



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 111th session

Summary record of the 3023rd meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 21 November 2023, at 3 p.m.

Chair: Ms. Shepherd

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Combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia

* No summary records were issued for the 3021st and 3022nd meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia (CERD/C/BOL/21-26/Corr.1; CERD/C/BOL/21-24; CERD/C/BOL/Q/21-24)

1. *At the invitation of the Chair, the delegation of the Plurinational State of Bolivia joined the meeting.*

2. **The Chair**, welcoming the delegation of the Plurinational State of Bolivia to the meeting, explained that additional members of the delegation would be participating via video link.

3. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that she wished to express solidarity with the people of Palestine in the face of the aggression and genocide that Israel was committing against them. Her Government rejected all wars, colonies, exploitation and collective punishment. Nothing could justify the murder of civilians or other violations of human rights and international humanitarian law.

4. Introducing her country's combined twenty-first to twenty-fourth periodic reports (CERD/C/BOL/21-24), she said that in 2006, her Government had begun a process to transform the country into an inclusive, decolonized, non-patriarchal Plurinational State grounded in respect and equality for all, with social justice and the equitable distribution and redistribution of wealth. That vision was inspired by anticolonial Indigenous uprisings, the fight for independence and struggles for the rights of Indigenous, original and campesino nations and peoples, who historically had been treated as second-class citizens.

5. The Constitution, adopted in 2009, enshrined the philosophy of *Vivir Bien*, a notion of peaceable, harmonious, ethical and environmentally sustainable living that rejected all forms of racism and discrimination. Political, economic, legal and linguistic plurality and pluralism were the foundational principles of the State, recognizing that Indigenous and original nations and peoples had existed before colonization and had the right to self-determination. The country was governed in a democratic, participatory manner that combined the cultural values of Indigenous and original nations and peoples with liberal principles. Its official languages included 36 Indigenous languages, in addition to Spanish.

6. Given the country's history, the Government had a deep understanding of the challenges and harm that could arise from discrimination and racism. Racism hindered personal development and national progress while undermining peace and social justice. The fight against racism therefore demanded total commitment and strong legal and political mechanisms to protect the rights of all people, regardless of their origin or culture. Education played a key role in transforming mentalities and building inclusive societies, as teaching people about history, cultures and mutual respect from an early age helped to combat prejudice and foster acceptance, togetherness and equality.

7. The fight against racism and all forms of discrimination had long been part of the Government's transformative agenda. Act No. 045 of 8 October 2010 on the Elimination of Racism and All Forms of Discrimination aimed to ensure the enjoyment of the rights to equality and non-discrimination by eliminating racist and discriminatory conduct and strengthening public policies to prevent offences involving racism and discrimination. The Constitution enshrined the principle of non-discrimination in accordance with international human rights treaties.

8. Several public policies and laws had been implemented in recent years to support the development of historically excluded groups and ensure the multicultural and diverse character of the country's institutions. Such laws included Act No. 450 of 4 December 2013 on the Protection of Highly Vulnerable Indigenous and Original Nations and Peoples; General Act No. 269 of 2 August 2012 on Linguistic Rights and Policies; Act No. 937 of 3 May 2017, which declared 21 February the National Day for the Languages and Cultures of the Indigenous, Original and Campesino Nations and Peoples and of Afro-Bolivians; and

Act No. 848 of 27 October 2016, which established the period from 2015 to 2024 as the Decade for Afro-Bolivian People.

9. In 2019, a coup d'état had prompted widespread acts of discrimination, intolerance and racial violence against Indigenous women, peoples and communities. Indigenous authorities and symbols of identity had been particularly targeted. The violence had culminated in the massacres at Sacaba and Senkata, which subsequently had been investigated by the Interdisciplinary Group of Independent Experts, established under an agreement between the Government and the Inter-American Commission on Human Rights. Following the return to democracy in November 2020, the Government had established the Ministry of Culture, Decolonization and Dismantling of Patriarchy with a mandate to ensure the fulfilment of national and international legal commitments and re-establish public policies in areas such as the fight against racism and all forms of discrimination. Nonetheless, the oligarchy continued to pursue harmful activities, such as the organization of a strike in the Department of Santa Cruz.

10. A national immunization campaign had been rolled out to ensure equitable access to vaccination, prioritizing groups who were vulnerable as a consequence of their historical exclusion, such as Indigenous, original and campesino nations and peoples, refugees, migrants, persons deprived of their liberty and persons in street situations. The National Committee against Racism and All Forms of Discrimination had recently been re-established and was chaired by the Deputy Minister for Decolonization and Dismantling of Patriarchy. In addition, the Government was taking steps to implement the Plurinational Policy on Decolonization and Dismantling of Patriarchy, established by Supreme Decree No. 4958 of 14 June 2023, and the Multisectoral Comprehensive Development Plan for *Vivir Bien* – Combating Racism and All Forms of Discrimination 2021–2025.

11. Her Government sought to effectively implement programmes and policies that promoted diversity at all levels, including through equal access to employment opportunities and equitable representation in decision-making spaces. Diversity made societies richer, and the unique contributions of every individual and community should be celebrated. The Government was firmly committed to eradicating patriarchy and colonialism, the effects of which endured in the form of racism and discrimination, and was determined to build a world in which equality and respect provided the foundations for peaceful coexistence.

12. **Mr. Diaby** (Country Rapporteur) said that, despite some progress, challenges and structural obstacles persisted in the country and prevented Indigenous peoples and Afro-Bolivians from realizing their rights on an equal basis. Moreover, there was a wide gap between the adoption of laws and their implementation in practice.

13. In that context, he would be interested to know what measures had been taken so that the institutions responsible for the 2024 population and housing census engaged in dialogue with other stakeholders in order to reach agreement on census questions that would best reflect demographic realities. He wondered whether the census would include options for self-identification, and how indicators on ethnicity were included in the administrative records of institutions. Noting that the State party did not produce up-to-date, disaggregated statistical data on asylum-seekers and refugees living in the country, including Venezuelan nationals, he wished to know whether there were plans to produce and publish such data.

14. It would be interesting to know whether the State party planned to take measures to align domestic legislation with international human rights standards on the elimination of all forms of racial discrimination and, to that end, whether it intended to ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance, both of which it had signed in 2015. The delegation might provide further details on measures taken to enable the Ministry of Foreign Affairs, the Counsel General's Office and the Ministry of Justice and Institutional Transparency to update information relating to the Committee's concluding observations and to report on follow-up to the Committee's recommendations. It would also be helpful to receive more information on the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR), in particular in terms of technical assistance to support the implementation of recommendations, including those of the Committee. He wondered whether the State party had organized

awareness-raising sessions for civil society on the communications procedure provided for under article 14 of the Convention. He would appreciate further information on the establishment of mechanisms to receive, record and investigate complaints of racism and discrimination, including the number of such mechanisms, how the information they generated was shared and acted upon, and how the Government ensured their effective application.

15. The Committee would welcome information on measures taken to raise awareness among members of the public of their rights and the complaints mechanisms available to them, as well as the judicial and non-judicial remedies available under the Act on the Elimination of Racism and All Forms of Discrimination. He wished to know whether the State party planned to adopt legislation to reverse the burden of proof in cases of racial discrimination and to define in law the concepts of direct, indirect and multiple discrimination, harassment and denial of reasonable accommodation. It would be useful to know what measures had been taken to channel financial and technical resources and to build the capacity of the public sector to support the promotion, development and implementation of public policies against racism and discrimination. He would welcome detailed information on steps to be taken by the Ministry of Justice and Institutional Transparency to ensure plurality in its activities, especially in follow-up to the issues identified at the National Summit against Racism and Discrimination. The delegation might explain how the State party provided resources to departmental committees against racism and discrimination. Lastly, he would appreciate information on police violence against Bolivians of African descent and on the use of racial profiling by law enforcement agencies.

16. **Mr. Guissé** (Country Task Force), recalling that the Committee, in its previous concluding observations ([CERD/C/BOL/CO/17-20](#)), had expressed concerns about the Indigenous justice system, said that he would welcome information on measures taken to improve access to justice for Indigenous, original and campesino peoples and Afro-Bolivians. He wished to know whether State institutions provided Indigenous persons accused of crimes with a culturally appropriate legal defence, namely a lawyer with expertise in Indigenous law, customs and traditions. In addition, he would appreciate information on measures taken to mitigate the negative impact of duplicate judicial proceedings and on the areas in which the State party had observed conflicts of jurisdiction between the Indigenous and ordinary justice systems. The Committee would appreciate information on the number of complaints of racist and discriminatory acts reported through the Plurinational System for Reporting and Monitoring Acts of Racism and Discrimination, as well as penalties handed down and remedies granted to victims. Information on work done by the Directorate General of Prisons and other relevant institutions to develop a system for the collection of data on persons deprived of their liberty, including Indigenous persons and Afro-Bolivians, would also be welcome. Indeed, the Committee would welcome up-to-date, disaggregated data on the number of Indigenous and Afro-Bolivian persons deprived of their liberty and children from those groups who lived in prison with their parents. He wondered how many Indigenous women had accessed the legal system through interpreters and translators; how many cases involving Indigenous and Afrodescendent women had been resolved; and what steps had been taken to combat racial profiling, racist attitudes and discrimination among the police force and judges. It would be interesting to know what measures had been taken to implement the Jurisdiction Demarcation Act (No. 073); what mechanisms had been put in place to establish effective cooperation and coordination between the ordinary and Indigenous jurisdictions; and what provisions had been adopted to strengthen the administration of Indigenous justice.

17. The Committee had been alarmed at reports of racist violence, particularly against Indigenous women, during the 2019 crisis. He wondered whether the State party had adopted any measures to ensure that victims, in particular Indigenous persons and women, had access to effective remedies and were provided with adequate redress.

18. Regarding the Multisectoral Plan for Combating Racism and All Forms of Discrimination of the Plurinational State of Bolivia 2016–2020, he would appreciate information on any progress that had been made in creating spaces for consensus and dialogue and any steps taken to consolidate plurality and interculturalism. Information on the training programme associated with the Plan, including the number of public servants who

had been trained, would be welcome. It would be interesting to know whether the National Committee against Racism and All Forms of Discrimination or other authorities had taken steps to prevent the propagation of racial stereotypes and prejudice, particularly against Indigenous Peoples and Afro-Bolivians, and whether the National Committee had evaluated the Multisectoral Plan. Lastly, he wished to know whether the State party had received any complaints of racism in sport and had taken measures to combat the problem.

19. **Mr. Kut** (Follow-up Coordinator) said that the Committee had received the State party's follow-up report (CERD/C/BOL/CO/17-20/Add.1) in 2013. The Committee, having considered the follow-up report, had sent a letter to the State party focusing on two issues: racist violence against members of Indigenous, original and campesino nations and peoples, and discrimination and hostility against migrants, including asylum-seekers, unaccompanied foreign children and trafficked women. Although the periodic report provided some details on those issues, he would appreciate additional information on the progress of the cases related to the violent events that occurred in 2008 in Pando and Sucre; on the application of Decision No. 02/2011 of 30 June 2011 of the National Committee against Racism and All Forms of Discrimination; and on the implementation of the amended Migration Act (No. 370).

20. **Ms. Tebie** said that, as the National Institute of Statistics did not gather information on race, colour, descent or national or ethnic origin, she wished to know which socioeconomic or statistical data were used to address the concerns of the different sectors of Bolivian society. She would be grateful for statistics on reported acts of racial discrimination and prosecutions and convictions under the Act on the Elimination of Racism and All Forms of Discrimination. How many complaints had been received by mechanisms established by the autonomous departmental, municipal and regional governments and by Indigenous, original and campesino communities?

21. **Mr. Diaby** said that, in the light of reports of protests by members of the armed forces against alleged racial discrimination and rules that limited training opportunities and prevented Aymara and Quechua individuals from becoming officers, he wished to know whether any special measures were planned to ensure better representation of those groups among all ranks.

22. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that there had been no protests in the armed forces in relation to promotions, although there had been a police mutiny in 2019. Promotions in the armed forces and the Bolivian police force were governed by the internal rules and procedures of each institution.

23. **A representative of the Plurinational State of Bolivia** said that the National Committee against Racism and All Forms of Discrimination was composed of representatives of more than 70 organizations from all parts of the country and was supported by a technical secretariat. Some of the objectives of the Multisectoral Plan for Combating Racism had not been achieved owing to the 2019 coup d'état. Since the return to democracy, the Government had re-established the Ministry of Culture – now the Ministry of Culture, Decolonization and Dismantling of Patriarchy – and had adopted the Multisectoral Comprehensive Development Plan for *Vivir Bien* – Combating Racism and All Forms of Discrimination 2021–2025. The new Plan pursued strategic goals and envisaged measures in multiple spheres, including education, health, housing, employment, migration, public administration, culture, communication and justice, with budgets allocated to various public institutions. Under the Plan, awareness-raising activities had reached more than 10,000 civil servants; 138 cases of racism had been recorded in the relevant register; and more than 80,000 social housing units had been allocated to vulnerable persons.

24. Training and awareness-raising in the civil service and the education system had enriched understanding, interculturalism and respect and had strengthened the values of equal rights and non-discrimination in the public sector. As a result of those training programmes, the number of recorded complaints of racism and discrimination in public institutions had fallen from 273 in 2018 to 73 in 2022. According to the records of the Attorney General's Office, one criminal case specifically related to racism had been adjudicated, while 16 cases related to discrimination were before the courts. One of the unconstitutional events of 2019

had been a police mutiny designed to paralyse the country. Complaints had been submitted to the competent authority and 27 cases opened, leading to the dismissal of 25 police officers.

25. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that the National Committee against Racism and All Forms of Discrimination also included representatives of the 17 government ministries and the nine departmental governments. While the National Committee had been abolished under the de facto government, it had resumed its work following the return to democracy.

26. **A representative of the Plurinational State of Bolivia** said that the Constitution of 2009 accorded equal status to the ordinary and Indigenous justice systems, while the Jurisdiction Demarcation Act provided for complementarity and dialogue between them. The Constitutional Court had handed down landmark judgments and coordinated work to improve the Indigenous justice system. A special unit had been established within the Court to consider how to prevent duplicate judicial proceedings and to understand how the Indigenous jurisdiction functioned and how it could co-exist with the ordinary justice system in practice. One shortcoming in the country's legal system was the lack of interpreters and translators, given the large number of official languages.

27. A report by the Interdisciplinary Group of Independent Experts had identified deeply rooted racism and discrimination in some sectors of society as a key factor behind the 2019 crisis, together with the failure of Bolivian society to establish means of dialogue and understanding between its 36 nationalities. Over the previous four years, the Government had made progress in implementing the recommendations contained in the report. Indeed, a joint working group had been set up with the Inter-American Commission on Human Rights and had reported on the implementation of the recommendations. It was regrettable that the judiciary had created obstacles for victims to have access to justice and reparations but the Ministry of Justice and Institutional Transparency and the Attorney General's Office were working to overcome such obstacles.

28. Judgments had not yet been handed down in the cases concerning the events of 24 May 2008 in Sucre and of 11 September 2008 in Porvenir, Pando, reflecting the ongoing crisis in the Bolivian justice system. Despite evidence of serious acts of racism, discrimination and humiliation committed against members of Indigenous Peoples, the courts had decided to close the Sucre case; however, the Ministry of Justice and Institutional Transparency was working with the victims to apply for a remedy of *amparo* to overturn that decision. The Porvenir case was still pending before the Supreme Court as a result of various appeals and challenges by the perpetrators. It was unfortunate that the courts had been unable to meet the expectations of the victims in either case.

29. Data on each of the country's 36 nationalities would be collected during the 2024 population and housing census and used to compile statistics that would form the basis for developing public policy. The 2024 edition would be the first census to reach all households nationwide and would provide precise information on factors related to human development.

30. The Government continued its reform of the judicial system with a view to increasing the protection of the rights of vulnerable populations. It had established the Directorate General for the Protection of Original and Indigenous Peoples, recognizing that some of the country's Indigenous Peoples remained uncontacted and faced existential threats. Some progress had been made in the case of the Guaraní population who had been living in slavery-like conditions in the Department of Santa Cruz, through policies aimed at restoring their rights and lands.

31. **A representative of the Plurinational State of Bolivia** said that, between 2020 and 2022, over 25,000 Venezuelan nationals, one tenth of them children and adolescents, had been registered upon arrival in the Plurinational State of Bolivia. Supreme Decree No. 4576 of 2021 had been enacted to regularize the migration situation of foreign nationals; as a result, the situation of 4,328 people, including 445 children and adolescents, had been regularized. In addition, under Administrative Resolution No. 148 of 2020, the requirements for regularizing the migration status of children had been amended in order to protect Venezuelan migrant children from situations of vulnerability. The State guaranteed universal, equitable, timely and free access to health care under the single health system. Between 2019 and 2022, 286 Venezuelan migrant children under the age of 13 years had been registered in

the Plurinational State of Bolivia. Between 2012 and 2023, the country had recorded the births of 499 children born to Venezuelan mothers, 605 children born to Venezuelan fathers and 315 children born to two Venezuelan parents. Between 2019 and 2022, over 17,000 Venezuelan children had been enrolled in the education system.

32. The country's Child and Adolescent Information System was composed of five modules, including one that received information from Offices for the Defence of Children and Adolescents. The system was being modified to record whether a child belonged to a vulnerable group, allowing children or their parents to access protection services directly; pilot programmes would begin in 2024 and it was hoped that statistics could be collected from all municipalities. The number of children in institutional care had fallen from over 19,000 in 2007 to just over 5,000 in 2021. The number of children under the age of 6 years residing with their parents in places of deprivation of liberty had decreased by 19 per cent between 2019 and 2022. The Government was taking steps to introduce alternatives to imprisonment for mothers with young children.

33. **A representative of the Plurinational State of Bolivia** said that one measure to improve access to justice for Indigenous, original and campesino nations and peoples and Afro-Bolivians had been the creation of synergies between the Government and law enforcement to ensure that complaints of racism and discrimination could be handled by the police. In 2022, the National Summit against Racism and Discrimination had been organized with the participation of civil society organizations and other groups with the aim of facilitating reflection and analysis to develop transformative policies. One of the Summit's resolutions stated that the judiciary, the Public Prosecution Service and the Bolivian police force should comply with the Act on the Elimination of Racism and Racial Discrimination and implement the concept of legal pluralism. Accordingly, the Human Rights Directorate of the Bolivian police force had taken steps to eliminate racial profiling, racism and discrimination among law enforcement officials by disseminating the content of the Act and facilitating cooperation and coordination between the police and the Indigenous, original and campesino judicial system. Between 2021 and 2023, more than 12,000 public officials and police officers had received training on eliminating racism and discrimination in the ordinary and Indigenous justice systems, and more than 200 training sessions had been held.

34. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that a bill on the ratification of the Inter-American Convention against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance had been adopted by the Chamber of Deputies in 2017 and remained under consideration by the Senate. She pointed out that it was essential to measure people's changing attitudes to sensitive issues, such as racism and discrimination, in order to evaluate the qualitative success of efforts to dismantle patriarchy.

35. **Mr. Diaby** said that racism and racial discrimination seemed to have been a cause of unrest in the defence and security forces; he wondered whether any action had been taken to address them. In view of the continued complaints from the Afro-Bolivian population of discriminatory conduct and excessive use of force by law enforcement, he wished to know whether any criminal or disciplinary proceedings had been opened against alleged perpetrators. Regarding the census to be conducted in 2024, he would like to know about the possibilities for self-identification and the data collection mechanisms that would be used. Lastly, it would be useful to know whether national legislation, in particular the Act on the Elimination of Racism and All Forms of Discrimination, was fully aligned with the Convention and its definitions.

36. **Mr. Guissé** said that he wished to know the exact number of children who were living in prison with their parents and the ethnicity of those children. In reference to the Jurisdiction Demarcation Act, further information on measures to ensure effective cooperation between the ordinary and the Indigenous, original and campesino justice systems would be welcome. Lastly, he requested information on measures to combat the propagation of harmful stereotypes.

37. **Ms. Esseneme** said that she would appreciate information on steps taken by the State party to remedy shortcomings in support for victims of discrimination. An update on the

status of the four criminal cases involving discrimination in which the victims were receiving support from the Plurinational Victim Assistance Service would also be useful.

38. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that ongoing training and awareness-raising efforts formed part of the processes of decolonizing and dismantling patriarchy in the justice system. In that context, the Ministry of Culture, Decolonization and Dismantling of Patriarchy monitored cases involving racism to ensure the proper administration of justice and the issuance of appropriate penalties.

39. **A representative of the Plurinational State of Bolivia** said that the majority of the country's population was Indigenous and therefore subject to the Indigenous, original and campesino judicial system. The Constitutional Court ensured implementation of the Jurisdiction Demarcation Act and established dialogue between jurisdictions. The Indigenous, original and campesino judicial system had consolidated its jurisprudence, allowing it to function effectively and resolve matters that were not addressed by the ordinary system.

40. Prior to the reform of the criminal justice system, there had been over 1,000 children living in prisons with their parents; that figure had dropped to 127. The Government's policy goal was for there to be no children, of any ethnicity, living in prisons.

41. Lastly, he said that in recent years, the State had lacked clear public policies on reparations for victims. Victims of serious human rights violations received compensation from the State, but it was not sufficient. The Government therefore planned to draft a comprehensive law on reparations.

The meeting rose at 5.10 p.m.