of the Plurinational Constitutional Court of 2012, in which the Court ruled that the prohibition of expressions of disrespect was unconstitutional.¹⁸
9. The Committee took note of the new provisions governing states of emergency in the Constitution but was concerned that there was no law that clearly prohibits derogation of the rights set forth in article 4, paragraph 2, of the Covenant.¹⁹
10. The High Commissioner for Human Rights recommended that the Government and the legislature amend Act No. 2640, which provides that the Government is liable for only 20 per cent of the financial compensation to victims of unconstitutional regimes, so that the Government pays the compensation in full.²⁰

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²¹

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle²²</i>
Ombudsman	A (2007)	A (confirmed in 2012)

11. In 2014, the High Commissioner for Human Rights recommended that the Government continue to respect the independence of the Ombudsman's Office and to facilitate the implementation of its resolutions and recommendations.²³ CMW was concerned that the Ombudsman's Office did not receive sufficient public funding.²⁴ The Human Rights Committee insisted that the Office should have resources.²⁵

12. CAT urged Bolivia to complete the establishment of the national preventive mechanism in accordance with OP-CAT.²⁶ OHCHR reported that Law No. 474 (2013) had created the Torture Prevention Service (SEPRET), which would serve as the national preventive mechanism, in accordance with OP-CAT. However, the High Commissioner was concerned that the mechanism's independence might be compromised by its dependence on the Ministry of Justice and that its mandate and powers had not been defined by law.²⁷

13. In 2013, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted important steps taken, such as the establishment of the Vice-Ministry of Decolonization and the National Committee against Racism and All Forms of Discrimination.²⁸ The Human Rights Committee welcomed with satisfaction the establishment of the National Committee against Racism and Discrimination and of the departmental committees in Chuquisaca y Tarija.²⁹ The Committee was concerned at the paucity of mechanisms and resources for putting the legislative and normative framework for the eradication of all discrimination into practice.³⁰

14. In 2013, as part of follow-up, Bolivia informed CERD that the Committee Against Racism and All Forms of Discrimination had drawn up policies and a plan of action, which were awaiting the approval of the Executive.³¹ The High Commissioner reported that implementation of the plan had seen limited progress, primarily because it had not been formally adopted by the Executive, and officials had limited knowledge about it.³² She recommended that Bolivia fully implement the 2012–2015 Policy against Racism and All Forms of Discrimination and increase resources for the effective functioning of the Committee.³³

15. The Human Rights Committee noted that the normative framework for combating violence against women was not equipped with resources.³⁴ The High Commissioner recommended that measures be taken to implement the law on guaranteeing women a life free from violence, including the allocation of resources for the creation of specialized courts and public prosecutors' offices, as well as shelters for victims.³⁵

16. CMW took note of the establishment of the Plurinational Council on Human Trafficking and Smuggling.³⁶ It recommended the allocation of resources so that the Act on human trafficking and smuggling is implemented.³⁷

17. CMW recommended the establishment of a single mechanism to coordinate the institutions and bodies responsible for migrant workers.³⁸

18. CAT noted the National Human Rights Action Plan for 2009–2013.³⁹ CERD welcomed the "Bolivia: Dignity for a Good Life" plan.⁴⁰ The United Nations country team in Bolivia said that the National Human Rights Action Plan had been about 50 per cent implemented, mainly owing to the lack of budget allocations and the myriad actions contained in the Plan. United Nations country team said that it was devising a new National Human Rights Action Plan for 2014–2018.⁴¹

19. The United Nations country team said that the President had unveiled the Patriotic Agenda 2025, based on 13 pillars intended mainly to eradicate extreme poverty and provide basic public services, food security, sovereignty and equality. It also called attention to the need for better mainstreaming of gender issues and women's human rights.⁴²

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies⁴³

1. Reporting status⁴⁴

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2003	2010	March 2011	Twenty-first to twenty-fourth reports overdue since 2013
CESCR	May 2008	–	–	Third and fourth reports overdue since 2010
HR Committee	March 1997	2011	October 2013	Fourth report due in 2018
CEDAW	January 2008	2013	–	Fifth and sixth reports pending consideration in 2015
CAT	May 2001	2011	May 2013	Third report due in 2017
CRC	October 2009	–	–	Fifth to sixth reports due in 2015. Initial OP-CRC-SC report overdue since 2005. Initial OP-CRC-AC report overdue since 2007
CMW	April 2008	2011	April 2013	Third report due in 2018
CRPD	–	2013	–	Initial report pending consideration
CED	–	–	–	Initial report overdue since 2012

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2012	Racist violence against indigenous people; and discrimination and hostility against migrants. ⁴⁵	2013. ⁴⁶ Further information requested. ⁴⁷
HR Committee	2014	Investigation of human rights violations; military justice and human rights violations, particularly torture; and investigation of racial violence in 2008. ⁴⁸	–
CEDAW	–	–	–
CAT	2014	Fundamental legal safeguards for persons in custody; impartial investigations and prosecution of torture; and sexual abuse of children in educational institutions. ⁴⁹	–

Country visits and/or inquiries by treaty bodies

<i>Treaty body</i>	<i>Date</i>	<i>Subject matter</i>
SPT	2010	Confidential report

20. The Human Rights Committee expressed concern at the absence of any specific procedure for implementing the Committee's Views under the Optional Protocol.⁵⁰

B. Cooperation with special procedures⁵¹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	Yes (2010)
<i>Visits undertaken</i>	Indigenous people (2007) Right to food (2007) Foreign debt (2001) Extreme poverty (2001)	Racism (2012)
<i>Visits agreed to in principle</i>	Torture Racism Foreign debt	Torture
<i>Visits requested</i>		Mercenaries Foreign debt Violence against women Human rights and transnational corporations and other business enterprises
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review 14 communications were sent. The Government replied to 12 communications.	

21. In 2013, the Working Group on Disappearances noted that, since its establishment, it had transmitted 48 cases to the Government; of those, one has been clarified on the basis of information provided by the source, 19 have been clarified on the basis of information provided by the Government, and 28 remain outstanding.⁵²

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

22. Bolivia renewed until August 2015 the agreement with OHCHR establishing a country office with a mandate to monitor and report on the human rights situation and to provide technical assistance.⁵³

23. Since the previous review, OHCHR had continued to provide technical assistance aimed at strengthening the administration of justice;⁵⁴ implementation of the right to consultation and participation of indigenous peoples;⁵⁵ strengthening of the capacity of the National Committee against Racism and All Forms of Discrimination;⁵⁶ development of indicators on economic, social and cultural rights;⁵⁷ and finalization of the Plan for Human Rights Education⁵⁸ and the new National Human Rights Action Plan.⁵⁹

24. In order to facilitate their follow-up, OHCHR provided to the National Human Rights Council a database of recommendations made to Bolivia by international human

rights mechanisms⁶⁰ and supported the holding of consultations for the drafting of the State report and civil society contributions for the second review of Bolivia.⁶¹

25. The High Commissioner for Human Rights visited Bolivia in 2010.⁶² In her previous report to the Human Rights Council, the High Commissioner made recommendations to contribute to the improvement of the human rights situation, which have been incorporated in section III of the present report.⁶³

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

A. Equality and non-discrimination

26. The Human Rights Committee urged Bolivia to eliminate gender stereotypes and to conduct awareness-raising campaigns.⁶⁴

27. The Special Rapporteur on racism welcomed legislative and policy initiatives, including the adoption of Law No. 045 (2010) and the 2012–2015 Plan of Action to address racism and all forms of discrimination.⁶⁵ The Special Rapporteur noted that indigenous peoples and Afro-Bolivians continued to experience structural discrimination in their access to employment, education, health care and other services and recommended that Bolivia address the underlying structural factors and set, and monitor the implementation of, concrete equality targets.⁶⁶

28. CERD was concerned that indigenous communities were subjected to discrimination, particularly in the form of the multiple discrimination suffered by women.⁶⁷

29. CERD encouraged Bolivia to combat racial and all forms of discrimination and recommended that it promote intercultural dialogue and tolerance.⁶⁸ CMW urged Bolivia to combat prejudice and social stigmatization.⁶⁹

30. CERD regretted that some organizations, media and journalists used racial hate speech, spread racial stereotypes against indigenous original *campesino* peoples and nations, and Bolivians of African descent. It recommended that the Criminal Code be amended in order to implement article 4 of the Convention and to combat racial prejudice in the media and press.⁷⁰

B. Right to life, liberty and security of the person

31. The Human Rights Committee expressed its concern at the large number of lynchings and recommended that Bolivia bring the perpetrators to justice and compensate the victims and that it strengthen the prevention and prosecution of such crimes.⁷¹

32. The Committee encouraged Bolivia to take urgent measures to issue implementation regulations for the new Act on Political Harassment and Violence against Women so as to ensure that the perpetrators of murders and political harassment of women are investigated, tried and punished.⁷²

33. CAT was disturbed by deaths in custody. It urged Bolivia to undertake impartial investigations; punish those responsible and compensate the victims' families.⁷³

34. The Human Rights Committee expressed its dismay at the excessive use of force by law enforcement officials during social protests. The State must investigate such complaints.⁷⁴

35. CAT was concerned that the whereabouts of people who had disappeared between 1980 and 1982 remained unknown.⁷⁵ CAT urged Bolivia to complete the work of exhuming and identifying the remains of disappeared persons and to provide access to all civilian and military files.⁷⁶

36. CAT was alarmed by overcrowding in jails. It was also concerned at the power wielded by organized prisoners' gangs and at mixed prison facilities in which female inmates had become victims of sexual violence. It urged that steps be taken to ensure that prison conditions are in keeping with the Standard Minimum Rules for the Treatment of Prisoners⁷⁷ and to support the work of the Ombudsman's Office in detention centres.⁷⁸ While sharing similar concerns, the Human Rights Committee was worried about the high number of children living in prison with their families.⁷⁹

37. CAT was concerned about gender violence, particularly domestic and sexual violence. It urged Bolivia to investigate and prosecute such acts; and to raise awareness.⁸⁰ The Human Rights Committee urged Bolivia to prevent and combat all forms of gender violence and to implement the right to reparation.⁸¹

38. CAT urged Bolivia to prevent sexual abuse of children in schools, to investigate such abuses and bring perpetrators to trial; and to provide victims with protection, access to justice, redress and health care. It urged Bolivia to ensure that the persons suspected of having murdered a child, Patricia Flores, are brought to trial.⁸²

39. The Human Rights Committee was concerned that corporal punishment was not specifically prohibited and continued to be meted out as a form of punishment in the community-based justice system. Bolivia must put an end to corporal punishment in all areas and wage information campaigns, including in the native indigenous *campesino* courts.⁸³

40. The High Commissioner was concerned about the findings of a Ministry of Education study on violence, ill-treatment and abuse in school, which revealed that 88 per cent of the school population suffered some form of violence.⁸⁴

41. CMW reiterated its concern about the limitations of the policy on prevention, protection and assistance for the victims of trafficking, and recommended that Bolivia implement a national strategy.⁸⁵ The HR Committee raised the same concern.⁸⁶

42. UNHCR indicated that Bolivia continues to be a source and destination country for human trafficking and smuggling. It recommended that it develop a standard operating procedure for the identification of victims of trafficking and those who may be in need of international protection; establish a referral mechanism to enable them to apply for asylum, whenever appropriate; improve the quality of the refugee status determination procedure and adopt measures to ensure that refugees, asylum-seekers, and other persons of concern to UNHCR do not fall victim to human trafficking.⁸⁷

43. The Human Rights Committee indicated that Bolivia must ensure the application of the legislative and normative framework in the area of eradication of child labour and sexual exploitation of minors, and ensure that the offences are effectively investigated, prosecuted and penalized.⁸⁸

44. While taking note of the country's efforts to abolish servitude and slavery in Guaraní territory, CERD expressed concern at the continued captivity of indigenous peoples.⁸⁹ CERD recommended that the country prevent, investigate and prosecute contemporary forms of slavery and guarantee access to justice for the Guaraní people.⁹⁰ CAT urged Bolivia to eradicate forced labour and servitude.⁹¹

C. Administration of justice, including impunity and the rule of law

45. The Human Rights Committee observed that Bolivia must safeguard the independence of the Official Body and investigate cases of corruption.⁹² CMW expressed its concern about systematic delays and corruption impeding access to justice.⁹³

46. The Human Rights Committee was concerned at the delays in the administration of justice and the inadequate coverage.⁹⁴

47. In 2010, the High Commissioner was concerned at the lack of access to justice, especially in rural communities, and the wide-ranging impunity, not only for cases of past human rights violations but also for more recent cases.⁹⁵

48. The United Nations country team indicated that the judicial authorities, elected by universal suffrage in 2011, have adopted substantial but as yet insufficient measures to reverse the deep crisis in the administration of justice, characterized by delays, corruption and inadequate coverage of the most vulnerable sectors and their access to justice. In addition, the institutional framework of the criminal justice system is affected by constant changes of prosecutors and lawyers, continuous adjournment of hearings, rare use of streamlined processes, widespread abuse of the system of excuse and challenge, negatively affecting the human rights of the victims and the accused. The accumulation of judicial proceedings against members of the political opposition and ex-public servants is cause for concern.⁹⁶ The High Commissioner recommended that adequate resources be allocated to the administration of the justice sector.⁹⁷

49. CERD was concerned that sectors of the population, particularly indigenous people and women, faced difficulties in accessing justice.⁹⁸ The High Commissioner recommended that the Public Prosecutor's Office and the judiciary should conduct prompt and impartial investigations into, and punish those responsible for, cases of discrimination and violence against women, including the killing in 2012 of two elected municipal officials.⁹⁹

50. The Human Rights Committee expressed its concern at the impunity with regard to violence and discrimination on grounds of sexual orientation, sexual or gender identity. The State must investigate and prosecute this type of violence and compensate the victims.¹⁰⁰

51. The Special Rapporteur on racism was concerned about acts of racial violence committed against indigenous peoples, Afro-Bolivians and other vulnerable groups, and the low level of prosecution and sanctions in such cases.¹⁰¹ He recommended that Bolivia take further measures to eradicate impunity by bringing perpetrators to justice and prosecuting all cases of racial violence and discrimination.¹⁰²

52. CMW recommended that migrant workers and members of their families, including those in an irregular situation, should have the same opportunities as nationals to file complaints and to obtain redress.¹⁰³

53. CAT was concerned that the Code of Criminal Procedure required police officers to enter no more than the place, date and time of arrest in the register of persons deprived of their liberty. It urged that persons arrested should have the benefit of all fundamental legal safeguards from the very outset.¹⁰⁴

54. The Human Rights Committee was concerned that over 80 per cent of the prison population had not been tried. The State must expedite the provision of alternatives to detention.¹⁰⁵

55. CAT urged Bolivia to establish a special independent complaints mechanism for torture and ill-treatment and to set up a centralized public register of complaints.¹⁰⁶

56. CAT was concerned at the delays in the criminal investigation and prosecution of ill-treatment, torture, excessive use of force and death in custody. It urged Bolivia to

investigate promptly and impartially all reports of torture or ill-treatment and to ensure that acts of torture are not subject to any statute of limitations.¹⁰⁷

57. The Human Rights Committee was concerned that the rules of military criminal law have still not been adjusted to reflect the Constitutional Court ruling which excludes human rights violations from the jurisdiction of the military courts.¹⁰⁸ CAT urged Bolivia to amend its Military Criminal Code, Code of Military Criminal Procedure and the Military Justice Organization Act in order to establish that military courts do not have jurisdiction over human rights violation cases.¹⁰⁹

58. The Special Rapporteur on racism recommended that Bolivia take measures to ensure that the traditional indigenous justice system was fully in line with the international human rights treaties ratified by Bolivia.¹¹⁰ CERD urged Bolivia to establish a domestic legal system in compliance with international human rights standards.¹¹¹ The Human Rights Committee urged the State to establish mechanisms so that the native indigenous *campesino* courts may be brought into line with due process.¹¹²

59. CERD was concerned at the impunity regarding human rights violations perpetrated during conflicts, and at acts of racist violence against members of indigenous original *campesino* peoples and nations, some of which had resulted in deaths, including clashes in Cochabamba, Chuquisaca, Santa Cruz and Pando. It urged Bolivia to expedite the investigation and prosecution of perpetrators and to guarantee victims and their family members an effective remedy.¹¹³ The HR Committee had similar concerns.¹¹⁴

60. CAT expressed concern about delays in investigating human rights violations, despite the draft bill establishing a truth and justice commission to investigate human rights violations committed in the period 1964–1982.¹¹⁵ The Human Rights Committee urged the State to encourage investigations of human rights violations during this period and to ensure that the Armed Forces cooperate in the investigations.¹¹⁶ CAT was concerned that a large percentage of applications for redress in connection with acts of torture committed between 1964 and 1982 had been turned down. It urged Bolivia to ensure that victims of torture or ill-treatment receive redress, including compensation and rehabilitation.¹¹⁷ The HR Committee had similar concerns.¹¹⁸

61. The United Nations country team reported that there was an amicable settlement agreement (Case MZ) under the Inter-American system for the protection of human rights for rape of a woman. So far there has been some progress in implementing the agreement but some actions are still pending.¹¹⁹

D. Freedom of religion or belief, expression, association and peaceful assembly, and the right to participate in public and political life

62. The Human Rights Committee was concerned that there was no alternative civilian service.¹²⁰

63. UNESCO urged Bolivia to ensure that the freedom of information law was in accordance with international standards, that journalists and media workers were able to practise their profession in a free and safe environment, and to investigate all attacks on journalists and media workers.¹²¹ The Human Rights Committee was concerned by the acts of violence and the increasing number of criminal proceedings being brought against journalists. It recommended investigating complaints.¹²²

64. CERD regretted the persistence of threats and physical attacks against human rights defenders and urged Bolivia to protect them against intimidation or reprisal.¹²³

65. The Human Rights Committee was concerned about Act No. 351 and its Regulations No. 1597 (2013), under which the legal status of non-governmental organizations can be revoked for non-compliance with sectoral policies or involvement in activities other than those referred to in their statutes.¹²⁴

66. The High Commissioner recommended that Bolivia implement measures to allow human rights defenders and civil society organizations to carry out their work without undue constraints.¹²⁵

67. CMW encouraged the country to guarantee the right to vote of Bolivian migrant workers living abroad.¹²⁶

68. The Special Rapporteur on racism noted important steps taken to enhance the political participation and representation of indigenous peoples.¹²⁷ He urged both the public and private sectors to address the exclusion of a considerable proportion of native indigenous *campesino* peoples from important sectors of the economy, such as insurance, credit and banking, communication services and housing.¹²⁸

69. CERD was concerned that indigenous communities and Afro-Bolivian communities were significantly underrepresented in public office and government positions.¹²⁹ The Human Rights Committee observed that indigenous women continue to face obstacles in obtaining decision-making positions.¹³⁰

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

70. CMW recommended legislative amendments to guarantee the right of migrant workers to form associations and trade unions.¹³¹

F. Right to health

71. The Human Rights Committee was concerned that prior court authorization is needed in order for therapeutic abortions and abortions following rape, statutory rape or incest not to be punishable offences; the large percentage of maternal deaths due to unsafe abortions; and the alarming number of criminal investigations of women suspected of having had illegal abortions. The Committee recommended that women should be guaranteed access to legal, safe abortions.¹³² CAT had similar concerns and recommendations.¹³³

72. In 2013, at the request of the Plurinational Constitutional Court, independent United Nations experts delivered an opinion on international human rights obligations in the context of sexual and reproductive health to assist the Court in its ruling on the revision of articles 263 to 266 of the Criminal Code as they relate to the criminalization of sexual and reproductive health services. In that opinion the experts expressed their concern that failure to revise the Criminal Code, in accordance with the due guarantees of sexual and reproductive rights enshrined in the Constitution of Bolivia and in international human rights law, continued criminalization of abortion will raise the number of unsafe abortions, thus exposing women to serious and lasting consequences for their physical and mental health, including the risk of death and disability.¹³⁴

73. The Human Rights Committee regretted the high rate of teenage pregnancies and recommended that the State implement national health plans and educational programmes, including education on sexual and reproductive health rights.¹³⁵

G. Right to education

73. UNESCO encouraged Bolivia to take additional measures to keep children in school and to ensure that, inter alia, girls, indigenous children, children belonging to minority groups and children with disabilities fully realize their right to education. UNESCO further encouraged Bolivia to ensure that primary education is free and compulsory.¹³⁶

74. The Special Rapporteur on racism recommended that Bolivia support access to education for indigenous peoples, Afro-Bolivians and other disadvantaged communities and groups.¹³⁷

H. Minorities and indigenous peoples

75. The Human Rights Committee recommended the preparation of a policy that will extend the transitional interministerial plan and improve the Guaraní people's living conditions.¹³⁸

76. CERD recommended that Bolivia guarantee the full exercise of the rights of the Guaraní people, including the recovery of their ancestral lands. It encouraged the State party to draw up a comprehensive development plan addressing their needs.¹³⁹

77. In 2010, the High Commissioner noted that, despite profound legal, political and institutional reforms aimed at recognizing indigenous rights, most indigenous people continued to suffer from extreme poverty and exclusion.¹⁴⁰

78. In 2014, the High Commissioner recommended that Bolivia continue efforts to adopt the draft framework law for the general application of the right to consultation of indigenous peoples; evaluate its practice for conducting consultations and evaluate the results of the consultations conducted in the Isibore Secure National Park and Indigenous Territory (TIPNIS) to facilitate the search for consensus.¹⁴¹

79. The Special Rapporteur on racism reiterated the need for the effective implementation of the right of indigenous peoples to consultation, particularly in the context of development projects in indigenous territories.¹⁴²

80. CERD was concerned at the difficulties surrounding the right to consultation of the indigenous original *campesino* and Afro-Bolivian peoples and nations; and the fact that consultations were not carried out systematically.¹⁴³ The Human Rights Committee expressed concern that the preliminary framework bill on consultation provides only for consultation with the peoples affected, but not their free, prior and informed consent.¹⁴⁴ CERD recommended that the indigenous original *campesino* and Afro-Bolivian peoples and nations should have access to courts to defend their right to be consulted.¹⁴⁵

I. Migrants, refugees and asylum seekers

81. CERD was concerned at discrimination and hostility against migrants¹⁴⁶ and CMW that law enforcement personnel discriminated against certain groups of migrant workers and refugees.¹⁴⁷

82. CMW recommended that Bolivian consular services protect the rights of Bolivian migrant workers and members of their families.¹⁴⁸ CMW was concerned that there was no comprehensive strategy to help Bolivian migrant workers during the process of return.¹⁴⁹

83. CMW recommended that migrant workers and members of their families could only be expelled from Bolivia pursuant to a decision by a competent authority in conformity

with the law¹⁵⁰ and that it guarantee access for all migrant workers and members of their families to emergency medical treatment and social security benefits.¹⁵¹

84. According to UNHCR statistical data as at December 2013, a total of 748 refugees and 6 asylum-seekers were living in Bolivia. Approximately 42 per cent were women.¹⁵² Although the legal framework contains adequate safeguards for the protection of persons in need of international protection, UNHCR is concerned about reports regarding the treatment of persons of concern, including allegations of extortion or sexual assault by smuggling networks and requests for irregular payments or sexual favours by border control and security agents.¹⁵³ UNHCR recommended the adoption of measures to prevent abuses against persons in need of international protection in border areas, including sexual and gender-based violence.¹⁵⁴

85. CERD was concerned about arbitrary refoulement of refugees.¹⁵⁵ CAT urged Bolivia to ensure that no person is expelled where there are substantial grounds for believing that person would be subjected to torture; and that the National Commission for Refugees (CONARE) ensure that the principle of non-refoulement is upheld.¹⁵⁶

86. UNHCR noted that, in spite of the enactment of the refugee law, Bolivia has not yet adopted internal regulations to facilitate its effective implementation.¹⁵⁷ UNHCR recommended that Bolivia incorporate child-sensitive elements into the procedures; assign female officers and interpreters to women and girl asylum-seekers; and ensure that the procedures promptly identify women and girls at risk and that the specific protection needs of women and children are addressed in a systematic manner.¹⁵⁸

87. UNHCR noted that, despite the fact that stateless status can be determined under the RSD procedure, no legal provision has been included in Migration Law No. 370 (2013) regulating the legal situation of a stateless population regarding their legal residence in the country, access to personal documentation and fundamental rights such as education, health care and employment. UNHCR recommended that Bolivia adopt and implement a statelessness determination procedure; and implement legislation that codifies the protections guaranteed in the 1954 Convention in national legislation.¹⁵⁹

88. UNHCR noted that the acquisition of Bolivian nationality at birth of children born abroad to Bolivian parents had been restricted. UNHCR recommended that Migration Law No. 370 (2013) be amended to bring it into line with international standards on the prevention and reduction of statelessness.¹⁶⁰

J. Internally displaced persons

89. The United Nations country team pointed out that Bolivia is experiencing a period of emergencies due to natural disasters which has led to internal displacement in 130 municipalities. The Government is drawing up a Recovery Plan in conjunction with cooperation agencies, and technical support and relief activities are under way.¹⁶¹

Notes

¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Bolivia from the previous cycle (A/HRC/WG.6/7/BOL/2).

² The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights

OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.

⁹ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention

relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

¹⁰ CMW/C/BOL/CO/2 and Corr.1, para. 15.

¹¹ *Ibid.*, para. 17.

¹² UNESCO submission for UPR of Bolivia, para. 26.

¹³ CAT/C/BOL/CO/2, para. 6, CCPR/C/BOL/CO/3, para. 3 (a), CMW/C/BOL/CO/2, paras. 8, 9 and 22 and CERD/C/BOL/CO/17-20, para. 9. See also CERD/C/BOL/CO/17-20/Add.1, paras. 3 and 34.

¹⁴ CMW/C/BOL/CO/2, para. 22.

¹⁵ CAT/C/BOL/CO/2, para. 8. See also CCPR/C/BOL/CO/3, para. 13.

¹⁶ A/HRC/25/19/Add.2, para. 72.

¹⁷ *Ibid.*, para. 15.

¹⁸ CCPR/C/BOL/CO/3, para. 3 (c).

¹⁹ *Ibid.*, para. 6.

²⁰ A/HRC/25/19/Add.2, para. 93 (l).

²¹ According to article 5 of the rules of procedure of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

²² For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see (forthcoming) A/HRC/27/40, annex.

²³ A/HRC/25/19/Add.2, para. 93 (k).

²⁴ CMW/C/BOL/CO/2, para. 26.

²⁵ CCPR/C/BOL/CO/3, para. 13.

²⁶ CAT/C/BOL/CO/2, para. 21. See also CCPR/C/BOL/CO/3, para. 13.

²⁷ A/HRC/25/19/Add.2, para. 74.

²⁸ A/HRC/23/56/Add.1, para. 79. See also CERD/C/BOL/CO/17-20, para. 8 and CCPR/C/BOL/CO/3, para. 3 (b).

²⁹ CCPR/C/BOL/CO/3, para. 3 (b).

³⁰ *Ibid.*, para. 7.

³¹ CERD/C/BOL/CO/17-20/Add.1, para. 4.

³² A/HRC/25/19/Add.2, para. 10.

³³ *Ibid.*, para. 93 (d).

³⁴ CCPR/C/BOL/CO/3, para. 10.

³⁵ A/HRC/25/19/Add.2, para. 93 (e).

³⁶ CMW/C/BOL/CO/2, para. 9.

³⁷ *Ibid.*, para. 45 (b).

³⁸ *Ibid.*, para. 41.

³⁹ CAT/C/BOL/CO/2, para. 7. See also CERD/C/BOL/CO/17-20, para. 10.

⁴⁰ CERD/C/BOL/CO/17-20, para. 10. See also CAT/C/BOL/CO/2, para. 7.

⁴¹ Submission from the United Nations country team in Bolivia, p. 3.

⁴² *Ibid.*

⁴³ The following abbreviations have been used in the present document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture

- CRC Committee on the Rights of the Child
 CMW Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
 CRPD Committee on the Rights of Persons with Disabilities
 CED Committee on Enforced Disappearances
 SPT Subcommittee on Prevention of Torture
- ⁴⁴ As of 31 July 2014.
⁴⁵ CERD/C/BOL/CO/17-20, para. 28.
⁴⁶ CERD/C/BOL/CO/17-20/Add.1.
⁴⁷ Letter from CERD to the Permanent Mission of the Plurinational State of Bolivia to the United Nations Office and other international organizations in Geneva, dated 30 August 2013, available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/BOL/INT_CERD_FUL_BOL_15702_S.pdf.
⁴⁸ CCPR/C/BOL/CO/3, para. 27.
⁴⁹ CAT/C/BOL/CO/2, para. 27.
⁵⁰ CCPR/C/BOL/CO/3, para. 5.
⁵¹ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
⁵² A/HRC/22/45, annex I, para. 40.
⁵³ A/HRC/22/17/Add.2, para. 1.
⁵⁴ A/HRC/25/19/Add.2, para. 84 and A/HRC/22/17/Add.2, para. 85.
⁵⁵ A/HRC/25/19/Add.2, paras. 86–90 and A/HRC/22/17/Add.2, para. 80.
⁵⁶ A/HRC/25/19/Add.2, paras. 89–90 and A/HRC/22/17/Add.2, para. 79.
⁵⁷ A/HRC/22/17/Add.2, para. 81.
⁵⁸ *Ibid.*, para. 82.
⁵⁹ A/HRC/25/19/Add.2, para. 92.
⁶⁰ A/HRC/22/17/Add.2, para. 86.
⁶¹ A/HRC/25/19/Add.2, para. 92.
⁶² Press Conference by UN High Commissioner for Human Rights, Navi Pillay, La Paz, Bolivia (Tuesday 16 November 2010) – opening statement, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10538&LangID=E. See also OHCHR press release, Geneva, 10 November 2014 available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10517&LangID=E.
⁶³ A/HRC/25/19/Add.2, summary and para. 93.
⁶⁴ CCPR/C/BOL/CO/3, para. 8.
⁶⁵ A/HRC/23/56/Add.1, para. 78.
⁶⁶ *Ibid.*, para. 81. See also CERD/C/BOL/CO/17-20, para. 14.
⁶⁷ CERD/C/BOL/CO/17-20, para. 13.
⁶⁸ CERD/C/BOL/CO/17-20, para. 11. See also CERD/C/BOL/CO/17-20, para. 21, and CCPR/C/BOL/CO/3, para. 7.
⁶⁹ CMW/C/BOL/CO/2, para. 23.
⁷⁰ CERD/C/BOL/CO/17-20, para. 15.
⁷¹ CCPR/C/BOL/CO/3, para. 11.
⁷² *Ibid.*, para. 8.
⁷³ CAT/C/BOL/CO/2, para. 19.
⁷⁴ CCPR/C/BOL/CO/3, para. 15.
⁷⁵ CAT/C/BOL/CO/2, para. 13.
⁷⁶ *Ibid.*, para. 13.
⁷⁷ *Ibid.*, para. 18.
⁷⁸ *Ibid.*, para. 20.
⁷⁹ CCPR/C/BOL/CO/3, para. 20.
⁸⁰ CAT/C/BOL/CO/2, para. 15. See also CCPR/C/BOL/CO/3, para. 10.
⁸¹ CCPR/C/BOL/CO/3, para. 10. See also CAT/C/BOL/CO/2, para. 15.
⁸² CAT/C/BOL/CO/2, para. 16.
⁸³ CCPR/C/BOL/CO/3, para. 16.
⁸⁴ A/HRC/25/19/Add.2, para. 35.

- 85 CMW/C/BOL/CO/2, paras. 44–45 (d).
86 CCPR/C/BOL/CO/3, para. 17.
87 UNHCR submission for UPR of Bolivia, pp. 6–7.
88 CCPR/C/BOL/CO/3, para. 23.
89 CERD/C/BOL/CO/17-20, para. 18.
90 Ibid., para. 18. See also CCPR/C/BOL/CO/3, para. 18.
91 CAT/C/BOL/CO/2, para. 24.
92 CCPR/C/BOL/CO/3, para. 22. See also CMW/C/BOL/CO/2, para. 24.
93 CMW/C/BOL/CO/2, para. 24.
94 CCPR/C/BOL/CO/3, para. 22. See also CMW/C/BOL/CO/2, para. 24.
95 Press Conference by UN High Commissioner for Human Rights, Navi Pillay, La Paz, Bolivia (Tuesday 16 November 2010) (see footnote 62).
96 Submission from the United Nations country team in Bolivia, pp. 5–6. See also A/HRC/25/19/Add.2, paras. 45–57.
97 Ibid., para. 93 (j).
98 CERD/C/BOL/CO/17-20, para. 22.
99 A/HRC/25/19/Add.2, para. 93 (f).
100 CCPR/C/BOL/CO/3, para. 7.
101 A/HRC/23/56/Add.1, para. 95.
102 Ibid., para. 95.
103 CMW/C/BOL/CO/2, para. 25.
104 CAT/C/BOL/CO/2, para. 9.
105 CCPR/C/BOL/CO/3, para. 19.
106 CAT/C/BOL/CO/2, para. 10.
107 Ibid., para. 11. See also CCPR/C/BOL/CO/3, para. 13.
108 CCPR/C/BOL/CO/3, para. 13.
109 CAT/C/BOL/CO/2, para. 12. See also CCPR/C/BOL/CO/3, para. 13.
110 A/HRC/23/56/Add.1, para. 88.
111 CERD/C/BOL/CO/17-20, para. 22. See also CCPR/C/BOL/CO/3, para. 22.
112 CCPR/C/BOL/CO/3, para. 22.
113 CERD/C/BOL/CO/17-20, para. 17. See also CERD/C/BOL/CO/17-20/Add.1, paras. 14–25.
114 CCPR/C/BOL/CO/3, para. 14.
115 CAT/C/BOL/CO/2, para. 13. See also CCPR/C/BOL/CO/3, para. 12.
116 CCPR/C/BOL/CO/3, para. 12 (a) y (b). See also CAT/C/BOL/CO/2, para. 13.
117 CAT/C/BOL/CO/2, para. 14. See also CCPR/C/BOL/CO/3, para. 12.
118 CCPR/C/BOL/CO/3, para. 12 (c) and (d).
119 Submission from the United Nations country team in Bolivia, p. 3.
120 CCPR/C/BOL/CO/3, para. 21.
121 UNESCO submission for UPR of Bolivia, paras. 30–31.
122 CCPR/C/BOL/CO/3, para. 24.
123 CERD/C/BOL/CO/17-20, para. 19.
124 CCPR/C/BOL/CO/3, para. 24.
125 A/HRC/25/19/Add.2, para. 93 (k).
126 CMW/C/BOL/CO/2, para. 37.
127 A/HRC/23/56/Add.1, para. 85.
128 Ibid., para. 91.
129 CERD/C/BOL/CO/17-20, paras. 13–14. See also CCPR/C/BOL/CO/3, para. 8.
130 CCPR/C/BOL/CO/3, para. 8. See also CERD/C/BOL/CO/17-20, para. 13.
131 CMW/C/BOL/CO/2, para. 35.
132 CCPR/C/BOL/CO/3, para. 9. See also CAT/C/BOL/CO/2, para. 23.
133 CAT/C/BOL/CO/2, para. 23.
134 A/HRC/25/74, p. 91.
135 CCPR/C/BOL/CO/3, para. 9.
136 UNESCO submission for UPR of Bolivia, paras. 28–29.
137 A/HRC/23/56/Add.1, para. 105.
138 CCPR/C/BOL/CO/3, para. 18.

- ¹³⁹ CERD/C/BOL/CO/17-20, para. 18. See also A/HRC/25/19/Add.2, para. 93 (h).
¹⁴⁰ Press Conference by UN High Commissioner for Human Rights, Navi Pillay, La Paz, Bolivia (Tuesday 16 November 2010) (see footnote 62).
¹⁴¹ A/HRC/25/19/Add.2, para. 93 (a) to (c).
¹⁴² A/HRC/23/56/Add.1, para. 87.
¹⁴³ CERD/C/BOL/CO/17-20, para. 20.
¹⁴⁴ CCPR/C/BOL/CO/3, para. 25.
¹⁴⁵ CERD/C/BOL/CO/17-20, para. 20. See also CCPR/C/BOL/CO/3, para. 25.
¹⁴⁶ *Ibid.*, para. 21.
¹⁴⁷ CMW/C/BOL/CO/2, para. 22.
¹⁴⁸ *Ibid.*, para. 31.
¹⁴⁹ *Ibid.*, para. 42.
¹⁵⁰ *Ibid.*, para. 29.
¹⁵¹ *Ibid.*, para. 33.
¹⁵² UNHCR submission for UPR of Bolivia, p. 1.
¹⁵³ *Ibid.*, p. 3.
¹⁵⁴ *Ibid.*, p. 3.
¹⁵⁵ CERD/C/BOL/CO/17-20, para. 21. See also CERD/C/BOL/CO/17-20/Add.1, paras. 33–41 and CAT/C/BOL/CO/2, para. 17.
¹⁵⁶ CAT/C/BOL/CO/2, para. 17. See also CERD/C/BOL/CO/17-20, para. 21.
¹⁵⁷ UNHCR submission for UPR of Bolivia, p. 4.
¹⁵⁸ *Ibid.*, p. 5.
¹⁵⁹ *Ibid.*, p. 7.
¹⁶⁰ *Ibid.*, pp. 7–8.
¹⁶¹ Submission from the United Nations country team in Bolivia, p. 9.
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