



HIGH REPRESENTATIVE  
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## **JOINT STAFF WORKING DOCUMENT**

**The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Bolivia covering the period 2016 - 2017**

### *Accompanying the document*

**Report from the Commission to the European Parliament and the Council**

**Report on the Generalised Scheme of Preferences during the period 2016 - 2017**

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# Bolivia GSP+ Assessment

## 1. Country Overview

Under President Morales, who has been in office since 2006, a new Constitution was approved by referendum in 2009. The text includes provisions on the protection of human rights and makes explicit references to the rights of Mother Earth and indigenous values. The Constitution also recognises the right of indigenous communities to self-government, to establish a legal system and policies regarding indigenous rights, and to govern their own institutions, languages, symbols and land rights. On 29 September 2017, the TCP (Supreme Constitutional Court) declared 'admissible' an appeal presented by the ruling party (MAS) to declare invalid the articles of the Constitution which limit the number of presidential mandates. End November 2017, the Constitutional Tribunal ruled in favour of the claimants and removed the constitutional limit to the number of consecutive mandates, thus paving the way for Morales (and other elected authorities) to stand for a fourth term and, potentially, for an indefinite number of times. The next presidential elections are planned to take place in November 2019.

While the Government continues to make significant efforts to reduce poverty, Bolivia still faces challenges linked to inequality in income distribution: the Gini coefficient was 0.48 in 2014 (down from 0.58 in 2005)<sup>1</sup>. As also highlighted in the 2016 GSP Report<sup>2</sup>, child labour in agriculture and mining is a serious issue that needs to be addressed. In addition, there is still a need to strengthen institutional capacities and the justice system.

Bolivia is the world's third-largest producer of coca leaf and cocaine. The chewing of coca leaf is a traditional practice in the country and permitted on its territory. The fight against illicit drugs continues to be a challenge in Bolivia and cooperation with the EU is an important element in addressing this issue.

Bolivia is the largest recipient of bilateral EU development assistance in Latin America (EUR 281 million in 2014-2020). For the period 2017-2020, development assistance continues to focus on justice reform, counter-narcotics and integrated water resources management.

## 2. Compliance with GSP+ Obligations

### 2.1. UN Human Rights Conventions (Conventions 1-7)

#### Status of ratification and reporting

Bolivia has maintained the ratification of the seven UN human rights conventions relevant to the GSP+.

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<sup>1</sup> The Gini index measures the extent to which the distribution of income among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 1 implies perfect inequality. Source: <https://data.worldbank.org/>

<sup>2</sup>[https://eeas.europa.eu/sites/eeas/files/european\\_commission.\\_2016\\_report\\_on\\_the\\_generalised\\_scheme\\_of\\_preferences\\_during\\_the\\_period\\_2014-2015.pdf](https://eeas.europa.eu/sites/eeas/files/european_commission._2016_report_on_the_generalised_scheme_of_preferences_during_the_period_2014-2015.pdf)

Bolivia complies with its reporting obligations to monitoring bodies, except under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (CESC) and the Convention on the Rights of the Child (CRC). For CERD, CESC and CRC, the reports due in 2013, 2010 and 2015 respectively have not yet been submitted.

## **Status of implementation of the conventions**

### *International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

Though the Constitution does provide measures for sanctioning racism and all forms of discrimination, several shortcomings need to be addressed. In its 2013 report, the UN special rapporteur on racism highlighted that discrimination against indigenous peoples, Afro-Bolivians and other vulnerable communities and groups still persisted and was exacerbated by structural inequalities that reinforce their exclusion and vulnerability. In particular women continue to suffer from discrimination based on ethnic origin.

In October 2014, the Universal Periodic Review (UPR) of Bolivia led to a number of recommendations on combating racism and all forms of discrimination, especially with respect to women, children, indigenous peoples and Afro-Bolivians. Following the UPR, Bolivia set up a national interagency system (SIPLUS) for the follow-up and monitoring of recommendations on human rights. The Plurinational Policy on Human Rights 2015-2020 covers – among others – the rights of indigenous and Afro-Bolivian minorities.

During 2016-2017, the Ministry of Labour has been implementing the 2017 Annual Operational Plan (AOP), which includes projects and actions on the creation of procedures for discrimination and racism in employment. The creation of an information system to collect labour statistics of vulnerable groups is also covered. Training and awareness-raising on racism and discrimination are foreseen as well.

### *International Covenant on Civil and Political Rights (CCPR)*

As also described in the 2016 GSP Report, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association filed a brief to the Constitutional Court in 2015. The UN Special Rapporteur argued that the national law and the relevant executive decree unjustifiably restrict the right to freedom of association through conditioning legal personality upon the organisation's contribution to economic and social development and by stipulating the possibility of revoking NGOs' legal status on grounds of non-compliance with sectorial policies and standards. This issue still remains. The Bolivian authorities have indicated that the restrictive provisions in the national law are deemed necessary because some organisations have been found operating 'irregularly'. There were no indications given of any revisions foreseen to the national law.

In its 2013 observations, the UN Human Rights Committee recommended that Bolivia should redouble its efforts to ensure judicial independence, including by establishing a system of judicial appointments and judicial service, based on objective and transparent criteria. A General Summit on Justice took place in June 2016. Its recommendations are now being fleshed out. Among these, a new law (and procedure) for the pre-selection of candidate judges, which should ensure a higher degree of independence and better competence standards, has been adopted in April 2017.

The effective implementation of the right to prior, free and informed consent, particularly with respect to extractive industry projects, is still pending. According to the UN Human Rights Committee, the development of a draft law on this topic was accompanied by consultation but not by adequate consent from indigenous communities.

The Human Rights Committee expressed concerns about reports of verbal and physical violence against human rights defenders and journalists, and the increasing number of criminal proceedings being brought against them. Some of the recommendations in the 2014 UPR, which are still pending, addressed the issue of protection of human rights defenders and journalists, as well as of the necessity to guarantee freedom of expression and the media law to be in accordance with international human rights instruments.

Though overcrowding of prisons and the overuse of pre-trial detention remain issues to be tackled, Bolivia recognised them as deficiencies in the judicial system and has made efforts to address them. Legislation was introduced in 2014 to accelerate the processing of court cases and reduce delays. A decree adopted in 2013 foresaw granting of pardon or amnesty for minor offences. A second decree was adopted in July 2015, also granting pardon or amnesty to persons incarcerated preventively, while accused of minor offences. As a result, the percentage of people under pre-trial detention, as a percentage of all those in custody, fell from 83.3% in 2014 to 68.8% in 2016. However, the general overcrowding of prisons is estimated at 305%. Changes to the Criminal System code, which is being drafted following the General Justice Summit of June 2016, are underway.

#### *International Covenant on Economic, Social and Cultural Rights (CESCR)*

Though the rights to health and education are recognised in the Constitution as fundamental rights, measures to strengthen these rights need to be taken. Recommendations raised in the 2014 UPR<sup>3</sup> include improving access to health services for women in order to reduce the maternal mortality rate, in particular in rural areas. In addition, the recommendations also included a national policy to improve the quality of education and to provide adequate educational infrastructure to rural areas. These recommendations should be followed-up.

#### *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

The shortcomings identified in the 2016 GSP Report with regard to CEDAW, are still found to persist: (i) marginalisation of indigenous and Afro-Bolivian communities (mainly women), (ii) violence against women, including trafficking, domestic and sexual violence with a lack of support and rehabilitation for victims, (iii) the prioritisation by the judicial system of reconciliation and family integrity over protection from domestic violence, (iv) vulnerability of girls in child labour, and (v) the high rate of teenage pregnancies.

Two laws on violence against women were enacted in 2012 and 2013. In addition, the Comprehensive Plurinational System to prevent, address, punish and eliminate gender-based violence (2013-2015) was adopted. However, there have been few successful prosecutions on femicide. Most femicides continue to be registered as homicides, warranting a lower penalty. However, the number of prosecutions has increased. In 2016, 104 femicides have been reported in the country which marks an increase of 11 reported femicide cases compared to 2015. The creation of a unified register of violence against women, where perpetrators will be

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<sup>3</sup> A/HRC/WG.6/20/BOL/3

registered, is ongoing. The establishment of specialised courts exclusively dedicated to cases of violence against women, as envisaged in the Comprehensive Act to Guarantee Women a Life Free of Violence, is delayed.

Bolivia adopted a plan on early pregnancy prevention for adolescents and young people in 2015. The plan aims to contribute to decreasing early pregnancy by strengthening the protection of sexual and reproductive rights through education and better access to justice and health services. In addition, Bolivia is still implementing the Strategic Plan on Sexual and Reproductive Health 2009-2015, the objective of which is to educate and promote the exercise of sexual and reproductive rights of women and men.

High levels of maternal mortality have been related both to insufficient health and nutritional care and to clandestine abortion (which is a crime under current law). In particular, access to obstetric care for pregnant women in rural and remote areas and among indigenous women and women of African descent needs to be improved. The Universal Maternal and Infant Insurance Scheme (SUMI) is addressing the health and nutritional aspects. The new draft Penal Code, now under discussion despite opposition by the right-wing opposition and the Church, foresees decriminalisation of abortion in a large number of circumstances.

Access of women to formal employment opportunities should be improved, as well as measures to protect women from harassment in the workplace. In general, the UN CEDAW Committee urged Bolivia to enhance women's awareness of their rights and the means to enforce them, targeting specific groups of women such as indigenous women and Afro-Bolivian women living in rural and remote areas as well as women with disabilities.

#### *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*

As in the 2016 GSP Report, the key concerns regarding CAT are the inadequate definition of torture under the national law and deficient prosecution of torture cases. This was highlighted already in 2013 by the UN Committee against Torture. Bolivia plans to address this issue in the context of an overall reform of the penal system, taking into account the Constitution and its commitments under international conventions. SEPRET (Service for Prevention of Torture) is a specialised body in charge of prevention of torture and ill treatments and has become fully operational. A number of activities (such as awareness-raising and training of civil servants and civil society) has been developed over the past 18 months, including the establishment of a law for a 'Truth Commission' in charge of investigating crimes committed under the dictatorships, which plagued the country until the early 1980s. Incidents of ill-treatment by police have been reported. The UN Committee against Torture has underlined the need for prompt and impartial investigation. Bolivia should also take the necessary steps to ensure redress for victims of ill-treatment or torture.

#### *Convention on the Rights of the Child (CRC)*

The salient shortcomings as identified in the 2016 GSP Report remain areas of concern. Even though forced labour and exploitation of children are forbidden by the Constitution, child labour is widespread, especially in rural areas. In 2008, the ILO and INE (National Institute of Statistics) established that 22.7% of children aged 5 to 13 worked. A new baseline survey on child labour was carried out between October and December 2016. Data is currently being consolidated and the report should be finalised soon. Based on the first analysis, the Government expects that eradication of child labour in the mining sector (involving children under 18 years) will be the main focus of future actions.

Human trafficking remains a challenge for Bolivia, including policies on the return of victims of human trafficking and their rehabilitation and reintegration into the labour market. In August 2015, the Ministry of Justice presented a National Plan against Human Trafficking 2015-2019. According to the Supreme Tribunal of Justice, 184 processes of trafficking were conducted in 2014 – but only 11 reached a sentence. More recent statistics were not provided.

The 2014 Law on Children and Adolescents sets out a wide range of measures for the protection of children, including the protection of personal integrity and protection against violence (including sexual violence), prohibition to engage children in various forms of hazardous work (such as mining and construction) as well as collection of data on child labour. At the same time, the law conflicts with ILO Convention 138 (see section on labour rights conventions).

Further steps are still needed to address the situation of the Guaraní children in the Chaco region. Concerns relate to children engaging in hazardous work in mining, the high number of children living in prison with their parents, violence against children including trafficking, and domestic and sexual violence. In line with the 2013-2015 Access to Justice Programme, the Bolivian authorities are taking measures to eradicate forced labour among indigenous families, especially children in the Chaco and the Bolivian Amazon regions, through pilot projects in four departments. However, Bolivia takes the view that some of the activities undertaken by indigenous children should not be regarded as child labour, as such activities are seen as part of the community's social upbringing and cultural identity.

Work plans have been elaborated to promote the removal of children living in prison and provide alternative care. A joint effort in 2013 by the Ombudsman, the prison regime and the prisoners reduced the number of children living in prison by approximately 30%.

### **Future actions and priorities**

Bolivia's future actions and priorities are covered by the 2014-2018 National Human Rights Action Plan. This plan includes six strategic areas: civil and political rights; economic, social and cultural rights; the rights of rural native peoples and nations; women's rights; the rights of people in vulnerable situations; and the management of rights. The Patriotic Agenda 2025 contains 13 pillars with references, among others, to eradication of poverty, access to education and health. The Human Rights Action Plan gives priority to the rights highlighted in the Patriotic Agenda.

### **Conclusions**

*This assessment is based on the existing documents from the UN monitoring bodies related to the effective implementation of the UN Human Rights conventions. In 2014, Bolivia also underwent its second UPR that allowed for a frank discussion on advances and further challenges in the area of human rights. During the reporting period, Bolivia was elected to the UN Human Rights Council for the period 2015-2017.*

*Bolivia continued to make substantial progress in effectively implementing human rights commitments in 2016-2017, taking into account the overall socioeconomic situation. The Constitution, together with the Patriotic Agenda 2025 and the National Human Rights Action*

*Plan 2014-2018, provide a solid basis to better promote and protect human rights. In particular, Bolivia has made efforts to eradicate poverty and improve access to education, health, food and housing as well to address reproductive health issues.*

*Bolivia has adopted several new legislative acts to improve the human rights situation, in particular for women, and to implement its international human rights commitments. However, the challenge remains to ensure that the legislation is implemented systematically and effectively.*

*The marginalisation of indigenous and Afro-Bolivian communities (mainly women), violence against women, including trafficking are persistent issues. A particular concern is the minimum age to work, as stipulated in the Law of Children and Adolescents, which conflicts with ILO Convention 138 (see section on labour rights conventions), but the 2016 baseline study should become a important tool for its eradication.*

*Following the outcomes of the 2016 Justice General Summit, the Government has undertaken substantial steps to strengthen the independence and efficiency of the justice system, though further actions is needed to guarantee full respect of fundamental freedoms.*

## **2.2. ILO Labour Rights Conventions (Conventions 8-15)**

### **Status of ratification and reporting**

Over the reporting period, Bolivia has maintained the ratification of all eight ILO fundamental conventions and has complied with all its reporting obligations.

### **Status of implementation of the conventions**

#### *Freedom of Association and Collective Bargaining (Conventions 87 and 98)*

In its 2016 Observation, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) requested Bolivia to provide further information on the investigations conducted with regard to the allegations of police aggression during trade unions' demonstrations as well as on related judicial procedures. According to the information provided by the national authorities, the Ministry of Labour, Employment and Social Security through the General Direction of Union Affairs is involved in conflict prevention and mediation.

The CEACR issued requests on several legislative matters and noted with satisfaction the information provided by Bolivia concerning the repeal of section 234 of the Penal Code, namely the requirement of a 75% majority of workers in order to call a strike.

The CEACR also noted the Government's indication that: (i) a new General Labour Act is being prepared which, among other matters, provides for the inclusion of rural and agricultural workers so that they can benefit from all social rights, and envisages a requirement of 20 workers to establish a union at the enterprise or industrial level; and (ii)

with regard to the right of public officials to organise, a bill on public servants is also being prepared, which is to be examined and approved by the legislative authorities. These two laws are still pending.

The CEACR also stated in its 2016 observation that it trusted that the new General Labour Act concerning public servants and the new Labour Code will be adopted in the very near future; that they will be the subject of consultations with all of the most representative organisations of workers and employers and that accordingly: (i) the amount of the fines to be imposed on acts of anti-union discrimination or interference will be updated so as to ensure that they are sufficiently dissuasive; and (ii) the guarantees set out in the Convention will be explicitly afforded to public servants who are not engaged in the administration of the State and to all agricultural workers, whether they are employed persons or own account workers.

### *Abolition of Forced Labour (Conventions 29 and 105)*

In its latest Direct Request (adopted in 2014), the CEACR recognised the measures adopted to combat the practices of forced labour and servitude. These practices affect in particular certain members of the indigenous communities, such as the Quechua and Guaraní peoples working in agriculture. Further efforts to eradicate these practices and protect victims are needed though. The CEACR noted in particular the activities carried out by the Fundamental Rights Unit of the Ministry of Labour within the framework of the Development Plan for the Guaraní People, the strengthening of labour inspection at regional level and the land distribution process.

The CEACR encouraged the Government to continue strengthening the State presence in areas where incidents of forced labour have been identified and recalled the importance of measures to combat the root causes of vulnerability of the victims, of policies aimed at ensuring greater autonomy of at-risk groups and of combating poverty. The CEACR also requested the Government to strengthen the capacity of other actors involved in combating forced labour, such as prosecution authorities and judges.

The CEACR also urged the Government to ensure close cooperation between the labour inspectorate and the public prosecutor so that no situation of forced labour goes unpunished.

Through the 'Fundamental Rights' unit of the Ministry of Labour, Bolivia stepped-up its monitoring and prevention efforts in the field, with 500 inspections carried out in 2016 and 147 in the first 4 months of 2017. Workers' complaints were dealt with in 623 cases. However, only administrative fines could be applied and the Government has not been able to provide information on convictions against perpetrators.

The Organic Law against Trafficking and Smuggling of Persons defines the fundamental components of trafficking in persons and provides for penalties. Moreover, the law establishes a framework to combat trafficking through measures and mechanisms for prevention, comprehensive victim protection, international and national cooperation, and punishment. As provided in the act, the Plurinational Council against the Trafficking and Smuggling of Persons has been established. This Council consists of various ministries and civil society organisations that deal with the issue of trafficking. A national plan against the trafficking of persons, covering the period 2015-2019 was developed. Bolivia has made efforts to step up the detection of trafficking cases via comprehensive inspections.



### *Minimum Age for Work and Worst Forms of Child Labour (Conventions 138 and 182)*

Child labour is a persistent issue in Bolivia. In 2015, Bolivia carried out five studies on child and adolescent labour in specific geographical areas (for example, Potosi, Amazon, Santa Cruz) and economic activities, including those known as hazardous activities (such as mining and harvesting of sugar cane). Some of these studies have resulted in action plans. However, further measures to eliminate the worst forms of child labour as well as statistics on worst forms of child labour are needed. A national survey on child labour was carried out in 2016, of which the results are pending.

In 2015, the CEACR again urged Bolivia to take the necessary measures to prevent children from becoming victims of debt bondage or forced labour in the sugar cane and Brazil nut harvesting industries, remove child victims from these worst forms of child labour and ensure their rehabilitation and social integration.

Moreover, worst forms of child labour also occur in mines and in the construction sector and also affect street children. An estimated 3,800 children work in tin, zinc, silver and gold mines in the country, while overall, according to a national report published by ILO-IPEC in 2008, 437,000 children under 14 years of age were engaged in hazardous work. Thus, the large majority of the estimated 491,000 working children under 14 years performs hazardous work. A new survey (with data collected between October and December 2016 data) was expected to be published in 2017 at the time of writing. The results of this survey should feed into the national plan for the eradication of child labour.

Given the lack of resources as regards labour inspectors in the country and the difficulties encountered in gaining access to some plantations, there is a need to increase efforts in order to effectively detect child labour. The CEACR requested the Government, in cooperation with UNICEF, to intensify its efforts to protect indigenous children from the worst forms of child labour.

According to the Government, due to increased mechanisation of agriculture, child labour is decreasing, notably in the sugar cane industry. A certification called 'Triple Sello' (Triple Seal), developed by the Bolivian Institute of Foreign Trade, is available to companies that are willing to undergo an audit to demonstrate that there has been no discrimination, no forced labour and no child labour throughout the production process of their products.

With regards to trafficking, the CEACR noted with interest the adoption of the Integral Law on the Sale and Trafficking of Persons in February 2012, especially the provisions under this law which give special attention to children, such as by enhanced penalties for trafficking crimes that involve children and the protection and the rehabilitation of child victims. Once a case of trafficking is identified, it is reported to the police, prosecutors, and the Ombudsmen for Children and Adolescents.

Given the importance of basic education in preventing the engagement of children in the worst forms of child labour and noting the discrepancy between school attendance in primary and secondary school, the CEACR strongly encouraged the Government to continue strengthening its efforts to improve the functioning of the education system and to increase the school attendance rate at the secondary level, including within the framework of the 2013-2017 Plan of Action with UNICEF and the Institutional Strategic Plan (PEI). According to statistical information from 2013 provided by UNICEF, the net enrolment ratio in primary school was 82% for boys and 81.1% for girls, but decreases to 70.7% for boys and 72.3% for

girls in secondary school. In 2017, the Government indicated that in 2016, the dropout rates at the primary school level had dropped to 2.2% (from 4.5% in 2005); at the secondary level they had dropped to 4.9% (from 7.8% in 2005).

In 2014, Bolivia adopted Law No. 548 on the Code for Children and Adolescents, authorising children to work from age 12 for an employer and from age 10 if self-employed. The Government stated that lowering the working age reflected the Bolivian reality as one of the poorest countries in South America.

In its 2015 observations, the CEACR deeply deplored these amendments and emphasised that the objective of ILO Convention 138 is to eliminate child labour and that it allows and encourages the raising of the minimum age but does not permit the lowering of the minimum age once specified. The CEACR recalled that Bolivia specified a minimum age of 14 years when ratifying the Convention and that the derogation from the minimum age for admission to employment under section 129 of the Children's and Adolescents' Code is not in conformity with this provision of ILO Convention 138.

Moreover, the CEACR noted with deep concern the distinction between the minimum age for children who are self-employed, at 10 years, and for children who are in an employment relationship, at 12 years. The CEACR is of the firm view that self-employed children should be guaranteed at least the same legislative protection as children in an employment relationship, particularly in view of the fact that many of these children are working in the informal economy under hazardous conditions. It therefore strongly urged the Government to take immediate measures to ensure the amendment of parts of the Children's and Adolescents' Code to fix the minimum age for admission to employment or work as well as for admission to apprenticeship in conformity with the age specified at the time of ratification and the requirements of the ILO Convention 138, meaning to at least 14 years.

Moreover, the CEACR urged the Government to take immediate measures to ensure the amendment of the Children's and Adolescents' Code to establish a lower minimum age of 12 years for admission to light work, in conformity with the ILO Conventions.

The Government argued that these two exceptions have a transitory character of 5 years, a period after which Bolivia intended to have eradicated child labour.

The CEACR also urged the Government to take measures to implement a national plan of action for children to ensure the progressive elimination of all forms of child labour, and not just its worst forms, paying particular attention to children living in rural areas and engaged in hazardous types of work. This national plan for the eradication of child labour is pending.

In 2015, Bolivia's implementation of the ILO Convention 138 was discussed as a double-footnoted country case (requiring the Government of Bolivia to provide full information) at the International Labour Conference (ILC). The ILC Committee on the Application of Standards (CAS) urged the Government to:

- repeal the provisions of the legislation setting the minimum age for admission to employment or work and light work of the Children's and Adolescents' Code of 17 July 2014;
- immediately prepare a new law, in consultation with the social partners, increasing the minimum age for admission to employment or work in conformity with the ILO Convention 138;

- provide the labour inspectorate with more human and technical resources, as well as training, with a view to a more efficient and concrete approach in relation to implementing the ILO Convention 138 in law and practice;
- avail itself of ILO technical assistance to bring the legislation into compliance with the ILO Conventions; and to report in detail to the CEACR for its upcoming session.

However, the Government expressed disagreement with the conclusions and sent observations at a later stage, justifying work from the age of 10 years for cultural reasons, and indicating that the country is working on gradually eradicating child labour.

Cooperation with the ILO should be improved in order to ensure that measures taken by the Government are in compliance with international standards.

### *Elimination of Discrimination (Conventions 100 and 111)*

Bolivia's general approach to combat racism and discrimination at the workplace was to establish the National Committee against Racism and All Forms of Discrimination and to create units for combating racism and all forms of discrimination in all Bolivian Ministries. These institutions are expected to implement action plans and trainings in line with the national legislation against racism. However, in 2017 the CEACR pointed out that the wage gap between indigenous and non-indigenous workers still exists without visible measures adopted or implemented to address the issue. The CEACR requested Bolivia to ensure equality in access to education and vocational training for indigenous peoples, Afro-Bolivians and migrants to enable them to enjoy equality of opportunity in access to employment and remuneration. It seems that no progress has been acknowledged recently in this area.

Regarding Convention 111, in its latest Direct Request (adopted in 2015), the CEACR requested the Government to provide information on: 1) the measures taken to tackle and prevent sexual harassment at the workplace, 2) the measures taken or envisaged to promote women's access to formal employment without discrimination, including through measures to afford men and women better education and vocational training opportunities, 3) the activities undertaken by the National Committee against Racism and All Forms of Discrimination and whether an action policy against racism and discrimination has been adopted, 4) the implementation of Act No. 223 and Supreme Decree No. 1893 of 12 February 2014, including statistical information on the number of persons with disabilities who participate in the labour market and have access to education and vocational training, and 5) policies and programmes on HIV and AIDS adopted under Act No. 3729 of 2007 for the prevention of HIV/AIDS, and on any other laws and regulations, collective agreements or judicial rulings that seek to provide specific protection against the stigma and discrimination based on real or perceived HIV status in employment and occupation.

Furthermore, stronger measures to ensure equal remuneration between women and men are needed. The CEACR has made repeated observations and recommendations to Bolivia to provide information on the state of play and measures taken to ensure equal treatment and non-discrimination in employment. In 2016, the CEACR made a continuous request to Bolivia to establish and provide information and data on remuneration received by men and women to be able to ascertain the wage gap in the country. Information is also lacking on the measures taken by Bolivia to reduce the wage gap. Bolivia reported that the preliminary draft amendment to the General Labour Act stipulates promotion and integration of women in employment, which includes equal remuneration. However, the act is pending adoption and there has been no progress in this regard. It is worth noting initiatives such as the National

Equal Opportunities Plan 'Women building a new Bolivia to live well' and the 2014-2018 Institutional Strategic Plan. Nevertheless, their strategic vision and concrete implementation are not always clear. In 2016, the CEACR requested Bolivia to take the necessary steps to ensure that sufficient financial and human resources are available to secure adequate promotion of equality of opportunity and treatment in employment and occupation.

### **Future actions and priorities**

In 2016, Bolivia collected new data on the situation of girls, boys and adolescents in labour activities and plans to publish this data. It will be important to ensure that the data and statistics have been collected in accordance with international standards to allow comparability over time and to provide a genuine picture of the situation in the country. The survey should serve as a basis for future policies and programs that aim at the eradication of causes and determinants of child labour. The Ministry of Labour is also preparing an Intervention Program 2016-2020 on work: (i) under 14 years, (ii) 14-17 years, and (iii) exceptional permits, which will be implemented by governorates and municipalities. Concerning forced and compulsory labour, the work on the elimination of forced labour in indigenous families in the Chaco, Amazonia and Integrated North Santa Cruz will continue.

### **Conclusions**

*While the national legislation is broadly in compliance with the ILO fundamental conventions, Bolivia needs to improve its follow-up to the ILO supervisory body's observations and recommendations. Enforcement also remains a concern. However, the most salient shortcomings are related to the ILO Conventions on child labour and minimum age for work. The issue of the implementation of these two conventions was already raised in the 2016 GSP Report. Bolivia was asked to supply full particulars to the ILO Conference in order to address the strong concerns expressed by the ILO experts, which are still pending from the country case discussion at the International Labour Conference in June 2015. The issue is regularly raised in the context of the EU-Bolivia political dialogue.*

*While taking note of the efforts by the Bolivian Government to address the issue of child labour, it should be underlined that such endeavours should be carried out in accordance with international labour standards. Tackling child labour requires a holistic approach: legislation and enforcement, education and training, social protection and promotion of decent work opportunities.*

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

### Status of ratification and reporting

Over the reporting period, Bolivia has maintained ratification of all GSP+ relevant conventions on environmental protection and climate change. Bolivia is now almost fully compliant with reporting on these conventions. The first and third national reports on the implementation of the Cartagena Protocol and the first Biennial Progress Report under the United Nations Framework Convention on Climate Change (UNFCCC) are due.

Climate change, deforestation, soil and water pollution and soil erosion are key environmental challenges in Bolivia.

### Status of implementation of the conventions

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

Bolivia has achieved category 1 status<sup>4</sup>, as its national legislation is now in line with the Convention. The Supreme Decree no. 3048 on the International Trade of Endangered Species of Wild Fauna and Flora was approved on 11 January 2017 to establish administrative procedures for the protection of wildlife under CITES. As for reporting requirements, it is important to note that Bolivia is now fully up to date with its biennial reports.

#### *Basel Convention*

Bolivia has reported on numerous activities connected to the export of hazardous wastes, which it will continue to carry out. Priorities include exports of hazardous waste from different companies, as well as developing specific rules to implement the Basel Convention. The 2015 National Report was submitted in December 2016.

#### *Convention on Biological Diversity (CBD)*

As regards the revised National Biodiversity Strategy and Action Plan (NBSAP), work is ongoing. To this end, Bolivia signed on 29 October 2015 a technical assistance agreement with the Inter-American Development Bank (IADB) for the elaboration of the Biodiversity Strategy establishing guidelines for the conservation, use and exploitation of biodiversity. Work on the strategy started in September 2016 and will take about 18 months.

Regarding the previous lack of compliance with reporting obligations, Bolivia reported that, due to lack of staff, the 4<sup>th</sup> National Report includes actions that should have been reported in the 2<sup>nd</sup> and 3<sup>rd</sup> Reports. Official consultation with the secretariat of the Convention on Biological Diversity is underway to confirm that this is acceptable and the matter can be closed. The 5<sup>th</sup> National Report has also been submitted.

#### *Stockholm Convention on Persistent Organic Pollutants*

Bolivia plans to carry out activities related to environmentally friendly management of polychlorinated biphenyls (PCBs), contaminated equipment and waste, and to the

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<sup>4</sup> Category 1: legislation that is believed generally to meet all requirements for effective implementation of CITES. Source: [https://cites.org/eng/legislation/National\\_Legislation\\_Project](https://cites.org/eng/legislation/National_Legislation_Project)

strengthening of technical capacity. Furthermore, it will put in place specific regulations for the elimination of Persistent Organic Pollutants (POPs) until the year 2025. Projects framed in the management of POPs are being prepared to protect human health and the environment from POPs.

As of May 2017, Bolivia's National Implementation Plan (NIP) of the Stockholm Convention is available, but the updating of the NIP is pending.

Concerning previous remarks of non-compliance with reporting requirements in the 2016 Report, Bolivia submitted the 2006 and 2010 reports to the Stockholm Convention secretariat on 22 July 2016. The 2014 report was submitted online on 15 March 2016.

#### *Cartagena Protocol on Biosafety*

Bolivia's 3<sup>rd</sup> national report was submitted in 2016. The technical regulation on 'food labelling and products intended for human consumption that are, contain or derive from genetically modified organisms' was approved.

#### *Conventions on Climate Change*

The Ozone Secretariat has noted the challenges faced by Bolivia to consistently report on the consumption of hydrochlorofluorocarbons (HCFC). A proposal to update the decree to control Ozone Depleting Substances (ODS) to, *inter alia*, incorporate the accelerated HCFC phase-out schedule, establish quotas per importer, and limit the validity of licenses, has been pending approval since 2016. The decree in place has already allowed the authorities to enforce control measures and limit ODS imports. Therefore, the pending approval of the revised decree does not compromise the country's ability to meet the HCFC phase-out targets.

The country has begun enforcement of the licensing and quota system since 1 January 2013. Through an administrative resolution of the Environment Vice Ministry, Bolivia issues yearly HCFC import quotas in accordance with the Montreal Protocol control targets. The country is in compliance with the Montreal Protocol control targets as well as with the targets specified in its HCFC phase-out management plan (HPMP) Agreement. The import licensing and quota system will enable the country to achieve compliance with the Montreal Protocol's phase-out schedule for HCFCs.

Bolivia's 3<sup>rd</sup> national communication to the United Nations Framework Convention on Climate Change (UNFCCC) is to be submitted shortly. Bolivia has not yet submitted any Biennial Progress Report.

Bolivia has refused a specific commitment on CO<sub>2</sub> emissions. The principal argument of the Bolivian Government is that the main contributors to CO<sub>2</sub> emissions are first in line to accept responsibility and undertake concrete actions on the matter. The contribution is linked to the achievement of living well in the context of climate change with regards to water, energy, forest and agriculture and livestock. To this end, it relies on policy measures in water management, development of renewable energy and land use activities (with quantifiable targets for 2030).

On 12 October 2015, Bolivia submitted its Intended Nationally Determined Contribution (INDC), which did not contain any greenhouse gas emission reduction targets. In September 2016, President Morales presented to the UN the national law which ratified the Paris Agreement.

## **Conclusions**

*During the past two years, Bolivia addressed its non-compliance with the CITES Convention both at legislative level and reporting level and has thereby achieved category 1 status.*

*Measures to implement the Convention on Biological Diversity are under way thanks to international cooperation. Institutional strengthening and coordination remain a challenge.*

*Regarding the UN conventions on Climate Change, though Bolivia has not taken a public position on CO<sub>2</sub> reduction targets, it has developed quantifiable targets for a range of other policy measures, such as renewable energy use. Actions to ensure the implementation of these measures should be encouraged. Bolivia has still to finalise and submit its 1<sup>st</sup> Biennial Progress Report on the UNFCCC. Its 1<sup>st</sup> and 3<sup>rd</sup> National Reports on the Cartagena Protocol are also due.*

## **2.4. UN Conventions on Good Governance (Conventions 24-27)**

### **Status of ratification and reporting**

Bolivia has maintained ratification of the UN Convention on Psychotropic Substances and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

After having withdrawn in January 2012 from the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, Bolivia re-acceded to the Convention in January 2013, with a reservation on chewing of coca leaf, a traditional practice in the country. Since January 2013, the chewing of coca leaf and the consumption and use of the coca leaf in its natural state for 'cultural and medicinal purposes' are permitted on the territory of the Plurinational State of Bolivia by virtue of the reservation.

As of January 2015, Bolivia was compliant with all requests for monitoring information from the monitoring body of the three core UN conventions on fighting illegal drugs (the International Narcotic Control Board – INCB).

Bolivia ratified the UN Convention against Corruption (UNCAC) in 2005 and has maintained ratification. Bolivia also complied with its reporting obligations. The most recent review by the Convention's monitoring body, the Implementation Review Group, was carried out in 2013. The Executive Summary of the review has been available to the public since December 2014.

### **Status of implementation of the conventions**

#### *UN Conventions Fighting Illegal Drugs*

The new National Strategy to Fight against Drug Trafficking and Reduction of Surplus Cultivation of Coca (ENLC & CCEC) for 2016-2020 has recently been approved and the Government is currently developing the Action Plan. The strategy establishes the following pillars: reduction of supply, reduction of demand, control of surplus coca crops and shared international responsibility.

The 2015 UNODC monitoring report, presented in July 2016, revealed a decline of coca cultivation in Bolivia, for the fifth consecutive year.

In 2016, the EU pledged EUR 60 million over four years to support the implementation of the National Strategy to Fight against Drug Trafficking and Reduction of Surplus Cultivation of Coca (ENLC & RCEC). The program includes EU support to counter-narcotics efforts and a contribution to the technical capacity-building of national police forces provided by their European counterparts. The program is structured in three components: (i) budget support for the strategy (EUR 50 million), (ii) support to UNODC for crop monitoring and seizures (EUR 4.3 million) and (iii) a contract with the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP) regarding technical assistance and training of Bolivian institutions involved in the fight against drug trafficking and connected crimes (EUR 4 million).

In October 2016, the INCB undertook a monitoring visit to Bolivia to discuss its compliance with the three international drug control treaties, in particular the 1961 Convention as amended by the 1972 Protocol. The INCB delegation was informed about progress made in the control of coca cultivation, the reduction of illicit cultivation in recent years and measures taken against trafficking.

Bolivia adopted two new laws in March 2017, the general law on coca and the law on the fight against illicit trafficking of controlled substances respectively. The general law on coca includes the following elements: i) an increase from 12,000 ha. to 22,000 ha. for the maximum legal area of coca leaf production, ii) the expansion of systematic registration of coca leaf producers and traders, iii) the Ministry of Rural Development and Land as the only entity responsible for controlling the circulation, transportation and marketing of coca leaf (including legal markets), iv) the promotion of research and development of industrial products derived from coca, including the opening of markets within the framework of international agreements.

The law on the fight against illicit trafficking of controlled substances covers the following elements: i) establishment of mechanisms to combat illicit trafficking in controlled substances, including research, control and monitoring of such substances, ii) the modernisation of research techniques for wiretapping and regulation of the figures of collaborators and informants, iii) the definition of the regime for seized and confiscated goods and regulation of loss of ownership of goods in favour of the State, iv) the updating of lists of controlled substances and chemical precursors.

Both laws now need to be implemented, which will be supported by the UNODC. Bolivia continues to be one of the three largest cocaine-producing countries in the world and is a significant transit zone for Peruvian cocaine. At the 6<sup>th</sup> EU-Bolivia High Level Dialogue held in February 2017, the EU encouraged the Bolivian Government to strengthen cooperation with neighbouring countries and to tackle the trafficking of controlled drugs. There is, however, some concern about the impact of the increase of the legal area of coca leaf production to 22,000 ha. on the production of cocaine.

#### *UN Convention against Corruption (UNCAC)*

The Executive Summary of the 2013 review by the UNCAC Implementation Review Group (IRG) noted that Bolivia had established a Ministry for Institutional Transparency and the Fight Against Corruption. However, in January 2017 that Ministry was merged with the Ministry of Justice.



The 2013 review concluded that Bolivia carried out major legislative and institutional reforms, demonstrating that the country's political commitment to combating corruption is yielding results. However, the IRG also recommended that Bolivia should focus on ensuring appropriate criminalisation of corruption. In particular, Bolivia should criminalise trading in influence and abuse of functions, all elements of active bribery in the private sector, passive bribery in the private sector and embezzlement in the private sector. Progress is also required on international cooperation and the extradition framework.

Bolivia is developing a new Penal Code and should include 'solicitation' and 'benefits for third parties' in the section on active bribery. Greater inter-agency cooperation and increased resources for anti-corruption efforts are also expected.

Bolivia was ranked number 113 out of 176 countries in the 2016 Transparency International Corruption Perception Index, with a perceived level of public sector corruption score of 33 out of 100 (whereby zero means 'highly corrupt'). This marks a deterioration compared to scores in 2015 (34) and 2014 (35).

## **Conclusions**

*Together with the international community, Bolivia is making efforts to tackle drug trafficking. Although Bolivia's eradication programme is meeting its own stated targets, the country is still the third-largest producer of coca leaf. Bolivia's policy decision to consider 22,000 ha. of coca cultivation as licit and its withdrawal from the 1961 UN Single Convention on Narcotic Drugs (followed by its reaccession with reservations in early 2013) undermined Bolivia's efforts to meet its international drug control obligations. Considering Bolivia's limited resources to fight drug trafficking, Bolivia relies on international cooperation to step up efforts to face the increasing demand for cocaine in consuming countries.*

*Bolivia's new counternarcotic laws permit enhanced controls of precursor chemicals and enhanced monitoring of coca cultivation. Implementation of these new laws will be crucial to bolstering Bolivia's counter-narcotics efforts.*

*Further work is needed to pursue cases of corruption and to tackle a wider range of corruption in the private and public sectors. Greater international cooperation is also required.*

## **3. Trade and Economy**

### **3.1. Trade Picture**

Bolivia is a resource-rich country with strong growth due to its natural gas exports. However, the country continues to be one of the least developed countries in Latin America. Bolivia's exports are heavily dependent on primary commodities such as minerals (zinc, lead, silver ores) and agricultural products (such as soya beans). Since 2004, economic growth in Bolivia was on average 4.9%, due to high commodity prices, increased mineral and natural gas

exports and a prudent macroeconomic policy. The positive economic context had a positive effect on poverty reduction. Due to the decline in international oil prices, Bolivia's main challenge will be to ensure these positive economic and social results in a less favourable global environment.

In 2016, Bolivia's exports to the EU amounted to EUR 530 million, an 11% decrease compared to 2015.

**3.2. GSP+ Statistics**

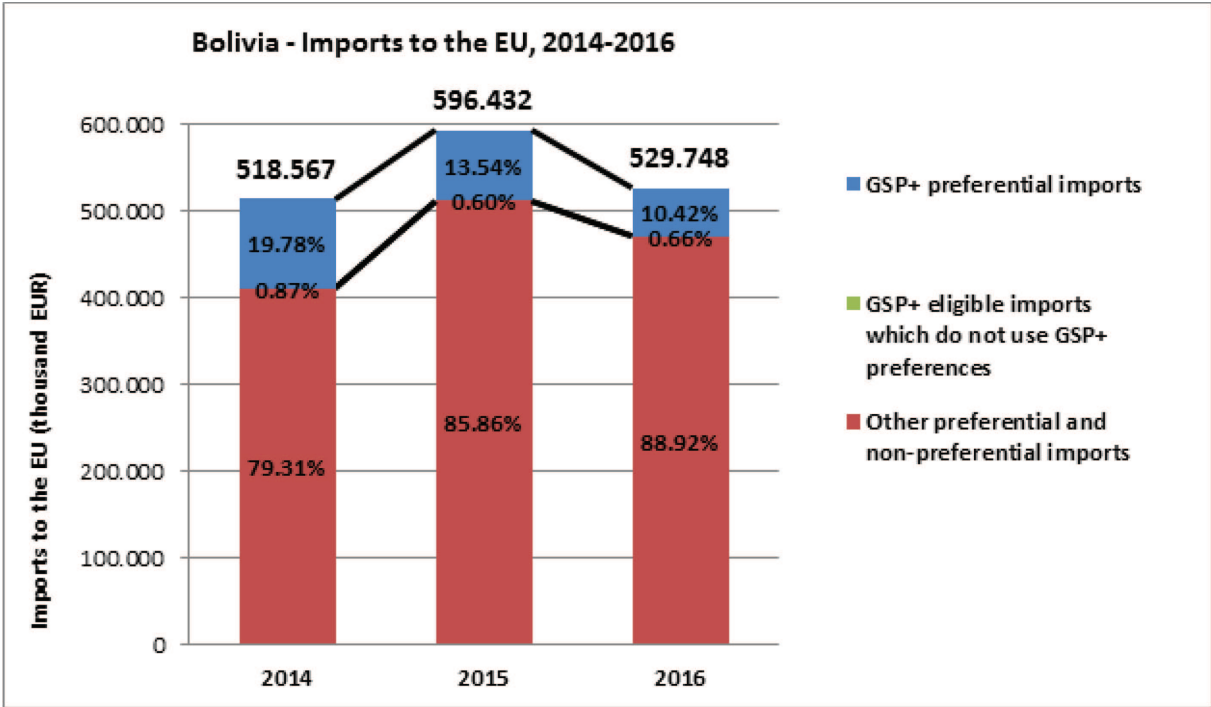
Figure 1 to Figure 3 below describe Bolivia's utilisation of GSP+ in the context of its overall exports to the EU. In 2016, GSP+ exports from Bolivia to the EU accounted for about 10% of Bolivia's total exports to the EU. As the GSP+ permits duty-free access to the EU market for the vast majority of products (6,200 tariff lines), it provides a good opportunity for Bolivia to further diversify its trade exports from primary commodities into other more value-added products. Overall, GSP+ exports to the EU have decreased by 46% between 2014 and 2016. The preference utilisation rate of Bolivia is high at 94.1% in 2016, though slightly decreasing compared to 95.8% and 95.7% in 2014 and 2015 respectively.

**Source for all statistics: Eurostat data as of September 2017.**

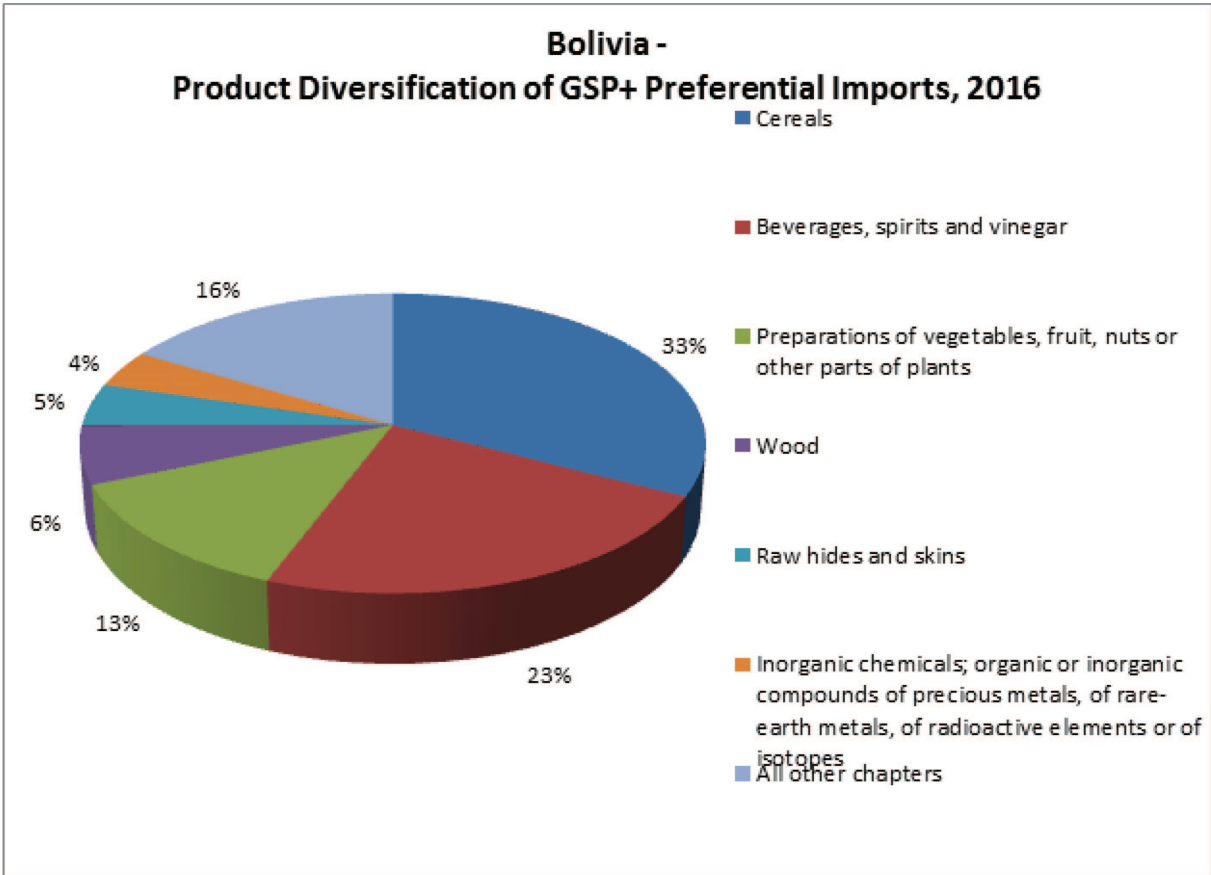
**Figure 1**

<b>Bolivia - Imports to the EU, 2014-2017</b>					
<i>Figures in thousand EUR</i>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017 (Q1-2)</b>	<b>Trend 2014-2016</b>
<b>Total imports to EU</b>	518,567	596,432	529,748	225,846	2.2%
<b>GSP+ eligible imports</b>	107,094	84,340	58,705	29,790	-45.2%
<b>GSP+ preferential imports</b>	102,577	80,755	55,225	28,672	-46.2%
<b>GSP+ utilisation rate</b>	95.8%	95.7%	94.1%	96.2%	-1.8%

**Figure 2**



**Figure 3**



# ANNEX

## Bolivia – Treaty Ratification and Reporting

Convention	Status of ratification / reservations <sup>5</sup>	Compliance with reporting obligations to monitoring bodies
1. Convention on the Prevention and Punishment of the Crime of Genocide	Ratification: 14.06.2005 No reservations	<b>No reporting obligations</b>
2. International Convention on the Elimination of All Forms of Racial Discrimination	Ratified: 22.09.1970 No reservations	<b>Lack of compliance with reporting obligations</b> Last report submitted on 20.01.2010. Latest report was due on 21.10.2013.
3. International Covenant on Civil and Political Rights	Accession: 12.08.1982 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 16.08.2011. Next report due on 01.11.2018.
4. International Covenant on Economic, Social and Cultural Rights	Accession: 12.08.1982 No reservations	<b>Lack of compliance with reporting obligations</b> Last report submitted on 30.01.2007. Latest report was due on 30.06.2010.
5. Convention on the Elimination of All Forms of Discrimination against Women	Ratification: 08.06.1990 No reservations	<b>Compliant with reporting obligations</b> Last report submitted on 19.11.2013.
6. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratification: 12.05.1999 No reservations	<b>Lack of compliance with reporting obligations</b> Last report submitted on 18.10.2011. Latest report was due on 31.05.2017.
7. Convention on the Rights of the Child	Ratification: 12.06.1990 No reservations	<b>Lack of compliance with reporting obligations</b> Last report submitted on 20.02.2008. Latest report was due on 01.09.2015.
8. Convention concerning Forced or Compulsory Labour, No. 29	Ratification: 2005	<b>Compliant with reporting obligations</b> Latest CEACR (ILO Committee of Experts on the Application of Contentions and Recommendations) comments: Direct Request 2014.
9. Convention concerning Freedom of Association and Protection of the Right to Organise, No. 87	Ratification: 1965	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2016.
10. Convention concerning the Application of the Principles of the Right to Organise and to Bargain	Ratification: 1973	<b>Compliant with reporting obligations</b> Latest CEACR comments: Observation 2016; Direct Request 2016.

<sup>5</sup> Reservations do not apply in the ILO system, so there is no relevance to providing information on reservations under each of these conventions.

Collectively, No. 98		
11. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No. 100	Ratification: 1973	<b>Compliant with reporting obligations</b>  Latest CEACR comments: Observation 2016; Direct Request 2016.
12. Convention concerning the Abolition of Forced Labour, No. 105	Ratification: 1990	<b>Compliant with reporting obligations</b>  Latest CEACR comments: Observation 2014; Direct Request 2014.
13. Convention concerning Discrimination in Respect of Employment and Occupation, No. 111	Ratification: 1977	<b>Compliant with reporting obligations</b>  Latest CEACR comments: Direct Request 2016.
14. Convention concerning Minimum Age for Admission to Employment, No. 138	Ratification: 11.06.1997  Minimum age specified: 14 years	<b>Compliant with reporting obligations</b>  Latest CEACR comments: Observation 2015; Direct Request 2015. CAS Country Case at ILC 2015.
15. Convention on Worst Forms of Child Labour, No. 182	Ratification: 06.06.2003	<b>Compliant with reporting obligations</b>  Latest CEACR comments: Observation 2014; Direct Request 2014.
16. CITES	Ratification: 06.07.1979	<b>Lack of compliance with reporting obligations</b>  Biennial Report for 2014-2015 submitted in February 2016.  Annual Reports for 2015 and 2016 due.
17. Montreal Protocol	Accession: 03.10.1994	<b>Compliant with reporting obligations</b>  Most recent data for 2016 was submitted.
18. Basel Convention	Ratification: 15.11.1996  No reservations	<b>Compliant with reporting obligations</b>  National Report for 2015 was submitted on 31.12.2016.  2016 National Report is due on 31.12.2017.
19. Convention on Biological Diversity	Ratification: 03.10.1994	<b>Compliant with reporting obligations</b>  Latest report submitted on 27.03.2015 (Fifth National Report).  Sixth National Report is due on 31.12.2018.
20. UN Framework Convention on Climate Change	Ratification: 03.10.1994  No reservations	<b>Lack of compliance with reporting obligations</b>  Third National Communication was due in 2013.  First Biennial Report was due on 31.12.2014.
21. Cartagena Protocol on Biosafety	Ratification: 22.05.2002  No reservations	<b>Compliant with reporting obligations</b>  Latest (Third National) Report was submitted on 10.02.2016.  Interim National Report (2005) was submitted in May 2006.
22. Stockholm Convention	Ratification: 03.06.2003  No reservations	<b>Compliant with reporting obligations</b>  National Reports of 2006 and 2010 were submitted on 22.07.2016. National Report of 2014 was submitted on

		15.03.2016.
23. Kyoto Protocol	Ratification: 30.11.1999 No reservations	<b>No reporting obligations</b>
24. UN Single Convention on Narcotic Drugs	Accession: 11.01.2013 Reservation on coca leaf. <sup>6</sup>	<b>Reviewing is fulfilled by the International Narcotics Control Board (INCB).</b>
25. UN Convention on Psychotropic Substances	Accession: 20.03.1985 No reservations	
26. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	Ratification: 20.08.1990	
27. UN Convention against Corruption	Ratification: 05.12.2005 No reservations	<b>Reviewing is fulfilled by the UN Office on Drugs and Crime (UNODC).</b>  A review covering the period 2010-2015 was performed in July 2014 and issued in January 2015.

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<sup>6</sup> Reservation made on paragraphs which could be interpreted as establishing as a criminal offence the use, consumption, possession, purchase, or cultivation of the coca leaf for personal consumption.