



HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 21.11.2023
SWD(2023) 362 final

JOINT STAFF WORKING DOCUMENT

The EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Plurinational State of Bolivia covering the period 2020-2022

Accompanying the document

Joint Report to the European Parliament and the Council

on the Generalised Scheme of Preferences covering the period 2020-2022

{JOIN(2023) 34 final} - {SWD(2023) 359 final} - {SWD(2023) 360 final} -
{SWD(2023) 361 final} - {SWD(2023) 363 final} - {SWD(2023) 364 final} -
{SWD(2023) 365 final} - {SWD(2023) 366 final} - {SWD(2023) 367 final} -
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1. SUMMARY ASSESSMENT

During the last decade the Plurinational State of Bolivia (Bolivia) has made important efforts in fighting poverty and improving access to education, health care, food, and housing. Nevertheless, the COVID-19 pandemic exposed structural weaknesses and the fragility of the achieved progress, notably for indigenous communities and people living in remote areas which were particularly affected in terms of access to food, medicines, and government aid.

In terms of compliance with the GSP+ related international standards, Bolivia continues to face serious challenges in protection of human rights and notably in addressing the high levels of gender-based violence, overcrowded and poor conditions in prisons, and still widespread child labour across various sectors of the economy.

1.1. Priorities and Monitoring

Key priorities in GSP+ monitoring related to human and labour rights, namely: prison overcrowding, abuse, and overuse of pre-trial detention; justice independence; violence against women and girls, including human trafficking; persistent discrimination against indigenous people and absence of free prior and informed consent ⁽¹⁾; child labour; and freedom of association and collective bargaining.

1.2. Human Rights

Bolivia has ratified all GSP+ related international conventions on human rights and adopted necessary legislation. However, lack of institutional capacity and relevant funding, together with fluctuating political commitment, continue to be primary challenges for the effective implementation of human rights standards.

The shortcomings of the justice system, most prominently the lack of its independence and the excessive use of pre-trial detention, belong to the most pressing issues. Violence against women and girls remains extremely high despite the Government's stated commitment to tackle this phenomenon.

1.3. Labour Rights

The Bolivian legislation complies only in part with the International Labour Organization's (ILO)'s fundamental conventions. There are still challenges regarding legislation related to prevention, elimination, and remediation of child labour, as well as protection of freedom of association and collective bargaining rights.

⁽¹⁾ Free, Prior and Informed Consent (FPIC) is a specific right that pertains to indigenous people. It allows them to give or withhold consent to a project that may affect them or their territories.

Although consecutive child labour surveys suggest a reduction in the number of children engaged in economic activity and hazardous work, further efforts are needed to achieve the Sustainable Development Goal (SDG) No. 8 on eradicating child labour by 2025. No progress has been reported by the government in addressing ILO comments and requests on freedom of association and collective bargaining. Legislative changes to address the rights of rural and agricultural workers and public servants, as well as penalties for anti-union discrimination and trade union membership thresholds, have not advanced.

Bolivia has shown progress in addressing human trafficking and forced labour by adopting the relevant measures and policy frameworks, with the 2021-2025 Plurinational Policy against Human Trafficking and Smuggling in Persons adopted in May 2022.

1.4. Environment and Climate

Bolivia faces environmental challenges, due to high climate vulnerability, and continues to focus on protection of biodiversity and endangered species. The country's current administration has a very pro-environmental discourse, and key actors have a high awareness of environmental issues and their potential solutions. Nevertheless, there is insufficient implementation capacity.

Since 2022 and Bolivia's participation in COP27, it seems that the Government is more open to receiving green finance and is taking further steps to access it. In April 2022, the Government submitted an updated Nationally Determined Contribution (NDC) under the Paris Agreement, maintaining the level of ambition of the first NDC. It emphasises climate justice in accordance with the principles of equity and common but differentiated responsibilities and respective capabilities, considering national circumstances.

1.5. Good Governance

After Colombia and Peru, Bolivia is one of the main coca leaf and cocaine producing countries, the latter being much trafficked to the EU. The chewing of coca leaf is a traditional practice in the country and legally permitted on its territory. However, coca cultivation and drug production in Bolivia are becoming increasing issues. During the last 15 years, the EU has been supporting Bolivia in the fight against drugs and integral development with coca sectors. In that period, the general trend of coca leaf cultivation surface in Bolivia fluctuated significantly and amounted to 30,500 ha in 2021, against a legal maximum of 22,000 ha. The Government has been making efforts to tackle drug trafficking, and the most recent counter-narcotic laws permit enhanced control of precursor chemicals and monitoring of coca cultivation. Effective implementation of these laws will be crucial to bolstering Bolivia's counter-narcotics efforts.

In terms of fight against corruption, the Law of 2017 on Units of Transparency and the Fight against Corruption is being implemented, and in 2021 the Law on Reinforcing the Fight against Corruption was adopted and entered into force. However, the perception of citizens remains very critical. To effectively fight corruption, also in the private sector, further efforts are needed, including increased international cooperation and transparency.

1.6. Status of Ratification and Reporting

Bolivia has ratified the 27 international conventions monitored in the framework of the GSP+, and its national legislation is generally aligned with the international standards embedded in them. The Government complies with its reporting obligations concerning most conventions but is lagging behind several reporting obligations under Multilateral Environmental Agreements (MEAs), as shown in the Annex.

2. LONG-TERM VIEW: BOLIVIA SINCE JOINING GSP+ IN 2014

Though rich in mineral and hydrocarbon resources - with the world's largest lithium and the second-largest reserves of natural gas in South America - Bolivia is one of the poorest countries in the region, and the country's exports to the EU remain largely concentrated on raw materials and agricultural products.

During the last decade, the country has enjoyed strong economic growth and managed to increase growth inclusivity. Between 2014 and 2022, Bolivia's GDP grew at an annual average rate of 2.4% (and a 3.9% rate between 2014 and 2019), and its GDP per capita cumulatively grew by 8.2% in that same period (12.5% between 2014 and 2019), based on World Bank data ⁽²⁾. Nevertheless, the country has been marked by a strong informal sector. Simultaneously, social programmes and higher wages have lessened income distribution inequalities, measured by the Gini coefficient, which fell from 0.478 in 2014 to 0.409 in 2022 ⁽³⁾.

The Bolivian Government has made efforts to fight poverty and to improve access to education, health, food, and housing. The country noted an improvement of the Social Progress Index from the score 62.90/100 in 2014 to 67.15/100 in 2022 (85th position out of 169 countries). Nevertheless, Bolivia scores particularly low in indicators related to inclusiveness, environmental quality, access to health and wellness, access to advanced education, personal rights, and personal freedom and choice ⁽⁴⁾. The poverty rate fell from 9% in 2014 to 6.4% in 2021 ⁽⁵⁾. With a growing population and high levels of internal migration, the next census, planned in 2024, will be an important tool to map still existing material needs among the population.

The health crisis caused by the COVID-19 pandemic led to economic recession and to a rebound in poverty, and confronted the Bolivian authorities with the structural weakness and the fragility of the domestic reforms. Many sectors have recovered from the crisis and are expected to grow back to their pre-pandemic levels by 2023 (except for hydrocarbons and services). Poverty rates and the Gini index are foreseen to mirror this positive trend.

Progress has been based on a wide range of reforms, embedded in the Political Constitution of 2009, such as a significant increase in government revenues, higher social expenditures, as well as a large expansion of public investments, conditional transfers, and subsidies. In terms of compliance with the GSP+, the Government made efforts to effectively implement international conventions, while facing serious challenges in protection of human rights and notably in fighting violence against women and girls, overcrowded and poor conditions in prisons, and widespread child labour.

⁽²⁾ World Development Indicators.

⁽³⁾ The Gini coefficient ranges from 0 to 1, with 0 representing perfect equality and 1 representing perfect inequality: <https://data.worldbank.org/indicator/SI.POV.GINI?locations=BO>
All links provided in this Staff Working Document were up to date as of 20 October 2023.

⁽⁴⁾ The Social Progress Index combines 53 social and environmental outcome indicators to calculate an overall score for countries, that includes measures in health, safety, education, technology, rights, and more; <https://www.socialprogress.org/global-index-2022overview>

⁽⁵⁾ <https://data.worldbank.org/indicator/SI.POV.LMIC?locations=BO>

3. RECENT DEVELOPMENTS

Bolivia has remained affected by the conflicts surrounding the 2019 elections, and under the umbrella of the Bolivian Vice-President's Office, the UN, with the support of several other members of the international community including the EU⁽⁶⁾, initiated a “*reencuentro*” process to help promote dialogue between the different political and societal groups, with a view to overcoming the fissures created by the 2019 elections and its aftermath. However, this much-awaited process has struggled to gain real momentum and there has been limited progress on reparation and redress to victims.

In March 2021 former interim President Jeanine Añez and members of her Government were arrested. The first trial concluded with a 10-year imprisonment sentence against Añez in June 2022, which she appealed in July 2022. The technical mission of the Office of the High Commissioner for Human Rights (OHCHR) Mission in Bolivia, in agreement with competent national authorities, held a monitoring role and participated in court sessions throughout the process. In June 2022 the OHCHR published their preliminary observations, focusing on due process and transparency of judicial proceedings based on international standards, including the GSP+ related International Covenant on Civil and Political Rights (ICCPR) and international jurisprudence. The observations contained six aspects related to due process: (1) excessively broad and ambiguous criminal definition of “failure to fulfil duties”; (2) excessive use of pre-trial detention; (3) problems with the access to witness evidence; (4) the holding of virtual and hybrid format of hearings; (5) the holding of trials in absentia; (6) the participation of numerous prosecuting parties affecting the procedural balance. In December 2022, the Governor of the Santa Cruz department and prominent opposition leader, Luis Fernando Camacho, was arrested, also for his role in the 2019 events. For the opposition, Camacho is a political prisoner.

OHCHR in Bolivia, despite initially seemingly positive prospects for an extension of its technical mission, was notified by the Bolivian authorities in late December 2022 that the mandate would not be renewed beyond 2022. The EU has expressed its concerns about this decision, as the absence of the OHCHR technical mission might lead to worsening of transparency and monitoring of human rights compliance, particularly as it was the only human rights-specialised entity present in the country⁽⁷⁾.

⁽⁶⁾ The EU has also been very active on electoral support during the past electoral cycle and intends to remain a key partner in this area in the current inter-electoral period. Next elections are to take place end 2025.

⁽⁷⁾ OHCHR communicated to the Bolivian Government that it would retain a reduced presence in the country assisting the UN Resident Coordinator's Office while new cooperation frameworks are being negotiated. Under this arrangement, OHCHR has continued to collaborate with the EU. The Committee Against Torture and the Committee on the Rights of the Child recommended that the Government continue its cooperation with OHCHR in the country.

After the COVID-19-led contraction of 8.7% in 2020, the Bolivian economy rebounded with a growth rate of 6.1% in 2021 and should recover its pre-pandemic levels by 2023. Economic growth has also been heavily driven by large public spending and led by the transportation, mining, manufacturing and construction sectors, according to the International Monetary Fund (IMF). According to the preliminary estimates of the Ministry of Economy, in 2022 GDP increased by 3.8% while the IMF estimated a 3.2% growth and the World Bank a 3.1% growth. The World Bank and IMF have respectively forecasted that GDP will increase in 2023 by 2.5% and 1.8% ⁽⁸⁾. However, a currency crisis in the first months of 2023 was marked by a run on foreign exchange, with the Boliviano's de facto peg to the dollar under pressure due to rising debt and dwindling international reserves.

Even though the unemployment rate is among the lowest in the region, standing at 3.59% in the first quarter of 2023 ⁽⁹⁾, most jobs are of a precarious nature, considering that around 80% of workers in Bolivia were employed in the informal sector in 2019.

According to UNCTAD's World Investment Report 2022, after large disinvestment in 2020 (approximately €0.9 billion), due not only to the COVID-19 pandemic but also to political uncertainty in an election year as well as commodity prices, foreign direct investment (FDI) inflows to Bolivia turned positive in 2021 to €0.6 billion, and the stock of FDI was estimated at €9.0 billion ⁽¹⁰⁾. Bolivia's wealth of natural resources attracts significant investment, particularly from Russia and China. Bolivia has recently sought to partner with foreign firms to jumpstart its lithium mining and processing capacity.

EU–Bolivia Development Cooperation

Bolivia is the largest beneficiary of bilateral EU development cooperation in South America (€104 million in 2021-2024). A Joint European Strategy for 2022-2025 has been adopted, in the framework of the joint programming process with Team Europe (EU Member States present in Bolivia and Switzerland). The national Multiannual Indicative Programme (MIP) 2021-2027 includes two priority areas: (1) Environment, Climate Change and Inclusive Economic Development, which supports environmental governance, rights and defenders, climate change mitigation, access to water and sanitation and the creation of decent green jobs for the most vulnerable groups; and (2) Governance and Human Rights with a strong focus on enhancing the rule of law, human rights, democracy, compliance with international conventions, human rights defenders, gender equality and indigenous rights.

Cooperation is implemented through different financial instruments: budget support, indirect management through EU Member States and International Organisations, and direct management through grants, including to civil society organisations (CSOs). It includes an additional amount designated to a cooperation facility aimed at accompanying implementation and policy dialogue and specific measures in support to civil society (€7 million for 2021-2024).

⁽⁸⁾ Global Economic Prospects – A World Bank Group Flagship Report, June 2023 and the IMF World Economic Outlook, April 2023.

⁽⁹⁾ <https://www.ine.gob.bo/index.php/bolivia-principales-indicadores-de-empleo-por-trimestre-segun-sexo/>

⁽¹⁰⁾ Based on Bolivia's latest WTO Trade Policy Review report (2017), the EU has been the largest foreign direct investor in the country with France, Spain, and the Netherlands leading in FDI. Bolivia has, however, terminated all its Bilateral Investment Treaties (BITs) with EU Member States when it declared 22 bilateral trade agreements unconstitutional between 2006 and 2013.

The EU supports the effective implementation of GSP+ conventions through thematic programmes, notably the European Instrument for Democracy and Human Rights/current Human Rights and Democracy thematic Programme and the Thematic Programme for CSOs. Through these instruments, the EU has been supporting human rights defenders, fight against women and girls' violence, political participation of women, civil society monitoring and advocacy on justice and human rights issues, electoral support, and environmental and indigenous rights. Finally, the EU has also mobilised the Instrument contributing to Stability and Peace under Foreign Policy Instrument (FPI) and the Rapid Response Pillar under the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE) in support of the electoral system, conflict management and effective implementation of international commitments of human rights.

The EU is also chairing the donor-coordination groups on Justice, Governance, Environment and Civil Society. In that context, dialogues with CSOs allow to identify the challenges faced by CSOs when promoting human rights and democracy.

In terms of recent positive developments in the context of GSP+ compliance, it is worth to indicate: the reduction of number of children engaged in economic activity and hazardous work; the adoption by Government in May 2022 of the Plurinational Policy Against Human Trafficking and Smuggling in Persons (2021-2025), aiming at addressing human trafficking and forced labour; the submission by the Government in April 2022 of the updated NDC for 2021-2030 under the Paris Agreement maintaining the level of ambition; and the entering into force in October 2021 of the Law on Reinforcing the Fight Against Corruption.

4. EU-BOLIVIA TRADE AND GSP+

In 2022, the EU was Bolivia's fifth⁽¹¹⁾ trading partner, accounting for 7.3% of its total trade, while Bolivia was the EU's 106th trade partner. Trade in goods between the EU and Bolivia totalled €1.7 billion, after €1.4 billion in 2021; prior to the pandemic, in 2019, it had been €1.2 billion.

In 2022, EU exports to Bolivia amounted to €644 million, which represented a steep increase compared to 2020 and a small increase of 3.7% compared to 2019. Nevertheless, after the record year of 2017 (€960 million), EU exports to Bolivia have declined. This could be attributed to the export of cable cars (limited to the 2013-2018 period) which in 2017 represented by their own 27% of exports (€128 million), and 57% if related machinery is included (€271 million)⁽¹²⁾.

Despite enjoying the GSP+ preferential trade regime, Bolivia's exports to the EU have not seen a large diversification, remaining largely concentrated on raw materials (over 80% of which enter the EU at non-preferential MFN zero tariff). Given the impact of the COVID-19 pandemic, Bolivia will likely not exceed the World Bank's threshold of a or lower middle-income country and thus remain eligible for GSP+ in the next 5 years.

⁽¹¹⁾ After Brazil, Argentina, China, and India, and just ahead of Peru.

⁽¹²⁾ https://webgate.ec.europa.eu/isdb_results/factsheets/country/details_bolivia_en.pdf.

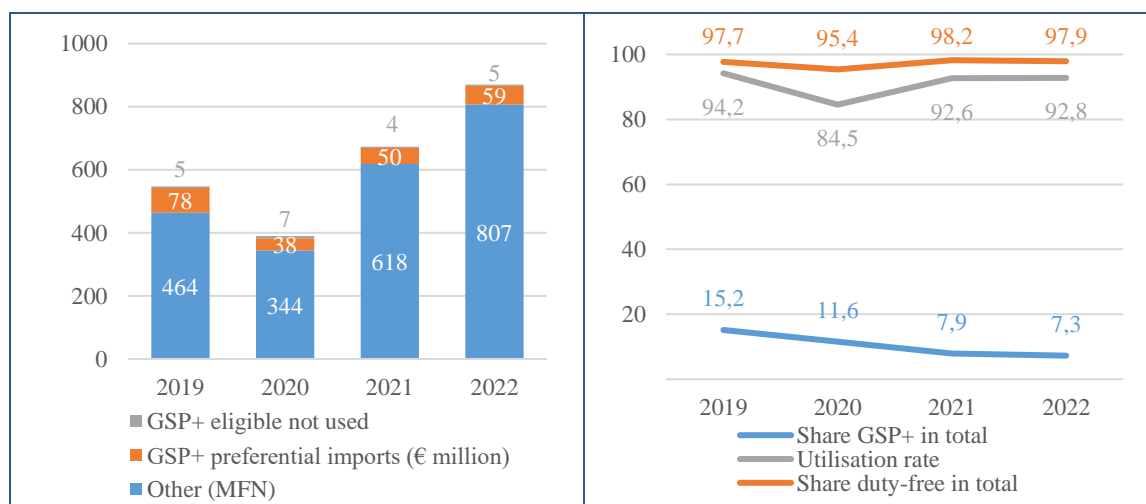
Figures 1-4 below describe Bolivia’s trade under GSP+ and utilisation of tariff preferences in the context of the EU’s overall imports from Bolivia ⁽¹³⁾.

Of the €871 million worth of Bolivian goods imported by the EU under the normal regime, €63 million were eligible to benefit from GSP+ in 2022 (Figure 1 and 2). Bolivian exporters used around 84-94% of the GSP+ preferences in 2019-2022 (Figure 1 and 2). The top products exported under GSP+ were edible preparations, followed by cereals (the top products in 2018) (Figure 3). Edible preparations are also the products which incurred the largest tariff reduction in 2022 (Figure 4).

Figure 1: EU imports from Bolivia and GSP+ utilisation rate, 2019-2022

	2019	2020	2021	2022	Trend %
Total imports, € million	547.5	389.5	689.4	870.6	59.0
GSP+ eligible, € million	83.0	45.1	54.3	63.2	-23.9
GSP+ used, € million	78.2	38.1	50.3	58.6	-25.0
Share GSP+ in total, %	15.2	11.6	7.9	7.3	
GSP+ utilisation rate, %	94.2	84.5	92.6	92.8	

Figure 2: EU imports from Bolivia by trade regime (€ million) and utilisation rates (%), 2019-2022



⁽¹³⁾ All statistics are based on Eurostat data as of September 2023. GSP-statistics only cover goods imported in the EU market, i.e., goods released for free circulation in the EU. The GSP statistics do not cover other EU-imports, like goods imported for the customs inward processing procedure or re-imports after the customs outward processing procedure. Trade flows registered as “confidential” do not appear in the GSP+ usage figures and regime 1 normal trade; but do appear in total trade figures (regime 4). https://ec.europa.eu/eurostat/cache/metadata/en/ext_go_agg_esms.htm#conf1537195068659

Figure 3: Top Bolivian product groups benefitting from GSP+ tariff preferences, 2022, € million

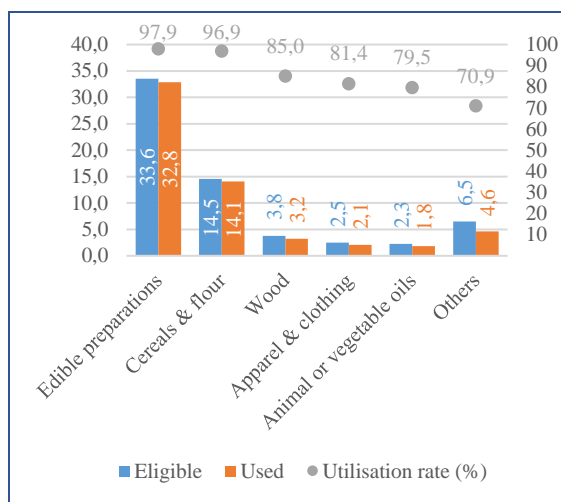
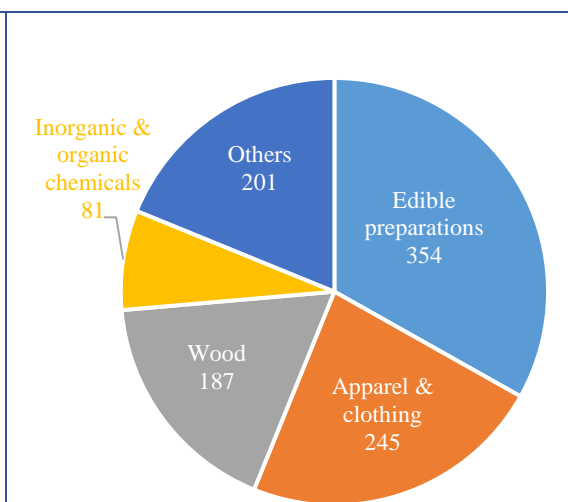


Figure 4: GSP+ tariff reduction gains per product group, 2022, € '000



5. COMPLIANCE WITH GSP+ OBLIGATIONS

5.1. UN Human Rights Conventions (Conventions 1-7)

Bolivia is a member of the UN Human Rights Council from 2021 until 2023 and will hold the vice-presidency during 2023. The latest Universal Periodic Review (UPR) ⁽¹⁴⁾ of 2019 showed that Bolivia supported 206 of 238 (86%) recommendations received which represented an increase of 23% in comparison to the previous UPR cycle in 2014.

The *Defensoría del Pueblo* (Ombudsman's Office), the national human rights institution, was accredited with "A" status ⁽¹⁵⁾ by the Global Alliance of National Human Rights Institutions in 2017 and is due for re-accreditation in 2024. The Ombudsman's Office has a wide-ranging mandate and, since 2021, it has been designated as the National Preventive Mechanism against torture, in accordance with the provisions of the Optional Protocol to the Convention against Torture. In 2021, the Committee Against Torture welcomed this measure, while recommending that the Bolivian Government guarantee the functional and financial independence of the new National Preventive Mechanism. The Committee also recommended the Bolivian Government to strengthen the institutional framework of the Ombudsman's Office by ensuring transparency in the selection of its directors and members and providing necessary technical, financial and human resources to carry out its mandate effectively. The need to set aside sufficient human, technical and financial resources for the Office was also highlighted by the Committee on Migrant Workers in 2022. The new Ombudsman was elected in September 2022, after repeated failures by the Plurinational Legislative Assembly to designate a new Ombudsman. He acknowledged that the Office had suffered from decreased institutional capacity and committed to reconstructing it to recover its credibility and legitimacy ⁽¹⁶⁾.

⁽¹⁴⁾ https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/BO/Bolivia_Infographic.pdf

⁽¹⁵⁾ A status means compliant with the Paris Principles relating to the Status of National Human Rights Institutions.

⁽¹⁶⁾ With support of the EU, OHCHR has been engaging with the Ombudsman's Office for its institutional strengthening, including the realisation of a capacity assessment exercise and technical assistance in human rights monitoring and indigenous peoples' rights.

5.1.1. International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The periodic review of Bolivia's compliance with the Convention was supposed to take place in April 2022, however it was postponed to November 2023. Despite guarantees laid down in the Political Constitution, racism and discrimination against indigenous communities have remained common in Bolivia, and indigenous people continue to face attacks, police repression and invasion of their lands.

According to the Ombudsperson's Office, between 2013 and 2022, 815 cases of racism and discrimination against vulnerable populations were upheld. More specifically, according to the Public Prosecutor Office's data, in 2021 93 complaints related to discrimination and racism were received and 77 in 2022 (up to 1 December). Furthermore, only three reported cases of racism and discrimination had been considered in court by the end of 2022, even though more than 12 years have passed since the adoption of the Law No. 45 of 2010 against Racism and All Forms of Discrimination. Also the UN Human Rights Committee expressed concerns over the low number of convictions under the said Law.

5.1.2. International Covenant on Civil and Political Rights (ICCPR)

The periodic report on the Covenant by the UN Human Rights Committee of June 2022 covered developments in Bolivia since 2013. The latest legislative reforms to better protect civil and political rights include the creation of the Ana Maria Romero Plurinational Service for Women in 2019 and the approval of the Resolution on the Single Protocol for Specialised Care for Victims of Human Trafficking in 2020.

Although ICCPR covers multiple human rights, some indicators ⁽¹⁷⁾ illustrate the overall direction of developments regarding civil and political rights. Both the Political Rights Index and the Civil Liberties Index scores remained stable between 2016 and 2021. The overall Freedom in the World Index ranks Bolivia as a partly free country. The Fundamental Rights Score showed a very slight downward trend, and the Voice and Accountability Indicator decreased sharply in 2019 and 2020, reflecting the political crisis in 2019 and human rights violations ⁽¹⁸⁾, restrictions related to the freedom of expression and the consequences of the COVID-19 pandemic.

Concerns persists about discrimination and violence against women and LGBTIQ persons, who continue to face attacks, murders, and discriminatory practices in all spheres of life. The incidence of femicide remains high. The Attorney General's Office reported 113 cases in 2020 and Freedom House reported more than 100 femicides in Bolivia in 2021. The number of cases of violence against women reached more than 20,000 in 2020. The definition of rape in the Bolivian penal code is based on the use of force and does not provide an explanation of the term "*consent*" nor does it establish appropriate rules to guide the criminalisation and prosecution of rape.

⁽¹⁷⁾ <https://freedomhouse.org/country/bolivia/freedom-world/2022>

⁽¹⁸⁾ In August 2021, the Inter-American Commission on Human Rights (IACHR) published the final report of the Group of Independent Experts (GIEI) which identified serious human rights violations committed during the period of investigation (1 September – 31 December 2019), under State responsibility. It highlighted disproportionate use of police and military forces that had led to incidents causing more than 37 casualties and 833 people injured, as well as cases of arbitrary detentions during protests, and aggressions against indigenous peoples and sexual abuse against women. As a step in following up on the recommendations provided by the GIEI-Bolivia, the Bolivian Government together with the IACHR formed a follow-up Committee for the Implementation of the Recommendations (MESEG Bolivia).

Human trafficking and forced labour are also of concern. Human trafficking persists despite the Comprehensive Law No. 263 of 2012 against Trafficking and Smuggling of Persons in place, the amendments introduced to the Criminal Code to cover all forms of trafficking, and the continued enforcement efforts by Bolivian authorities to eliminate the practice. The 2021-2025 Plurinational Policy against Trafficking and Smuggling in Persons was adopted by the Government in May 2022. While there is a high number of complaints of trafficking and related crimes registered by the authorities, the number of convictions remains low. With support of several international donors, including the EU, the Government established specialised prosecutor's offices in its nine territorial departments, and participated in anti-trafficking prevention campaigns with international and civil society organisations.

Despite successive legislative progress, to date, a comprehensive and decisive reform of the justice system has not been undertaken and key challenges remain. The UN Human Rights Committee raised concerns about the inadequate geographical coverage of justice services, the cases of political interference and corruption, the persistently insufficient budget (less than 0.5% of national budget), and the limited coverage and number of public defenders. It also stressed the high proportion of judges (46%) and prosecutors (89%) who were appointed on a temporary basis and lacked security of tenure ⁽¹⁹⁾.

These challenges are exacerbated when it comes to criminal justice, which faces a longstanding crisis. Overcrowding of prisons and extensive use of pre-trial detention need to be tackled. In 2021, the occupancy level of Bolivian prisons was recorded as one of the highest in the world – almost 264% of the actual capacity. The Human Rights Committee reported some improvements, but the level of overcrowding remains at 148% and 65-70% of all persons deprived of liberty are estimated to be in pre-trial detention. There are also concerns regarding due process guarantees and failure to respect the international principle of legality in crimes of terrorism and sedition. In 2022, the Constitutional Court issued a sentence invalidating the crime of sedition.

The Bolivian authorities have recognised these deficiencies in the judicial system and made efforts to address them. Annual decrees granting pardon or amnesty to persons incarcerated preventively for minor offences have been regularly emitted, and the last one in February 2021 contributed to the release of 709 people. However, such measures do not constitute a solution for structural problems. The effective implementation of the Criminal Code of 2017 (as amended in 2018 and 2019) is delayed, and budgetary allocations are insufficient to ensure a visible reduction of the judicial backlog and improvement of protection measures in case of violence against women.

Freedom of expression and association is also a challenge. The Bolivian score in the World Press Freedom Index deteriorated significantly from 64.53 in 2021 to 51.09 in 2023 ⁽²⁰⁾. Physical attacks against journalists are common and have intensified since 2020. An incident in 2021 when several journalists were assaulted and shortly held captive by an armed group for reporting on a land dispute in Santa Cruz, remains unpunished. Meanwhile, covering the strike in Santa Cruz in November 2022, at least 25 journalists were reportedly attacked by the police.

⁽¹⁹⁾ It was confirmed in the final report of the UN Special Rapporteur on the independence of judges and lawyers who visited the country in February 2022.

⁽²⁰⁾ <https://rsf.org/es/pais/bolivia>

Regarding the rights of indigenous people, the Human Rights Committee noted that Bolivia had no legal framework to guarantee their right to prior, free, and informed consent related to projects that may affect their territories, way of life and their culture. The Committee received reports of violations related to Government's mining concessions with mercury contamination of protected areas and indigenous territories.

EU–Bolivia Development Cooperation on Civil and Political Rights

Since 2019 the EU is supporting the Bolivian justice system through a €3 million project implemented by the Spanish Agency for International Development Cooperation (AECID) and the UN Office on Drugs and Crime (UNDOC). The project focuses on judicial/fiscal career, digitalisation, and management models, fight against corruption, legal aid, and fight against gender-based violence. The EU accompanies the Government with support to civil society on their role of policy monitoring and advocacy through three CSO projects amounting to approximately €3 million. Since 2016, the EU also supports the implementation of the national policy to fight human trafficking.

The national MIP 2021-2027 includes a priority area related to Governance and Human Rights with focus on promoting the rule of law, governance, human rights, and gender equality.

Since 2019 the EU has been supporting the Electoral Court through a €2 million Instrument contributing to Stability and Peace. This project has been implemented by the UN Development Program (UNDP) and its follow-up phase is under preparation. Together with Spain, the EU also financed an NGO national observation mission during the 2020 and 2021 elections through a project implemented by the Institute for Democracy and Electoral Assistance (International IDEA).

Through thematic programmes, the EU also supports two regional projects of €1 million promoting the rights of LGBTIQ groups in Bolivia, Peru, Ecuador, and Colombia and a business and human rights related project of €1.5 million which started in 2021 and aims to promote human rights and environmental protection in the mining sector in Bolivia, Peru, and Ecuador. The EU has also long supported Human Rights Defenders in the areas of indigenous and environmental rights, LGBTIQ rights and freedom of expression (project of €1 million financed from the European Instrument for Democracy and Human Rights (EIDHR)), as well as youth advocacy on environmental rights through the programme for civil society organisations.

5.1.3. International Covenant on Economic, Social and Cultural Rights (ICESCR)

In 2021 the Committee on Economic, Social and Cultural Rights (CESCR) issued a periodic report where it welcomed the legislative, institutional and policy measures taken by the Bolivian Government since the last review in 2008 ⁽²¹⁾. In terms of access to health, the adoption of the Unified Health System (SUS) in 2019 was considered an advance, as it provides guarantees of free health care to individuals not covered by the short-term social security scheme and benefits 5.8 million previously uninsured persons (more than 50% of the population). However, the State failed to ensure sufficient resources for its implementation.

⁽²¹⁾ Notably the ratification of the Optional Protocol to the ICESCR, the adoption of legislation that decriminalised the right to strike (both in 2012), the adoption of the Gender Identity Law No. 807 of 2016, the establishment of the Unified Health System in 2019, and the adoption of the 2017-2022 Job Creation Scheme.

UNESCO has highlighted that the increased enrolment rates in primary and secondary level education (respectively 95.7% and 84.1% in 2016⁽²²⁾) worsened during the pandemic. This has led to an increase in inequality given the uneven access to internet, an increased drop out risk, especially for the most vulnerable children, and side effects such as deprivation of socialisation and nutritional food supplies provided in schools, notably in the countryside and in remote provinces.

While the levels of unemployment in Bolivia were reduced under the 2017-2022 Job Creation Scheme, job losses triggered by the COVID-19 pandemic disproportionately affected vulnerable population groups, such as young persons, indigenous people, persons with disabilities, LGBTIQ persons, and migrants. A high share of the population continued to work in the informal economy, with most of them being women engaged in precarious forms of employment.

The largely informal labour market has important consequences on access to social protection, wages and income and labour conditions, including occupational health and security. Despite economic growth and a significant reduction in poverty, there are persistent socioeconomic gaps between rural and urban areas and between the indigenous and non-indigenous population. Access to water and sanitation improved, but disparities between rural and urban areas remain significant.

5.1.4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The latest periodic report from the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) was issued in 2022 and based on Bolivia's State report submitted for the review in 2019. The Committee welcomed the legislative progress achieved in various areas since the last review, such as the establishment of the National Commission for Monitoring Cases of Femicide in 2021 and the enactment of Supreme Decree No. 4650 of January 2022, which declares 2022 as the Year of Cultural Revolution for Dismantling the Patriarchy: for a Life Free of Violence against Women.

While the CEDAW noted efforts by the State to improve access to justice for women, it raised concerns over the lack of a gender approach in the justice system (including negative attitudes towards women reporting violations of their rights), financial, linguistic, physical, and geographical barriers to accessing justice faced by indigenous women, Afro-Bolivian women and women with disabilities and social and cultural stigma, which deter women and girls from registering their complaints.

Furthermore, CEDAW noted with concern the high incidence of gender-based violence, notably femicide and sexual violence, as well as widespread impunity for perpetrators; the underrepresentation of women in decision-making positions in certain branches of Government, most notably in the executive and the judiciary; and the lack of information on measures taken to increase the representation of women in decision-making positions in the private sector. The Committee pointed to the lenient penalties in Law No. 243 of 2012 on Political Harassment and Violence against Women, and the low level of adaptation of regulations at the municipal level to comply with that Law.

⁽²²⁾ Indicadores de Derechos Humanos en Bolivia,
<http://ddhh.ine.gob.bo/ddhh2016/onu/index.php?r=site/educacion>

A further concerning element was the criminalisation of abortion and challenges to implement Plurinational Constitutional Court Ruling No. 206/2014, which eliminated the requirement of judicial authorisation to access legal abortion, including the lack of knowledge of the ruling, lack of equipment, and the high rate of conscientious objection of medical practitioners.

Discrimination and violence against women and girls, including rape and sexual violence, remain a serious problem, and domestic violence against women is also common. In 2021, Bolivia was ranked 7th in Latin America and first in South America regarding the number of femicides per 100,000 women ⁽²³⁾, with an extremely high impunity rate. In 2021 only 36% of femicide cases obtained a judgement. Cases of violence against women and girls take on average three years to investigate, and victims often have to bear the legal fees, which discourages women from reporting domestic abuse.

Furthermore, data on violence against women and girls is scarce. The first national survey on the matter was successfully carried out in 2016, with a commitment to undertake a new one within the 5 years. When the present report was finalised, the exercise had not been launched but the international community has highlighted this in political/policy dialogue spaces, and cooperation resources have been engaged for supporting the survey under bilateral cooperation.

Women's participation is uneven across decision-making bodies and especially indigenous women are underrepresented in decision-making positions. Given the strong legal parity requirements, the 2020 legislative elections marked a milestone for women's political participation, with 47% of Parliaments' Members (62 women out of 130 deputies, and 56% of the upper chamber; and 52% of female counsellors at local level). However, women's participation is still low in positions without quotas, such as in the Government, the judiciary and the Foreign Service.

EU–Bolivia Development Cooperation in Fighting Violence Against Women and Girls

The EU support includes a project implemented by Spain in support of the Bolivian's Government administration efforts to achieve greater equality between women and men, and through CSOs working on advocacy and support to victims.

Since 2018 the EU has been supporting women's political participation with a successful programme implemented by OXFAM (€2 million). Its first phase (2018-2022), advocated for the electoral management body to ensure compliance with national parity requirements in the 2019, 2020 and 2021 elections (which were law compliant for the first time in Bolivia's history). It also supported parity principles in political parties by providing legal assistance to reform their statutes, helped to build a critical mass of more than 500 young female leaders, strengthened the inter-party platforms of elected women at national and local levels to build gender-sensitive agendas to impact on public policies, and implemented advocacy actions for more than a hundred male militants through awareness-raising activities on masculinities. It also contributed to the fight against political violence on women's representatives in line with the national legislation. A second phase has started in 2022 to consolidate the results achieved with political parties and female leaders and help the Electoral Courts effectively implement the principles of parity and interculturality.

⁽²³⁾ <https://oig.cepal.org/es/indicadores/femicidio>

5.1.5. *Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*

The Committee Against Torture issued its latest periodic report in 2021 and expressed concern about acts of racially motivated violence during the political and social crisis in 2019-2020. During that period indigenous women faced attacks, threats, and ill-treatment by organised groups, and rallying indigenous peoples and *campesinos* ⁽²⁴⁾ were harshly suppressed by the police. The Committee welcomed initiatives taken by Bolivia to revise its legislation as well as efforts to amend policies and administrative measures to implement the Convention Against Torture.

The definition of torture in the domestic law is not in conformity with Article 1 of the CAT as it neither describes the acts constituting ill-treatment, abuse or torture nor it refers to the purpose of the criminal conduct in question. It also fails to cover acts of torture committed by, at the instigation of, or with the consent of a person other than a public official who is acting in an official capacity and does not establish penalties commensurate with the seriousness of the offence.

The CAT also indicated that fundamental legal safeguards were not guaranteed to persons in detention from the very onset of their arrest, including the right to be informed of the reasons for the detention and the nature of the charges against them, the right to promptly inform a family member of their arrest and place of detention, the right to request and obtain immediate access to an independent doctor, and the right to receive free high-quality legal assistance in case of need.

From 2013 to 2021 the Ombudsperson's Office registered 3,017 cases of torture and cruel, inhuman, or degrading treatment in the country, but only a small number of investigations and prosecutions into such cases were initiated. A key concern pertains to reports of torture and ill-treatment in the armed forces and the lack of transparency in the investigation of complaints related to these crimes.

5.1.6. *Convention on the Rights of the Child (CRC)*

The Committee on the Rights of the Child issued its concluding observations on the combined fifth and sixth periodic report on Bolivia in January 2023 ⁽²⁵⁾. Bolivia's latest State report was submitted to the CRC in April 2019, with an almost four-year delay.

The Humanium Children's Rights Index for Bolivia is in the "red zone," indicating a "difficult situation" regarding children's rights ⁽²⁶⁾. The 2020 UNICEF report stated that the COVID-19 pandemic had affected children's access to food, with the proportion of food insecure households that had only one meal a day increasing from 8% to 34% after the start of the lockdowns, thereby affecting the most vulnerable children. In 2021, the Committee on Torture was concerned about the large number of young and adolescent girls being forced into early marriages or other unions.

⁽²⁴⁾ Farmers from low extraction from the countryside perceived as non-white.

⁽²⁵⁾ <https://www.ohchr.org/en/news/2023/01/experts-committee-rights-child-commend-bolivia-pursuit-more-equal-society-raise>

⁽²⁶⁾ <https://www.humanium.org/en/bolivia/>

Bolivia's 2019 State report noted progress regarding children's rights, as reflected in the increase of the budget for areas affecting children. The Government also stated that UNICEF and the Plurinational Public Management School had designed a training and education strategy for the Comprehensive Plurinational System for Children and Adolescents, which aimed to "improve the performance and technical and personal skills of public officials working for and with children and adolescents, decision-making authorities and civil society".

However, several civil society organisations reported that violations of children's rights had continued despite the comprehensive legal and policy framework and the economic growth before the COVID-19 pandemic. For example, exploitation of children in prostitution, sale, trafficking of children for sexual purposes, sexual exploitation of children in travel and tourism, online child sexual exploitation, and early and forced marriage are of great concern. Children from rural areas, poor families, indigenous children, LGBTIQ youth and street children are particularly vulnerable to trafficking or early and forced marriage. In its latest recommendations, the Committee urged Bolivia to undertake effective measures to fight sexual violence in all provinces, especially in rural areas, and to adopt a national plan to address and end the sexual exploitation of children, especially in mining areas and the tourism industry.

The Committee also raised as a serious problem the high and growing prevalence of violence against girls and its manifestation in infanticides and sexual violence. It urged Bolivia to fully implement legislation to fight infanticide, femicide and violence against women, girls and adolescents and combat sexual violence against children. It also asked the Bolivian authorities to ensure that all cases of violence against children are duly and promptly investigated.

The Committee noted improvements in the compilation of statistical information in the Child and Adolescent Information System established by Decision No. 071/2016. However, it was concerned about the pace of its implementation, the limited information currently available and the lack of co-ordinated and integrated system of statistics of children, with comprehensive and disaggregated data, indicators, and information about the situation of children.

Conclusions and priorities

Since 2012, Bolivia has made some progress in human rights by carrying out legislative, institutional and policy reforms. For instance, the Government has made efforts to eradicate poverty, improve access to education, health, food, and housing. However, the implementation of laws has been lagging, and several challenges remain. The 2019 socio-political crisis and the COVID-19 pandemic exacerbated many existing deficiencies in the protection of human rights.

While the Ombudsperson's Office has a wide-ranging mandate, its institutional framework should be strengthened by ensuring transparency in the selection of its directors and members and providing necessary technical, financial, and human resources to carry out its mandate effectively.

A comprehensive and decisive reform of the justice system has not been undertaken. The independence of judiciary, limited inter-institutional coordination, corruption and lack of transparency, judges and prosecutors without appointments for life, judicial backlog, weak territorial presence, and constraints in service delivery and legal aid are of concern. These challenges are exacerbated when it comes to criminal justice, which faces a longstanding crisis. Overcrowding of prisons, excessively long pre-trial detention, and torture by police forces need to be tackled. The definition of torture in the domestic law should be brought in conformity with the Convention Against Torture. The effective implementation of the Criminal Code must be pursued, and budgetary allocation ensured to reduce judicial backlog.

Freedom of expression and association is also a challenge as allegations of harassment and intimidation against human rights defenders and journalists are common.

Violence against women and girls, including femicides, and sexual violence persist with an extremely high impunity rate. There is a need to conduct the second national survey to improve collection of data on violence. The Government is committed to tackle these issues and declared 2022 as the “Year of Cultural Revolution for Dismantling the Patriarchy: for a Life Free of Violence against Women”.

Child labour and sexual violence against children remain a challenge, despite the comprehensive legal and policy framework, an increase of the budget for areas affecting children, and raising the legal age to work to 14 years of age in 2018. Furthermore, over three years have passed since the latest survey of the population of working children, and without an overview of this population group and its working conditions, its rights cannot be monitored nor guaranteed.

In terms of fighting against discrimination, Bolivia has made some progress towards gender equality in education, economic participation and opportunity and political empowerment. However, the political representation of women (notably indigenous ones) in decision-making positions and women access to formal employment needs to be improved. Discrimination and violence against LGBTIQ persons remain a concern.

Despite constitutional guarantees, racism and discrimination against indigenous communities have remained common. Regarding the rights of indigenous people, Bolivia does not have a legal framework to guarantee their right to prior, free, and informed consent related to projects that may affect their territories, way of life and their culture.

5.2. ILO Labour Rights Conventions (Conventions 8-15)

5.2.1. Freedom of Association and Collective Bargaining (Conventions No. 87 and No. 98)

Several amendments of the General Labour Law of 1942 and other laws are required to effectively implement the ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise. For instance, provisions concerning the exclusion of agricultural workers⁽²⁷⁾ from the scope of the General Labour Law; the denial of the right to organise to public servants⁽²⁸⁾ and the excessive requirement that 50% of all workers in an enterprise are needed to establish a trade union. In relation to ILO Convention No. 98 on the Right to Organise and Collective Bargaining, extending the right to organise to agricultural workers and public servants would also give them the right to bargain collectively. Moreover, fines envisaged in the law for acts of anti-union discrimination or interference should be updated and a constructive dialogue would be welcomed to identify the necessary reforms and to ensure that workers can freely establish the organisations of their own choosing, even without the authorisation of a higher-level trade union organisation.

The Bolivian Constitution establishes the right of all workers to organise in unions in accordance with the law. It has been several years since the Bolivian Government announced a preparation of a new Labour Code bill and a Public Servant bill, but there has been no progress in this area.

Trade unions are active in Bolivia, at the sectoral, territorial, and national level. The Central Obrera Boliviana (COB), the largest trade union in the country, enters negotiations with the Government regarding salary increases. In its reports the International Trade Union Confederation (ITUC) pointed at measures taken to limit trade union activity, e.g., preventive detentions of trade union leaders.⁽²⁹⁾

⁽²⁷⁾ Important to note that the General Labour Law applies also to agricultural workers, who are entitled to freely associate and collectively bargain if there is an employer-employee relationship (e.g., farmers and a private company). However, it is commonplace for them to work under the “piecework” (*trabajo a destajo*) modality, in which case there is no employer-employee relationship, hence no right (nor need) to freely associate and collectively bargain.

⁽²⁸⁾ The Law No. 2027 of 1999 on the Statute of the Public Official neither provides effective rights to public servants to freely associate and collectively bargain, nor layoff payment settlement. The right to legally challenge unjustified dismissal is reserved only to career officials.

⁽²⁹⁾ There is one active case against Bolivia at the ILO Committee on Freedom of Association (CFA): The complainant organisation alleges that the Ministry of Labour illegally revoked decisions recognizing the leadership and the union leave entitlement of leaders of trade unions belonging to the Departmental Federation of Oil Workers of Santa Cruz (FDTPSC) and that, after the decisions had been revoked, acts of anti-union persecution and discrimination were carried out against members and leaders, such as dismissals and disciplinary proceedings. The CFA adopted an interim report in October 2022 requesting the Government to initiate constructive dialogue with all the concerned parties and to respond to the allegations of acts of anti-union persecution and discrimination https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:4313450 There are also two cases that still require follow-up actions (both of 2017) alleging restrictions on the right to strike in the healthcare sector and anti-union practices Case No 3288 (Bolivia (Plurinational State of)) - Complaint date: 02-JUN-17 Bolivian Central of Workers (COB) and Case No 3285 (Bolivia (Plurinational State of)) - Complaint date: 28-APR-17.

5.2.2. Abolition of Forced Labour (Conventions No. 29 and No. 105)

In relation to ILO Convention No. 29 on Forced Labour, the Comprehensive Law No. 263 of 2012 against Trafficking and Smuggling of Persons provides the framework for combatting human trafficking through its prevention, support to victims, national and international cooperation, and punishment of perpetrators. In addition, in May 2022, the Government adopted the 2021-2025 Plurinational Policy against Trafficking and Smuggling in Persons. The National Assembly of Bolivia approved in March 2022 the ratification of Protocol 29 of 2014, which updates the Forced Labour Convention.

Bolivia is considered as a source of victims being trafficked within the country for sexual and labour exploitation. Indigenous women are victims of forced prostitution in areas of major investment projects and forced labour has affected particularly indigenous communities. Bolivian nationals also become victims of trafficking to other Latin American countries. In 2021, 785 cases of human trafficking and related crimes were submitted before the judicial authorities, while 661 were recorded in 2019, indicating an increase in comparison to pre-pandemic levels. Along this vein, the Ombudsperson's Office alerted in September 2022, that its registered complaints were increasing rapidly ⁽³⁰⁾.

Services for victims of trafficking are underfunded and the Government relies on NGOs, international donors and other partners to provide safe accommodation and other services. Constraints in access to justice and the conduct of proceedings impede to tackle effectively human trafficking and forced labour. To address the problem, the establishment of specialised prosecutor's offices was announced in 2020 and Bolivia has specialised prosecutors in all its nine departments. Moreover, tailored training courses were provided to new specialised prosecutors, police officers and other officials.

The Government's report due in 2021 on the application of Convention No. 29 was finally submitted in October 2022. The ILO's Committee on Application on Conventions and Recommendations (CEACR) should examine it by end 2023 and the assessment will be published February 2024. In line with the CEACR's request ⁽³¹⁾, the Government should strengthen its efforts to ensure that all persons who engage in trafficking are subject to prosecutions and that effective and dissuasive penalties are imposed.

Steps have been taken to tackle forced labour and trafficking, through the recruitment of labour inspectors and other staff in regional offices, the provision of training and equipment, labour inspections in workplaces, notably in regions known for the use of forced labour, training of prosecutors and police officers, the development of information materials, and others. However, in the recent years there was a regression in the number of inspections carried out in priority areas where forced labour is present.

⁽³⁰⁾ <https://www.defensoria.gob.bo/noticias/defensoria-del-pueblo-advierte-un-incremento-de-casos-de-trata-y-trafico-de-personas-y-convoca-a-las-autoridades-a-reforzar-la-lucha-contr-este-delito>

⁽³¹⁾ https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4123755,102567 (page 337). The Committee stated that, in its previous annual reports, the Public Prosecutor had indicated that 701 cases of trafficking had been registered in 2016 and 563 cases in 2017, but that no information was available on the number of persons convicted or judicial decisions handed down.

5.2.3. *Minimum Age for Work and Worst Forms of Child Labour (Conventions No. 138 and No. 182)*

In its report adopted in 2021, the ILO's CEACR noted that the Bolivia's State report due in 2021 about implementation of Conventions No. 138 on Minimum Age and No. 182 on the Worst Forms of Child Labour had not been submitted⁽³²⁾, but the reports for both conventions were subsequently submitted in 2022.

Child labour is prominent in Bolivian society despite the declaration in 2018 by the Constitutional Court that the provisions of the Code for Children and Young Persons allowing to decrease the minimum age for the admission to work below 14 years are unconstitutional⁽³³⁾. The main concerns relate to the absence of comprehensive policies to eradicate child labour and the weakness of labour inspection services. The last national survey was conducted in 2019 and there is also scarcity of accurate data. According to that survey, in 2019, around 24% of children between 5 and 17 years of age, namely 724,000, were engaged in some kind of labour activity or work⁽³⁴⁾. Data collected by UNICEF pointed to a child labour rate of 14% in 2019⁽³⁵⁾.

In relation to minimum age for work, legislative amendments are needed to permit participation in apprenticeships only for persons above 14 years of age, i.e., above the minimum age of admission to employment. The legislation in Bolivia does not require employers to keep registers of employed persons aged under 18. This is not in line with Convention No. 138.

According to the Bolivian legislation and in line with the Convention No. 182, hazardous work is not allowed for employed persons under 18 years of age. However, in practice major enforcement problems persist. There were reports about children and adolescents working in sugar cane and nut harvesting, often jointly with their parents and in hazardous conditions, using machetes and working long hours. Likewise, children were identified as working in the mining sector, many of them in hazardous conditions, including the exposure to chemicals used in the industry. Reports also pointed to a high risk of child labour and forced labour among indigenous peoples, and the risk of children becoming victims of trafficking for prostitution and forced labour in mines, domestic work and agriculture. The Government does not have a system in place to track data on forced child labour, commercial sexual exploitation of children, or engagement of children in illicit activities. The Ministry of Labour, Prosecutor's Office, and the Ministry of Justice do not have a consolidated database or systematised records of the number of violations found related to child labour.

⁽³²⁾ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_COUNTRY_ID:4124165,102567

⁽³³⁾ This was noted by ILO CEACR in 2021 which requested the Government to take measures to amend the Code for Children and Young Persons accordingly. See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4124591,102567

⁽³⁴⁾ <https://www.ine.gob.bo/index.php/estadisticas-sociales/empleo-mercado-laboral/enca-cuadros-estadisticos/>

⁽³⁵⁾ UNICEF Child labour Table: last updated in May 2022. In the latest available data from the World Bank, in 2018 the net enrolment rate for secondary school amounted to only 77%, which illustrated the dimension of the problem. <https://data.worldbank.org/indicator/SE.SEC.NENR?locations=BO>

The Government, in cooperation with NGOs and international partners, has implemented educational programmes in the mining regions and sugar cane cultivation areas and among indigenous communities, provided vocational training for working children and young persons, and economic alternatives for their families, and conducted awareness raising campaigns. It has also launched an initiative promoting companies which would not use child labour and signed a tripartite agreement with employers and workers in the nut sector, including a clause prohibiting the use of child labour. Bolivia also pursued regional cooperation, signing a bilateral agreement with Chile on combating the worst forms of child labour, and exchanging experience on conditional cash transfer programmes with Brazil, Paraguay, and Ecuador.

5.2.4. Equal Remuneration and Elimination of Discrimination (Conventions No. 100 and No. 111)

Article 48 of the 2009 Constitution of Bolivia makes a reference to equal remuneration for work of equal value, in line with the ILO Convention No. 100 on Equal Remuneration. A draft implementing provision has been included in the amendments to the General Labour Law under preparation, but the adoption of the bill was still pending when this report was finalised.

Regarding ILO Convention No. 111 on Discrimination (Employment and Occupation), both the 2009 Constitution and Law No. 45 of 2010 against Racism and All Forms of Discrimination enumerate prohibited grounds of discrimination, listed also in that ILO Convention. Moreover, Supreme Decree No. 0213 of 2009 establishes the right of every person not to be discriminated against in any selection or recruitment procedure in the public and private sectors.

In 2015, around 55% of the female population aged 15+ was economically active. This rate increased to slightly above 71% in 2021. For men, this share increased from 80% in 2015 to almost 85% in 2021 ⁽³⁶⁾. The unemployment rate among women grew from 3.8% in 2015 to 5.7% in 2021 and among men, from 2.6% in 2015 to 4.6% in 2021 ⁽³⁷⁾. The difference in labour activity rates is related to the traditional division of responsibilities between men and women and the role of the latter in the family and household.

There is a need for further efforts to address discrimination and inequality in the labour market, e.g., through more gender-neutral recruitment procedures, and the provision of advisory services and training for women to increase their resilience and opportunities in the labour market ⁽³⁸⁾ at a time when many simple processes often carried out by female workers become automated. There is also a need to address violence against women and to support redistribution of care responsibilities between men and women, families and the State. Bolivia records the highest level of physical and sexual violence against women in Latin America. No progress has been identified in the reporting period ⁽³⁹⁾.

⁽³⁶⁾ <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=BO>

⁽³⁷⁾ <https://data.worldbank.org/indicator/SL.UEM.TOTL.MA.NE.ZS?locations=BO>

⁽³⁸⁾ CEACR General Survey "Achieving gender equality at work": https://www.ilo.org/ilc/ILCSessions/111/reports/reports-to-the-conference/WCMS_870823/lang-en/index.htm

⁽³⁹⁾ Some procedural reforms should be noted: Law 1173 of 2019 on Shortening Criminal Procedure and Strengthening the Comprehensive Fight against Violence against Children, Adolescents and Women and Supreme Decree N° 2145, de 14 October 2014, amending Law N° 348 "Integral Law to ensure women a life free of violence" and the Ministerial Resolution 196/21 of 2021 regulates the procedure for dealing with complaints of workplace harassment and sexual harassment of women in the workplace and the adoption of protection measures.

In 2022, Bolivia ranked 51st out of 146 countries in the Global Gender Gap Index with the overall score 0.734 and with scores being relatively lower for political empowerment (0.352) and economic participation and opportunity (0.642) and better for educational attainment (0.980) and health survival (0.962) ⁽⁴⁰⁾.

Conclusions and priorities

Despite some positive legislative reforms in the last few years, major concerns about the labour rights situation in Bolivia remain, notably regarding freedom of association, collective bargaining and child labour and these should be addressed as a matter of priority.

In the reporting period, Bolivia has not made progress to fully align its legislation to Conventions No. 87 and No. 98 on freedom of association and the right to collective bargaining. There is a need for an effective social dialogue between the Government, employers' and workers' representatives to agree on the amending provisions to the General Labour Law of 1942 (among others to grant agricultural workers and public servants effective rights to freely associate and collectively bargain), the adoption of which is pending for several years. There were also reports regarding preventive detentions of trade union leaders and discrimination against them as well as different interference activities. Further efforts are needed to align the relevant legislation notably regarding fines for those involved in such actions.

The Bolivian Government has made progress in addressing human trafficking and forced labour, with the latest edition of the Plurinational Policy against Trafficking and Smuggling in Persons adopted in May 2022. Steps have also been taken to tackle both phenomena in practice, through the recruitment of additional labour inspectors and other staff in nine regional prosecutors' offices and providing training and equipment notably for prosecutors and police officers. More needs to be done to ensure the identification of and support to victims, and the prosecution and conviction of perpetrators of human trafficking. Moreover, the enforcement services need further staff, equipment, resources, and training to be able to conduct effective mobile inspections and other activities.

Child labour has continued to be a prominent feature in Bolivian society and increased notably during the COVID-19 pandemic. Elements of a policy framework have been adopted, including goals related to elimination of child labour and its worst forms. The Government has also taken steps, in cooperation with NGOs and international partners, to address child labour by education programmes, awareness raising, labour inspections, promoting businesses not using child labour and providing alternative economic opportunities for poor families. The data from consecutive child labour surveys suggests a reduction in the number of children engaged in economic activity and hazardous work; however, further efforts and a holistic approach, including proper records and controls, are needed to achieve the goal of eradicating child labour by 2025.

⁽⁴⁰⁾ The Global Gender Gap Index measures gender equality based on the relative gaps between women and men. The scores range between 0 (complete inequality) and 1 (complete equality); https://www3.weforum.org/docs/WEF_GGGR_2022.pdf. In comparison to 2018, in 2022 Bolivia slightly improved the scores on economic participation and empowerment, educational attainment and worsened the ones on health and survival and on political empowerment; https://www3.weforum.org/docs/WEF_GGGR_2018.pdf.

Attention should also be paid to maintaining an effective labour inspection system, notably in relation to child labour and forced labour and collection of accurate data. In the past years there was a regression in the number of inspections carried out in priority areas where forced and child labour are present.

Bolivian authorities have made some progress regarding gender equality and non-discrimination by adopting secondary legislation and policy documents regulating the rights of and support for women, persons with disabilities, and parents of young children on the labour market. However, detailed legislation, which would implement the principles of equal pay for work of equal value, has not been adopted yet. Progress has been achieved in reducing the gender-based wage gap and in encouraging women's participation in the labour market. However, further efforts are required to improve their situation, including reducing the level of violence against women.

5.3. UN Conventions on Environmental Protection and Climate Change (Conventions 16-23)

Bolivia is among the 15 most biodiverse countries globally. Environmental Economic Valuation allows assigning quantitative values to the goods and services provided by natural resources. Bolivia's contribution to this valuation is more than USD 10,000/hectare a year, one of the highest rates in the world. Bolivia is also highly vulnerable to the impacts of climate change, notably in the water supply cycle because of glacier melting and due to the country's rugged topography, which enhances the vulnerability from heavy rains, floods, and landslides.

The Government has underlined the balance between human life and the natural environment in institutional and regulatory framework⁽⁴¹⁾. Nevertheless, the implementation of commitments under international environmental and climate conventions has been slow and reconciling the environmental protection and economic growth remains challenging.

Environment and climate change for inclusive economic development are priority areas for the EU's partnership with Bolivia during 2021-2027, including the support for conservation, restoration, governance and sustainable management and use of natural resources, biodiversity and ecosystems, including forests.

5.3.1. *Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)*

Bolivia's annual reports to CITES are up to date and the legislation is classified by the CITES Convention as category 1, which means that it generally meets the requirements of the Convention. The country submitted the annual report for 2020 on time but the submission of Illegal Trade Reports for the years 2015-2020 is pending and the last biennial report submitted pertains to 2014-2015. There has been no progress in this area during the reporting period, however the Government is working with a range of NGOs to produce an update.

⁽⁴¹⁾ See the 2010 Law on the Rights of Mother Earth <https://www.climate-laws.org/geographies/bolivia/laws/the-rights-of-mother-earth-law> and the 2012 Framework Law on Mother Earth and Integral Development for Living Well <https://www.climate-laws.org/geographies/bolivia/laws/the-mother-earth-law-and-integral-development-to-live-well-law-no-300>

In April 2021, the President issued Supreme Decree No. 4489 for the protection of wildlife. The Decree aims at ensuring the well-being, conservation, and preservation of wildlife, respecting its right to live freely and reproduce in its natural environment. It also empowers the Ministry of Environment and Water to establish regulations regarding the use of wildlife and implement programmes or projects to combat illegal wildlife trafficking ⁽⁴²⁾.

In October 2020, Bolivia launched the National Jaguar Action Plan 2020-2025. Bolivia is on the top of the list of countries with annual jaguar mortalities caused by poaching. The country also had the highest annual averages of seized or illegally traded specimens ⁽⁴³⁾.

5.3.2. Waste Conventions: Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, and Stockholm Convention on Persistent Organic Pollutants (POPs)

There have been no notable developments in the implementation of the Basel Convention since 2020. There is no progress towards establishing a national definition of hazardous wastes in Bolivia.

Bolivia ratified the Stockholm Convention in 2003 and has submitted three national reports, the last one in August 2022. Bolivia's second National Implementation Plan (NIP) of the Stockholm Convention, finalised in 2019, is not available in the public domain and the progress towards its approval is not known. UN Environment Programme (UNEP) has been preparing a project for institutional strengthening to support the implementation of the NIP, but Government's buy-in of the project appears uncertain.

Progress towards the implementation of the law on integrated management of waste remains slow. This is concerning given the vast problem of waste management from industrial, mining, agricultural and household sources and the release of persistent organic pollutants such as dioxins and furans from waste burning. There are also examples of incoherent regulations. For example, the list of forbidden pesticides (2015) as notified by the Ministry of Environment contains fewer than 20 entries whereas the list notified by the National Service of Agricultural Sanitation and Food Safety's National Unit of Vegetable Sanitation contains over 2,000 such products. Overall, pesticide use is one of the largest toxicological problems in Bolivia.

5.3.3. Convention on Biological Diversity (CBD) and Cartagena Protocol on Biosafety

In the reporting period, Bolivia has been implementing an updated Policy and Strategy for the Integral and Sustainable Management of Biodiversity and Action Plan 2019-2030. In June 2021, it repealed a decree which permitted an uncontrolled use of genetically modified seeds for five crops: corn, soy, wheat, sugar cane and cotton, arguing that it threatened both food security and biodiversity.

⁽⁴²⁾ At the date of finalisation of this report, no legal acts have been adopted. The proposed National Condor Law was unanimously approved in the Senate in early October 2022, but unfortunately was temporarily held up in the lower house in February 2023. This is relevant for illegal wildlife trafficking (IWT) regulations because one of the additional clauses proposes that IWT is recognised as a crime with resulting modification to the penal code.

⁽⁴³⁾ https://cites.org/sites/default/files/articles/CITES_Study_on_Illegal_Trade_in_Jaguars%20.pdf

The Government has placed significant emphasis on sustainable forest management under the second Nationally Determined Contribution to the Paris Agreement and has joined the Coalition on Lowering Emissions by Accelerating Forest finance (LEAF) to protect the world's tropical forest to fight climate change and biodiversity loss and halt deforestation by financing large scale tropical forest protection.

Bolivia is currently preparing the Fourth National Biosafety Report to the Cartagena Protocol on Biosafety to the CBD, with support from UNEP and funding from the Global Environment Facility.

5.3.4. *Conventions on Climate Change and Protection of the Ozone Layer* ⁽⁴⁴⁾

While Biennial Update reports remain overdue, in April 2022, Bolivia submitted the second Nationally Determined Contribution (NDC) under Paris Agreement and committed to the preparation of a National Adaptation Plan and a National Mitigation Strategy and in the meantime reflected this NDC in the National Economic and Social Development Plan 2021-2025.

The updated NDC focuses on integrating mitigation and adaptation actions ⁽⁴⁵⁾. To this end, it concentrates on sustainable forest management and pledges to increase the gain in forest cover by one million hectares by 2030. This will be delivered in conjunction with declarations to reduce deforestation to 80% by 2030 as compared to 2020 ⁽⁴⁶⁾.

Bolivia still refrains from setting national targets for emissions reduction; it maintains that developed countries that have caused the climate crisis have to carry the climate debt. Mitigation goals are based on the transition to a renewable energy-based electricity sector and improved energy efficiency. Specifically, the NDC aims for 79% of the energy consumption to come from renewable energy by 2030, up from 37% in 2020. It is unclear, however, how these goals will be implemented. The NDC notes that although the development of renewable energy is to be done through domestic efforts, the achievement of the targets could be accelerated with international cooperation; the EU has provided support in this regard. Bolivia has identified that for the fulfilment of the goals established in the updated NDCs, 50% of the necessary funding should come from international cooperation resources.

With regard to ozone-depleting substances (ODS), Bolivia ratified the Kigali Amendment in October 2020; this is not a requirement under the GSP+ but indicates progress in terms of the effective implementation of the Montreal Protocol. Furthermore, the Government issued regulations in 2021 setting the targets of phasing out hydrofluorocarbons (HFC) to 20% by 2045 ⁽⁴⁷⁾, and in February 2022 prohibited the use of aerosol/spray foams containing hydrochlorofluorocarbons (HCFC) ⁽⁴⁸⁾.

⁽⁴⁴⁾ United Nations Framework Convention on Climate Change, Kyoto Protocol to the United Nations Framework Convention on Climate Change, and Montreal Protocol on Substances that Deplete the Ozone Layer.

⁽⁴⁵⁾ In the 2021 Global Climate Risk Index, Bolivia ranked as the 10th most vulnerable country to climate change in 2019.

⁽⁴⁶⁾ Bolivia has recorded consistently high rates of loss of primary forests between 2019 and 2021, with fires accounting for over a third of the loss each year; in 2021, Bolivia ranked third for most primary forest loss among tropical countries.

⁽⁴⁷⁾ Resolucion Administrativa VMABCCGDF N° 023/2021; available at <http://snia.mmaya.gob.bo/web/modulos/CGO/>

⁽⁴⁸⁾ Resolucion Administrativa VMABCCGDF N° 011/2022; available at <http://snia.mmaya.gob.bo/web/modulos/CGO/>

Conclusions and priorities

Bolivia has taken policy and regulatory measures to advance the implementation of its commitments under the international environmental and climate conventions. However, effective implementation remains deficient. A particular challenge in recent years, until the current Government came into power, was the lack of political support for nature conservation.

Regarding the UN conventions on climate change, Bolivia submitted the second NDC in April 2022 and committed to the preparation of a National Adaptation Plan and a National Mitigation Strategy to support the implementation of the NDC. Bolivia has set ambitious targets for decarbonisation of energy consumption by 2030, but it remains unclear how these targets will be achieved.

EU support during 2021-2027 for sustainable use and conservation of biodiversity and forests could be key to meeting the targets of the NDC and delivering the twin benefits of addressing climate change and biodiversity conservation. There is also a scope to extend support to the area of renewable energy.

5.4. UN Conventions on Good Governance (Conventions 24-27)

5.4.1. International Drug Control Conventions ⁽⁴⁹⁾

Bolivia is the third-largest cocaine-producing country in the world (after Colombia and Peru). The monitoring report of 2022 of the UN Office on Drugs and Crime (UNODC) covering 2021 confirmed the tendency of the increase, but a much slower rate, of the number of hectares devoted to coca crops up to 30,500 ha ⁽⁵⁰⁾.

According to the International Narcotics Control Body's (INCB), in 2021 Bolivia has complied with all reporting requirements under the three Drug Control Conventions although with some delays caused by the 2019-2020 COVID-19 pandemic, the political crisis and institutional instability in the country.

In January 2021 Law No. 1358 (which modifies Law No. 913 of 2017 on the Fight Against Illicit Trafficking of Controlled Substances) introduced the Comprehensive Policy Council for the Elimination of Illicit Traffic in Controlled Substances, Excess Coca and Prevention of Drug Consumption and replaced the previous National Council for the Fight against Illicit Drug Trafficking as the body that approves, monitors, and evaluates Bolivia's drug control policies.

The current Strategy against Illicit Trafficking of Controlled Substances and for the Control of the Expansion of Coca Cultivation 2021-2025 was approved on 30 April 2021.

⁽⁴⁹⁾ UN Single Convention on Narcotic Drugs (1961), UN Convention on Psychotropic Substances (1971) UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). To be noted that after leaving the 1961 Single Convention on Narcotic Drugs in 2012, Bolivia re-acceded in 2013 with a reservation permitting coca to be used within its national territory for traditional and medicinal purposes while committing to "control the cultivation of coca in order to prevent its abuse and the illicit production of the narcotic drugs which may be extracted from the leaf".

⁽⁵⁰⁾ Considering the regional context of general increase of coca production Bolivia can be seen as an example of contention.

Bolivia is also an important transit country for illegal drugs, notably cocaine from Peru and cannabis from Paraguay. During the COVID-19 pandemic, smuggling by boat has become more important in addition to the traditional transit via road and small airplanes.

Regarding seizure, destruction, and validation by type of substance, in 2021, the Special Force to Fight Drug Trafficking (*La Dirección General de la Fuerza Especial de Lucha Contra el Narcotráfico*) and the Public Prosecutor's Office seized, deposited in evidence rooms, and destroyed 19.3 tonnes of cocaine and 11.1 tonnes of marijuana for sale⁽⁵¹⁾. For the first time Bolivia has seized and destroyed synthetic drugs, which might represent an increasing share in the future.

UNODC considers that destructions of illicit drugs in Bolivia in 2022 were “performed with significant levels of transparency, safely and in compliance with legal standards”. As results from the 2021 UNODC report on monitoring and eradication of coca crops, published in November 2022, the current tendency shows a rise in the number of hectares outside the legal limits of coca crops. Eradication of illegal coca crops has also been on the rise.

EU–Bolivia Development Cooperation on Good Governance

The EU is Bolivia’s largest donor in the fight against drugs. The MIP 2017-2020 earmarked €50 million for the fight against illicit drugs and control of surplus coca cultivation. The MIP 2021-2027 also places emphasis on support in the fight against corruption and illicit drug trafficking as one of the two sectors in Priority area Governance and Human Rights, including justice reform, rule of law and, democracy and elections which amounts for €14 million until 2024.

Specifically, the planned initiatives aim at addressing “key challenges in the fight against corruption, such as the fragmented legal and policy framework, weak State institutions and procedures, poor enforcement capacities, both at institutional and judicial levels, and limited access to information”.

The EU is currently supporting the Unit against Financial Crimes to meet the recommendations of the Financial Action Task Force of Latin America (GAFILAT). Additionally, there is a future pilot project on corruption within FELCN (Police against Narcotics) that is expected to be implemented by UNODC in 2023.

EU supports justice reform along with Spain through a €3 million programme and a €1 million project together with NGO *Fundación Construir* on Access to Justice.

5.4.2. UN Convention against Corruption (UNCAC)

The Bolivian Government has complied with all notification requirements established under the UNCAC and has also contributed with voluntary information to several of the UNCAC working and expert groups, especially on prevention – presenting an active role in the Convention’s implementation.

⁽⁵¹⁾ <https://www.unodc.org/brulo/en/news/unodc-bolivia-final-report-drugs-2021.html>

Bolivia was evaluated by UNCAC in the first review cycle (2010-2015) on criminalisation and law enforcement and on international cooperation⁽⁵²⁾, and is being assessed under the second review cycle (initially scheduled for 2015-2020 but extended to 2024), with a focus on preventive measures and asset recovery. Some peer-review findings have already been published by the reviewing Committee⁽⁵³⁾ issuing a series of recommendations for the Bolivian Government, namely to: ensure that the recruitment of all public officials is based on objective criteria; establish objective and predetermined criteria for public procurement decisions; endeavour to adopt systems for the declaration and management of potential conflicts of interest and for the identification of public positions considered especially vulnerable to corruption, and to adopt adequate procedures for the selection and training of individuals for such positions; and continue efforts to achieve the adoption by all public entities of codes of ethics or conduct.

In accordance with the Law No. 974 of September 2017 on the Units of Transparency and the Fight Against Corruption⁽⁵⁴⁾, in March 2018 the Ministry of Justice and Institutional Transparency implemented an information system⁽⁵⁵⁾ that would make available to the public: (i) an information system dedicated to public entities' data and (ii) a transparency portal which handles complaints on possible corruption acts. Citizens are entitled and encouraged to report acts of corruption through an electronic form provided in this portal, or by email⁽⁵⁶⁾.

Law No. 1390 of 27 August 2021 on Reinforcing the Fight Against Corruption that aims to strengthen the mechanisms and procedures established by the Law No. 004 of 31 March 2010 on the Fight Against Corruption, Illicit Enrichment, and Investigation of Fortunes and by the Penal Code and the Code of Criminal Procedure, intended to investigate, prosecute and punish acts of corruption committed by public servants in the exercise of their functions, as well as other persons that compromise or affect resources of the State.

⁽⁵²⁾ The first review concluded that Bolivia had carried out major legislative and institutional reforms that demonstrated that the country's political commitment to combating corruption was yielding results. It also recommended further strengthening inter-agency cooperation and collecting and providing better statistics and case management and expanding the scope of offences to fully comply with the UNCAC, strengthening law enforcement through a variety of measures, and further improving international cooperation and mutual legal assistance, including through a dedicated law. The peer review findings published on the second review commended Bolivia's establishment of a comprehensive Youth Network for Transparency to foster good governance and prevent corruption as well as progress regarding asset recovery by instituting inter-agency coordination and developing guidelines for mutual legal assistance on corruption matters. It also noted several areas for improvement, including ensuring the independence of anti-corruption bodies, more effective implementation of legal provisions aimed at preventing corruption, better addressing corruption in the private sector, and measures to enhance asset recovery.

⁽⁵³⁾ <https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries2/V2007494e.pdf>

⁽⁵⁴⁾ The Law extended the obligation to create Transparency Units to all public institutions at the central state level, as well as to public companies, public-private partnerships, and financial institutions. It also required that such permanent internal units were responsible for handling corruption investigation reports, investigating possible corruption crimes and related misconduct, as well as "*putting forth transparency and corruption fighting policies.*" <https://www.ferrere.com/en/news/bolivia-new-legislation-on-transparency-units/>

⁽⁵⁵⁾ SITPRECO (Sistema de Información de Transparencia, Prevención y Lucha Contra la Corrupción) encompasses the Mandatory Registry of State Proceedings (ROPE) under responsibility of the Attorney General's Office. Its purpose is to assess, take precautions and ensure the exercise of diligent actions taken by public agencies' legal departments in trials that are substantiated before the judiciary. The transparency portal is intended to publish information on transparency and corruption prevention with the actors involved and interact with citizens to promote participation and social control <https://sitpreco.justicia.gob.bo/>

⁽⁵⁶⁾ <https://tsj.bo/transparencia/>

Further intents to combat corruption have been demonstrated through the Government's submission of the draft "Law for the Creation of the Risk Management System for the Prevention and Fight against Corruption" to the parliament. The law aims to complement Law No. 004 by creating a preventive system against corruption and to ensure institutional transparency, for instance, through controlling and monitoring the management of assets and accounts of officials who receive economic resources from the State. This control will also apply to private companies that have contracts with public companies.

While statistics on the implementation of policies and legislation and their enforcement are not available, cases reported by the media, civil society organisations and other observers indicate persistent corruption in the country, including at high levels. During the first quarter of 2022, protests were held in major urban centres over impunity in the judicial system in relation to cases of femicide and rape, after allegedly corrupt justice officials released those guilty of these crimes.

Bolivia's performance in corruption indicators has been uneven since 2012. The country's score in the Transparency International Corruption Perception Index (CPI) decreased from around 33/34 points until 2017 (out of 100, indicating no corruption) to 31 in the 2022 CPI edition and ranked Bolivia as 126th among 180 countries⁽⁵⁷⁾. For more recent years, the Index of Capacity to Combat Corruption for 15 Latin American countries puts Bolivia in penultimate place, ahead of only Venezuela⁽⁵⁸⁾, with particularly low scores for the "legal capacity" sub-index, which comprises independence and effectiveness of the judiciary and anti-corruption institutions. During 2022, Bolivia experienced its most significant setback in the categories of civil society and media. The decline reflects how Bolivian media dedicated to conduct corruption monitoring suffers a continuous lack of adequate resources. A setback of 17% in the category of civil society mobilisation against corruption shows the limited impact of NGOs dealing with transparency issues.

Conclusions and priorities

Bolivia's drug regime is quite unique, considering the legal cultivation of coca leaves at large scale, while at the same time taking measures to prevent the diversion of authorised coca leaf production into illegal channels.

However, the effectiveness of such measures continues to be insufficient, and Bolivia is one of the three largest cocaine producers in the world. Enforcement measures were scaled down especially during the political crisis of 2019-2020, but available data for 2021 indicate a renewed strengthening of enforcement. Domestic drug use is limited, and policies have increasingly been focusing on prevention and other demand reduction measures. Further measures to prevent the diversion of coca leaves into illicit drug markets need to be taken.

Bolivia has made little progress on anti-corruption, and its scores in corruption indexes remain low. Some legislative changes have brought improvements, but enforcement and implementation of anti-corruption policies and strategies could be further enhanced. The independence of key anti-corruption agencies and the judiciary are limited, and politicisation of anti-corruption measures remains a concern. Progress needs to be made in implementing UNCAC recommendations from the two review cycles.

⁽⁵⁷⁾ <https://www.transparency.org/en/countries/bolivia>

⁽⁵⁸⁾ Countries with a higher score are deemed more likely to see corrupt actors prosecuted and punished; https://www.as-coa.org/sites/default/files/imce_files/CCC_2023_Report.pdf.

ANNEX: BOLIVIA – TREATY RATIFICATION AND REPORTING

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
Human rights conventions		
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratified: 14.06.2005 No reservations	No reporting obligations
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 22.09.1970 No reservations	Compliant with reporting obligations • Last report submitted on 13.03.2019.
3. International Covenant on Civil and Political Rights	Acceded: 12.08.1982 No reservations	Compliant with reporting obligations • Last report submitted on 13.12.2018 • Next report due in 2028.
4. International Covenant on Economic Social and Cultural Rights	Acceded: 12.08.1982 No reservations	Compliant with reporting obligations • Last report submitted on 12.03.2019 • Next report due on 31.10.2026.
5. Convention on the Elimination of All Forms of Discrimination Against Women	Ratified: 08.06.1990 No reservations	Compliant with reporting obligations • Last report submitted on 29.08.2019. • Next report due in July 2026.
6. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified: 12.05.1999 No reservations	Compliant with reporting obligations • Last report submitted on 11.02.2019. • Next report due on 03.12.2025.
7. Convention on the Rights of the Child	Ratified: 12.06.1990 No reservations	Compliant with reporting obligations • Last report submitted on 15.04.2019.
Labour conventions ⁽⁵⁹⁾		
8. Convention No. 29 concerning Forced or Compulsory Labour	Ratified: 31.05.2005	Compliant with reporting obligations • Latest CEACR comments: 2021. • Last report received in 2022. • Next report due in 2024.
9. Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise	Ratified: 04.01.1965	Compliant with reporting obligations • Latest CEACR comments: 2021 • Last report received in 2019. • Next report due in 2023.
10. Convention No. 98 on the Application of the Principles of the Right to Organise and to Bargain Collectively	Ratified: 15.11.1973	Compliant with reporting obligations • Latest CEACR comments: 2021 • Last report received in 2019. • Next report due in 2023.
11. Convention No. 100 on Equal Remuneration of Men and Women Workers for Work of Equal Value	Ratified: 15.11.1973	Compliant with reporting obligations • Latest CEACR comments: 2021 • Last report received in 2022. • Next report due in 2025.
12. Convention No. 105 concerning the Abolition of Forced Labour	Ratified: 11.06.1990	Compliant with reporting obligations • Latest CEACR comments: 2018 • Last report received in 2021. • Next report due in 2024.
13. Convention No. 111 on Discrimination in Respect of Employment and Occupation	Ratified: 31.01.1977	Compliant with reporting obligations • Latest CEACR comments: 2021 • Last report received in 2022. • Next report due in 2025.
14. Convention No. 138 concerning Minimum Age for Admission to Employment	Ratified: 11.06.1997	Compliant with reporting obligations • Latest CEACR comments: 2021. • Last report received in 2022. • Next report due in 2024.

⁽⁵⁹⁾ Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
15. Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Ratified: 06.06.2003	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest CEACR comments: 2021. • Last report received in 2022. • Next report due in 2024.
Environmental conventions		
16. Convention on International Trade in Endangered Species of Wild Fauna and Flora	Ratified: 06.07.1979 No reservations	Lack of compliance with reporting obligations <ul style="list-style-type: none"> • Last (2021) Annual Report not submitted. • 2020 report submitted on 15.10.2021; 2016-2019 reports also submitted. • Next (2022) Annual Report due 31.10.2023. • No Annual Illegal Trade Reports submitted from 2016 to date. ⁽⁶⁰⁾ • Biennial or Implementation Reports lagging behind: ⁽⁶¹⁾ Last two (2012-13 & 2014-15) IRs submitted on 01.03.2016. IR on 2018-2020 was due 05.03.2021.
17. Montreal Protocol on Substances that Deplete the Ozone Layer	Acceded: 03.10.1994 No reservations	Compliant with reporting obligation <ul style="list-style-type: none"> • Annual data for 2021 and prior years has been submitted. • ODC and HFC licensing systems in place.
18. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Ratified: 15.11.1996 No reservations	Compliant with reporting obligations <ul style="list-style-type: none"> • Latest (2021) National report (NR) submitted on 30.12.2022. • Previous NRs all submitted. • Next NR (2022) due 31.12.2023.
19. Convention on Biological Diversity	Ratified: 03.10.1994 No reservations	Compliant with reporting obligation <ul style="list-style-type: none"> • Latest National Report (6NR) submitted • 5NR submitted on 18.12.2015. • Latest NBSAP for 2019-2030 adopted in December 2018 and submitted on 28.03 2019.
20. The United Nations Framework Convention on Climate Change	Ratified: 03.10.1994 No reservations	Partially compliant with reporting obligation <ul style="list-style-type: none"> • First NDC submitted 05.10.2016. • Second NDC submitted 15.04.2022. • Latest NC (NC3) submitted 21.10.2022. (NC1 in 2000 and NC2 in 2009) • No Biennial Update Report (BUR) submitted as of April 2023 (due Dec 2014 and every 2 years thereafter).
21. Cartagena Protocol on Biosafety	Ratified: 22.04.2002 No reservations	Lack of compliance with reporting obligation <ul style="list-style-type: none"> • Fourth national report (NR) due 01.10.2019 not submitted. • Last (third) NR submitted on 11.02.2016 (NR2 in 2012).
22. Stockholm Convention on Persistent Organic Pollutants	Ratified: 03.06.2003 No reservations	Partially compliant with reporting obligations <ul style="list-style-type: none"> • Fifth national report (NR) submitted on 30.08.2022. • 4NR submitted on 31.08.2018, 3NR submitted on 15.03.2016. No other NRs submitted.

⁽⁶⁰⁾ Reporting mandatory, but not subject to compliance procedure.

⁽⁶¹⁾ Idem.

Convention	Ratification status Reservations	Compliance with reporting obligations to monitoring bodies
		<ul style="list-style-type: none"> • NIP1 submitted in time on 19.09.2005 and updates to address COP4 and COP5 amendments submitted. • Other updates addressing COPs 6-9 not submitted.
23. Kyoto Protocol to the United Nations Framework Convention on Climate Change	Ratified: 30.11.1999 No reservations	No reporting obligations.
Good governance conventions		
24. United Nations Single Convention on Narcotic Drugs	Acceded: 11.01.2013 ⁽⁶²⁾ Reservations made related to criminalisation of coca leaves for personal consumption and for the related cultivation and trade	<p>Compliant with reporting obligations</p> <ul style="list-style-type: none"> • All reports and statistics (incl. voluntary ones) provided in 2021. • Some gaps in 2020 reporting due to the political instability. <p>Review by INCB</p> <ul style="list-style-type: none"> • INCB mission took place in October 2016. • Update report submitted by Bolivia in 2019. • INCB noted Bolivia's will to address drug control and cooperation with the INCB (report for 2019). • No indication of non-compliance in other INCB reports.
25. United Nations Convention on Psychotropic Substances	Acceded: 20.03.1985 No reservations	
26. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Acceded: 20.08.1990 Reservation made to Article 3(2) related to criminalisation of coca leaves for personal consumption	
27. United Nations Convention against Corruption	Ratified: 05.12.2005 No reservations	<p>No reporting obligations. Reviewing by UNODC & peer review</p> <ul style="list-style-type: none"> • Latest executive summary of review report and full report (2nd cycle) published in 2020. • Executive summary of first review cycle report published in 2014.

⁽⁶²⁾ The Government of Bolivia originally deposited its instrument of accession to the Convention on 23 September 1976. On 29 June 2011, the Government notified the Secretary-General that it had decided to denounce the Convention. In accordance with article 46(2), the denunciation took effect on 1 January 2012. Following denunciation, Bolivia re-accessed to the Convention with a reservation.