



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
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Consideration of reports submitted by States parties under article 73 of the Convention

List of issues to be taken up in connection with the consideration of the second periodic report of the Plurinational State of Bolivia (CMW/C/BOL/2)

I. General information

1. The Committee notes that the *Mecanismo de Coordinación Interinstitucional para las Migraciones (MCIM)*, in particular its *Mesa 1* on Institutional Regulations and *Mesa 4* on Asylum, is preparing a Draft Law on Migration (see State party's report (CMW/C/BOL/2), paragraph 61). Please indicate what stage has been reached in the process of adopting that Law and whether it fully incorporates the provisions of the Convention, as recommended by the Committee in paragraph 14 of its concluding observations on the State party's initial report (CMW/C/BOL/CO/1). Please also provide information on any progress made in harmonizing other relevant domestic legislation with the Convention and in adopting a national migration policy with effective monitoring mechanisms (see paragraphs 53-65 of the report).
2. Based on the population census referred to in paragraph 31 of the report and/or official estimates, please provide information on the (estimated) number of migrant workers in the State party, including those in an irregular situation, disaggregated by sex, age, nationality and occupation. Please also indicate the steps taken by the State party to create a sound database to compile official disaggregated data as a tool for developing effective migration policies and for implementing the Convention (CMW/C/BOL/CO/1, para. 18).
3. Please provide detailed information on the participation of civil society organizations in the implementation of the Convention and in the preparation of the report (CMW/C/BOL/CO/1, para. 47). Please also indicate whether civil society has been consulted during the drafting of the Migration Law.
4. Please provide more detailed information on the measures taken to provide training on the Convention for all officials working in the area of migration, in particular police and border personnel, as well as officials at the local level dealing with migrant workers (see

CMW/C/BOL/CO/1, paragraph 20). What steps have been taken by the State party to ensure access by migrant workers to information about their rights under the Convention (*ibid.*) and to disseminate widely the Committee's previous concluding observations (CMW/C/BOL/CO/1, para. 48; see also paragraph 71 of the report).

5. Please provide information on the mandate of the *Defensoría del Pueblo* (Ombudsman) with respect to the rights of migrant workers and members of their families as well as on the actions taken by the *Defensoría* to promote and protect those rights. Please also provide information on the number of complaints related to migrants' rights dealt with by the *Defensoría* since 2008, their outcome and any redress provided to victims of such violations.

II. Information relating to each of the articles of the Convention

A. General principles

6. Please provide information on the measures taken to prevent discrimination against migrant workers and members of their families, such as information campaigns for public officials working in the area of migration and for the general public in order to change negative perceptions of migrant workers and to combat their stigmatization (see CMW/C/BOL/CO/1, paragraph 22).

7. Please provide information on the measures taken to implement the Committee's previous recommendation to strengthen efforts to inform migrant workers of their rights and to improve their access to justice. Please indicate what measures have been taken to inform migrant workers and members of their families about the administrative and judicial remedies available to them to complain about any violations of their rights (see CMW/C/BOL/CO/1, paragraph 24).

8. Please indicate whether the Convention has been directly invoked in the courts of the State party and if so, please provide examples of relevant court cases (see paragraphs. 81 and 82 of the report). Please also provide information on the administrative and judicial bodies which adjudicate complaints from migrant workers and on the number and outcome of complaints examined by those bodies since 2008, including on any redress provided.

9. Please provide information on the measures taken to prevent and combat xenophobia and racial discrimination as well as to decriminalize migrant workers, in particular migrant workers in an irregular situation and/or in transit through the State party, including Peruvian and Chilean migrant workers. In that regard, please also indicate the impact of the measures taken under the National Development Plan "*Bolivia Digna, Soberana, Productiva y Democrática para Vivir Bien 2006-2011*" (see paragraphs. 50 and 66 of the report).

B. Part III of the Convention

Articles 16, 17 and 18

10. Please provide information on the number of migrant workers who have been held in custody since 2008, disaggregated by sex, age, nationality, immigration status, and on the reasons for their detention. What is meant by "custody" of foreign citizens (para. 256 of the report) and how precisely does it differ from immigration detention? Please indicate whether current legislation prescribes a maximum length of "immigration custody." Please also provide information on the measures taken by the State party to ensure that migrant workers who are detained for violations of provisions relating to migration are separated

from convicted persons or persons detained pending trial, in accordance with article 17, paragraph 3, of the Convention (CMW/C/BOL/CO/1, para. 26).

11. Please provide detailed information on the conditions of detention in immigration detention centres and other places where migrant workers are deprived of their liberty.

Article 21

12. Please provide further details on the information provided in paragraph 148 of the report regarding the reasons for the confiscation of documents of migrant workers. Please indicate the measures taken to facilitate the necessary procedures and paperwork for migrant workers to obtain and/or renew their permits in this regard.

Article 22

13. Please provide information on the measures taken to ensure that migrant workers and members of their families are only expelled from the territory of the State party pursuant to a decision taken by the competent authority in conformity with the law, and that this decision can be reviewed on appeal (CMW/C/BOL/CO/1, para. 30). Please also provide disaggregated data on the nationality, sex and age of migrant workers and members of their families who were expelled from the State party between 2008 and 2011. Please explain the reasons for such expulsions and indicate whether the persons concerned had a reasonable opportunity to settle any outstanding claims for wages before departure. Please also indicate the number and outcome of appeals against expulsion orders.

Article 23

14. In light of paragraph 55 of the report and paragraph 28 of the Committee's previous concluding observations (CMW/CO/BOL/CO/1), please provide information on the measures taken to strengthen the effectiveness of the State party's consular services (a) in issuing travel documents for Bolivian migrant workers and members of their families, including those who wish or must return to the State party; and (b) in responding to their needs for protection and legal assistance, especially when they are deprived of their liberty and/or facing expulsion.

Article 26

15. Paragraph 178 of the report states that "all workers have the right to organize trade unions in accordance with the law." Please provide information on any restrictions placed on the right of migrant workers and members of their families, in particular those in an irregular situation, to join, seek the assistance and participate in meetings and activities of trade unions and other associations established in accordance with the law, with a view to protecting their economic, social, cultural and other interests.

Articles 27

16. Please provide the Committee with disaggregated data on the number of migrant workers, including those in an irregular situation, who are registered in the social security system of the State party. Please indicate whether migrant workers in an irregular situation and members of their families are covered by the social security system. Please also provide information on the benefits granted to migrant workers, including those in an irregular situation.

Article 28

17. Please provide detailed information on the steps taken to remove barriers to access urgent medical care for migrant workers and members of their families in the State party, including for children of Peruvian migrant workers (see paragraph 154 of the report).

Article 29

18. While the report states that Bolivian citizenship is acquired by birth or naturalization (see paragraph 155 of the report), please indicate the measures in place to ensure that all children of migrant workers are registered after birth. Please also indicate whether children of migrant workers in an irregular situation who were born outside of Bolivia can acquire Bolivian citizenship.

Article 30

19. Please provide updated data on the school enrolment of migrant children at the primary and secondary levels of education. Please clarify whether migrant children benefit from the “*Juancito Pinto Program*”.

C. Part IV of the Convention

Article 37

20. Taking into account the information provided in paragraphs 168 and 169 of the report, please provide information on the measures taken by the State party to collaborate with the *Defensoría del Pueblo* in providing information and guidance to migrants on their rights.

Article 44

21. Please provide information on the measures taken by the State party to facilitate family reunification, including on the conditions for obtaining residence permits for spouses, children and other close family members of migrant workers in the State party.

Article 47

22. Please provide further details on the Investment Law and its impact on migrant workers, taking into account the information provided in paragraphs 193 and 194 of the report. Considering the information received by the Committee that the amount of remittances received equals 2.5 per cent of the State party’s GNP, please provide updated information on the work undertaken on the Regulation on the Sending and Receipt of Remittances described in paragraph 164 of the report.

D. Part V of the Convention

23. Please provide detailed information regarding the categories of migrant workers covered in articles 57 to 63 in the State party. In particular, please clarify the legal regime which currently governs their situation (see paragraphs 202 to 205 of the report).

E. Part VI of the Convention

24. Please provide disaggregated data covering the period from 2008 to 2011 on(a) the number of reported cases of trafficking or smuggling of migrants, in particular women,

children and adolescents, for purposes of forced labour and sexual exploitation; and (b) the number of investigations, prosecutions, convictions and the sentences imposed on those found guilty. In this regard, please also provide information on the effectiveness of the labour inspectorates in identifying cases of trafficking and smuggling of migrants (see paragraph 218 of the report).

25. Please describe the efforts undertaken by the State party to combat trafficking in persons. In this regard, please indicate (a) the steps taken to adopt the draft law on trafficking and the measures taken to ensure that this law is in line with the Convention; (b) whether the State party plans to adopt a national policy to address human trafficking; and (c) the measures in place to assist and protect victims of human trafficking, including the number of assistance centres for victims of trafficking in the State party.

Article 69

26. Please provide more detailed information on the regularization programmes mentioned in paragraph 224 of the report, as well as on the number of migrant workers who have been regularized since 2008, disaggregated by sex, age, nationality and occupation.
