



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia\*

1. The Committee considered the combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia<sup>1</sup> at its 3023rd and 3025th meetings,<sup>2</sup> held on 21 and 22 November 2023. At its 3042nd and 3043rd meetings, held on 5 December 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined twenty-first to twenty-fourth periodic reports of the State party and appreciates the fact that the report includes responses to the concerns raised by the Committee in its previous concluding observations.

3. The Committee welcomes the resumption of the dialogue with the State party after 10 years and the open and constructive manner in which the dialogue with the high-level delegation took place.

#### B. Positive aspects

4. The Committee welcomes the signing by the State party of 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 in 2015, and encourages it to ratify them.

5. The Committee also welcomes the following legislative measures taken by the State party:

(a) Act No. 937 of 2017 declaring the National Day for the Languages and Cultures of the Indigenous, Original and Campesino Nations and Peoples and of Afro-Bolivians;

(b) Act No. 870 of 2016 (the Ombudsman Act);

(c) Act No. 848 of 2016 declaring the Decade for Afro-Bolivian People;

(d) Act No. 450 of 2013 on the protection of highly vulnerable Indigenous and original nations and peoples;

(e) Act No. 370 of 2013 (the Migration Act);

\* Adopted by the Committee at its 111th session (20 November–8 December 2023).

<sup>1</sup> CERD/C/BOL/21-24.

<sup>2</sup> CERD/C/SR.3023 and CERD/C/SR.3025.



(f) Act No. 251 of 2012 (the Refugee Protection Act) and its implementing regulations;

(g) Act No. 139 of 2011 declaring the National Day against Racism and All Forms of Discrimination;

(h) Act No. 200 of 2011 declaring the National Day of the Afro-Bolivian People and their Culture;

(i) Act No. 073 of 2010 (the Jurisdiction Demarcation Act), which regulates the matters included in the scope of the Indigenous, original and campesino justice system and other constitutionally recognized justice systems.

6. The Committee also welcomes the following administrative and policy measures taken by the State party:

(a) Supreme Decree No. 4793 of 2022 regulating Act No. 450 of 2013 on the protection of highly vulnerable Indigenous and original nations and peoples;

(b) The Multisectoral Comprehensive Development Plan for Peaceable, Harmonious, Ethical and Environmentally Sustainable Living (Vivir Bien) – Against Racism and All Forms of Discrimination 2021–2025;

(c) The plan for marking the Decade for Afro-Bolivian People 2016–2024;

(d) The Multisectoral Plan for Combating Racism and All Forms of Discrimination of the Plurinational State of Bolivia 2016–2020;

(e) Ministerial Decision No. 050 of 2016 establishing the naturalization process for the refugee population in the Plurinational State of Bolivia;

(f) The Policy for Combating Racism and All Forms of Discrimination of the Plurinational State of Bolivia, Action Plan 2012–2015.

## C. Concerns and recommendations

### Statistics and socioeconomic indicators

7. The Committee acknowledges the State party's efforts to collect demographic and socioeconomic data through self-identification in the 2012 population and housing census. However, it notes with concern reports that this practice is not carried out in a systematic and rigorous manner. The Committee is concerned about the limitations affecting the collection of comprehensive data, the management of information systems and the updating and maintenance of databases, as these make it difficult to generate statistics and socioeconomic indicators on the Afro-Bolivian people and the migrant, refugee, asylum-seeking and stateless population. In addition, the Committee notes with concern that the criterion of self-identification is not systematically included in all administrative registers, official statistical instruments and complaint forms for acts of racism and discrimination. Despite the explanation provided by the State party's delegation, the Committee is concerned about the methodological shortcomings reported in the incorporation of the self-identification variable and in the training of survey takers for the 2024 population and housing census (arts. 1 and 2).

8. **Recalling the guidelines for reporting by States parties under the Convention<sup>3</sup> and reiterating that a lack of comprehensive statistics limits the State party's ability to recognize the disparities and structural discrimination that underpin and perpetuate racial discrimination and inequality and prevents it from assessing how all sectors of the population exercise their rights under the Convention, the Committee recommends that the State party:**

(a) **Ensure that all survey, planning and statistical instruments, including the 2024 population and housing census, and official administrative registers and complaint forms for acts of racism and other forms of discrimination systematically collect**

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<sup>3</sup> CERD/C/2007/1.

**comprehensive information on the principle of self-identification, as well as indicators of political and socioeconomic participation, disaggregated by race, colour, descent, national or ethnic origin, or any other relevant criteria, for the purpose of monitoring the implementation of the Convention, formulating evidence-based public policies and designing special measures for specific population groups;**

**(b) Conduct, in coordination with civil society, broad consultations and awareness-raising campaigns on the methodology and questions of the 2024 population and housing census, and carry out training and awareness-raising on the principle of self-identification for those responsible for designing the census form to ensure the collection of reliable data that accurately reflect the demographic composition of the population;**

**(c) Ensure the production, publication and regular dissemination of reports and statistical analyses on the demographic composition of the population, along with socioeconomic and political participation indicators, with particular emphasis on the Afro-Bolivian people and the migrant, refugee, asylum-seeking and stateless population in the State party;**

**(d) Adopt all measures necessary to ensure the proper updating and management of demographic databases and socioeconomic and human rights indicators, including by updating and strengthening the system of human rights indicators to allow free access to and regular dissemination of relevant information that will enable rights holders to know, monitor and assess the implementation and enjoyment of their rights under the Convention.**

#### **Status of the Convention in the domestic legal order**

9. The Committee notes the applicability of the Convention in the domestic legal order of the State party and the case law of the Plurinational Constitutional Court invoking some of the provisions of the Convention (Plurinational Constitutional Decisions No. 0426/2012, No. 0540/2012, No. 1487/2012, No. 0014/2013-L and No. 0897/2013). However, it regrets the lack of specific information on the applicability of the provisions of the Convention in all four types of autonomous entity, namely departments, regions, municipalities and Indigenous, original and campesino communities (arts. 1 and 6).

#### **10. The Committee recommends that the State party:**

**(a) Adopt all measures necessary to promote the application of the provisions of the Convention in all four types of autonomous entity, namely departments, regions, municipalities and Indigenous, original and campesino communities, including through training programmes for judges, prosecutors, lawyers, law enforcement officials, members of the Plurinational Legislative Assembly and other actors responsible for its application, and through information campaigns on the provisions of the Convention for rights holders, to ensure that its provisions are applied and invoked when appropriate by the national courts and other relevant forums;**

**(b) Raise public awareness of the communications procedure provided for in article 14 of the Convention, which establishes the competence of the Committee to receive and consider individual complaints;**

**(c) Include in its next periodic report specific examples of case law in which the provisions of the Convention have been applied by the four constitutionally recognized types of autonomous entity and other relevant forums;**

**(d) Consider establishing new forms of technical cooperation with the Office of the United Nations High Commissioner for Human Rights for the effective application of the provisions of the Convention and other human rights instruments in all four types of autonomous entity, namely departments, regions, municipalities and Indigenous, original and campesino communities.**

**Legislative measures to combat racism and all forms of discrimination**

11. The Committee is concerned that the Act on the Elimination of Racism and All Forms of Discrimination (Act No. 045/2010) does not expressly and clearly define and prohibit direct and indirect discrimination in both the public and private spheres. The Committee regrets that Act No. 045/2010 does not provide for the application of the principle of the reversal of the burden of proof in civil and administrative law cases concerning racial discrimination. Despite the reported increase in complaints of acts of racism and other forms of discrimination following the adoption of Act No. 045/2010, the Committee is concerned about the limited enforcement of the law and the low number of sentences imposed on perpetrators, with only one sentence imposed during the period 2010–2021. Furthermore, the Committee regrets the lack of information on protection and reparation measures for victims (arts. 2 and 6).

12. **Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reiterates that the absence or small number of complaints, prosecutions and sentences for acts of racial discrimination does not signify a lack of racial discrimination, but rather is a factual indicator of the existence and extent of racial discrimination in the justice system. The Committee recommends that the State party take all measures necessary to ensure the enforcement of legal provisions to combat racism and all forms of discrimination. To this end, the Committee recommends that the State party:**

(a) **Amend Act No. 045/2010 so that it expressly and clearly defines and prohibits direct and indirect discrimination in both the public and private spheres, and consider reversing the burden of proof in all civil and administrative law cases concerning racial discrimination;**

(b) **Ensure that all staff responsible for the enforcement of legal provisions to combat racism and all forms of discrimination receive specialized and systematic training on how to counter racism, and on how to investigate and prosecute cases of racism and discrimination;**

(c) **Ensure the conduct of thorough investigations into all complaints of acts of racism and discrimination and duly punish perpetrators, and apply judicial and non-judicial protection and reparation measures for victims;**

(d) **Redouble its efforts to conduct public awareness-raising campaigns that are culturally appropriate and delivered in Indigenous languages on the existence of legal provisions and complaint mechanisms intended to combat racism and all forms of discrimination, and encourage victims of such crimes to file complaints;**

(e) **Provide in its next periodic report updated statistics on all administrative, constitutional and criminal complaints filed with law enforcement bodies in the four types of autonomous entity, the investigations launched and their results and the protection and reparation measures granted to victims, with information disaggregated by, inter alia, the ethnic or national origin and the gender of the victims, in order to identify the most affected population groups;**

(f) **Take into consideration the practical guide to developing comprehensive anti-discrimination legislation<sup>4</sup> of the Office of the United Nations High Commissioner for Human Rights.**

**Institutional framework to combat racial discrimination**

13. The Committee recognizes the State party's efforts to establish an institutional framework for preventing and combating racial discrimination. However, it is concerned about reports that this institutional framework, which comprises the National Committee and the General Directorate against Racism and All Forms of Discrimination, is poorly designed and has insufficient financial, human and technical resources, which hinders the effective

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<sup>4</sup> See [https://www.ohchr.org/sites/default/files/documents/publications/2022-11-28/OHCHR\\_ERT\\_Protecting\\_Minority%20Rights\\_Practical\\_Guide\\_web.pdf](https://www.ohchr.org/sites/default/files/documents/publications/2022-11-28/OHCHR_ERT_Protecting_Minority%20Rights_Practical_Guide_web.pdf).

fulfilment of its mandate. Furthermore, the Committee is concerned about reports of the limited effectiveness of the departmental committees against racism established under Act No. 045/2010 (art. 2).

**14. The Committee recommends that the State party:**

(a) **Ensure the participation and broad consultation of all sectors of the population involved in the National Committee and the General Directorate against Racism and All Forms of Discrimination so that the public policies and programmes adopted reflect the plurality of opinions and perspectives of the different nations and peoples that coexist in the State party;**

(b) **Ensure effective coordination between the National Committee and the departmental committees against racism and all forms of discrimination so that they can fulfil their mandates effectively, and ensure that departmental committees have the financial, human and technical resources they need to carry out their work effectively;**

(c) **Strengthen the financial, human and technical capacities of the National Committee and the General Directorate against Racism and All Forms of Discrimination so that they can effectively fulfil their mandates to promote, design and implement public policies to combat racism and discrimination.**

**National human rights institution**

15. The Committee notes that the Global Alliance of National Human Rights Institutions accredited the Office of the Ombudsman of the Plurinational State of Bolivia with category A status. However, it is concerned about the lack of a clear, transparent, inclusive and merit-based selection process for the recruitment of the Deputy Ombudsman and the staff of the Ombudsman's office, and about the insufficient implementation of the recommendations made by the Ombudsman's office, which would strengthen the application of the Convention (art. 2).

**16. Recalling its general recommendation No. 17 (1997) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party establish and implement a clear, transparent, inclusive and merit-based process for the selection and appointment of the Deputy Ombudsman and the staff of the Ombudsman's office; ensure that the Ombudsman's office has sufficient financial, human and technical resources to carry out its mandate effectively and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); and implement the recommendations of the Ombudsman's office to strengthen the realization of the rights enshrined in the Convention.**

**Forms of multiple and intersectional discrimination**

17. The Committee reiterates its concern about the limited application, in practice, of the principle of non-discrimination, and about the persistence of socioeconomic, racial and gender disparities in the State party.<sup>5</sup> The Committee is concerned about the limited impact of actions aimed at preventing and combating the multiple and intersectional forms of discrimination faced by women, children and adolescents, older persons, persons with disabilities, and lesbian, gay, bisexual, transgender and intersex persons who belong to ethnic groups or who are migrants. The Committee notes with concern the reports of barriers preventing these groups from exercising their civil, political, economic, social and cultural rights, in particular their right of access to education, employment and health care and to the enjoyment of an adequate standard of living (arts. 1, 2 and 5).

**18. The Committee recommends that the State party take all measures necessary to combat the multiple and intersectional forms of discrimination faced by women, children and adolescents, older persons, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons belonging to Indigenous, original and campesino nations and peoples and the Afro-Bolivian population or who are migrants,**

<sup>5</sup> CERD/C/BOL/CO/17-20, para. 11.

refugees, asylum-seekers or stateless persons, among others, by including ethnic and gender perspectives and taking into account factors such as age, type of disability and reasonable accommodation, whether they live in an urban or rural area and sexual orientation and gender identity in all legislative, administrative and public policy measures aimed at combating all forms of racial discrimination.

#### **National plans to combat racism and all forms of discrimination**

19. The Committee is concerned about reports received of the limited application and negative assessment of the policy measures provided for under the Multisectoral Plan for Combating Racism and All Forms of Discrimination 2016–2020. While it welcomes the adoption of the Multisectoral Comprehensive Development Plan for Peaceable, Harmonious, Ethical and Environmentally Sustainable Living (Vivir Bien) – Against Racism and All Forms of Discrimination 2021–2025, the Committee is concerned that the Plan’s goals are largely based on actions and activities, without impact indicators to ensure substantive equality and the full enjoyment of human rights and fundamental freedoms by disadvantaged and marginalized groups (arts. 2 and 5).

20. **Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party:**

(a) **Develop benchmarks, baselines, targets and impact-oriented indicators within the framework of the implementation of the Multisectoral Comprehensive Development Plan for Peaceable, Harmonious, Ethical and Environmentally Sustainable Living (Vivir Bien) – Against Racism and All Forms of Discrimination 2021–2025, and ensure that it is subject to regular and independent assessment;**

(b) **Strengthen public awareness-raising campaigns on the Multisectoral Comprehensive Development Plan for Peaceable, Harmonious, Ethical and Environmentally Sustainable Living (Vivir Bien) – Against Racism and All Forms of Discrimination 2021–2025, and ensure that public officials in the four types of autonomous entity understand their duty to promote equity and equality in the fight against racial discrimination and the implementation of the Plan.**

#### **Programmes and plans for Indigenous, original and campesino nations and peoples**

21. While it notes the creation of the Development Fund for Indigenous, Original and Campesino Peoples, the Committee regrets the lack of information on the tangible results and impact of its implementation on the strengthening of health, education and sanitation systems, and on the resources allocated for its implementation (arts. 2 and 5).

22. **The Committee recommends that the State party adopt all measures necessary to ensure the effective implementation of the Development Fund for Indigenous, Original and Campesino Peoples, and of the programmes to promote their development within the framework of the Economic and Social Development Plan 2021–2025, ensuring the effective allocation of financial, human and technical resources to that end, and that it include in its next periodic report data on the tangible results and impact of these measures.**

#### **Programmes and plans for the Afro-Bolivian people**

23. The Committee welcomes the measures adopted, including the plan for marking the Decade for Afro-Bolivian People 2016–2024. However, it is concerned about information according to which the effective implementation of public policies aimed at guaranteeing non-discrimination and the protection of the human rights of the Afro-Bolivian people is limited. (arts. 2 and 5).

24. **The Committee recommends that the State party take all measures necessary to ensure the effective implementation of legislative, administrative and public policy measures aimed at guaranteeing non-discrimination and the recognition and protection of the human rights of the Afro-Bolivian people, ensuring the allocation of sufficient financial, human and technical resources, the establishment of inter-institutional coordination and monitoring mechanisms, and the effective participation of**

**Afro-Bolivians in the design, monitoring and assessment of such policies and in the institutions created for that purpose. It also recommends that the State party guarantee the inclusion of gender, intersectional and intercultural perspectives to ensure the equal enjoyment of the human rights by Afro-Bolivian women.**

**Prohibition of organizations and propaganda that promote and incite racial discrimination**

25. The Committee regrets that the State party has not amended its Criminal Code to bring it into conformity with the provisions of article 4 (b) of the Convention, as recommended by the Committee in its previous concluding observations,<sup>6</sup> since there is still no clear and explicit provision declaring illegal and prohibiting organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination (art. 4).

**26. Recalling its general recommendation No. 15 (1993) on article 4 of the Convention, the Committee reiterates its recommendation calling on the State party to amend its Criminal Code to bring it into conformity with article 4 (b) of the Convention and, as part of that process, include a clear and explicit provision declaring illegal and prohibiting organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination.**

**Racist hate speech and hate crimes**

27. Reiterating its previous concluding observations,<sup>7</sup> the Committee expresses its concern about the increasing use and normalization of racist speech and violence in the State party, including in the media, the Internet and social networking platforms, and discriminatory statements made by public officials and politicians. The Committee is also concerned about allegations of racist violence during the 2019 post-election crisis by organized groups, which allegedly resulted in clashes and deaths, and about the fact that only partial progress has been made in investigating those acts, dispensing justice and granting reparations. The Committee shares the concerns of the Human Rights Committee<sup>8</sup> and the Committee against Torture<sup>9</sup> about racist violence in the State party (art. 4).

**28. Recalling its general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Take the measures necessary to prevent, condemn and combat racist hate speech against Indigenous, original and campesino nations and peoples, the Afro-Bolivian people, migrants, asylum-seekers and refugees, including on the Internet and social networking platforms, and by public officials and politicians;**

(b) **Step up its efforts to curb the spread of racist hate speech in the media and on the Internet and social networking platforms in close cooperation with the providers of these services and the communities most affected by racist hate speech;**

(c) **Ensure that all cases of racist hate speech and hate crimes are thoroughly investigated, that those responsible are punished, that the general aggravating factor provided for in the Criminal Code for all crimes motivated by racism and/or discrimination is duly applied where appropriate, and that judicial and non-judicial reparations are provided to victims or their families;**

(d) **Take the measures necessary to ensure that instances of racist hate speech and hate crimes are systematically documented, including by establishing a system for collecting data on these crimes, disaggregated by, among other factors, the ethnicity, nationality and gender of the victims;**

<sup>6</sup> Ibid., para. 15.

<sup>7</sup> Ibid., para. 17.

<sup>8</sup> CCPR/C/BOL/CO/4, para. 10.

<sup>9</sup> CAT/C/BOL/CO/3, para. 20.

(e) **Fully and effectively implement all recommendations of the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights on the acts of violence and human rights violations that occurred between 1 September and 31 December 2019.**

#### **Excessive use of force and racial profiling**

29. The Committee is concerned about the various allegations received regarding the excessive use of force by law enforcement officials against members of ethnic groups who were participating in peaceful protests in the context of the 2019 post-election crisis. The Committee is also concerned about the continued use of racial profiling by police officers and other law enforcement officials, which particularly affects Indigenous persons, Afro-Bolivians, migrants, asylum-seekers and refugees (arts. 2, 4, 5 and 6).

30. **Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) **Take all measures necessary to ensure the exercise of the right to peaceful assembly without any discrimination on the grounds of race, colour, descent or national or ethnic origin;**

(b) **Adopt legislation that explicitly prohibits the use of racial profiling by law enforcement officials, and take the measures necessary to prevent and eradicate the practice of racial profiling, including through ongoing training of law enforcement personnel;**

(c) **Adopt and implement continuous training programmes for law enforcement officials on the use of force in accordance with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(d) **Ensure that all cases of police and institutional violence, and violence resulting from racial profiling, are investigated, that those responsible are punished and that adequate reparations are provided to victims and their families.**

#### **Right to consultation and free, prior and informed consent**

31. The Committee notes with concern that the current regulatory framework on prior consultation is sectoral, fragmented and does not uphold international and regional standards on the right to consultation and free, prior and informed consent of the Indigenous, original and campesino nations and peoples and the Afro-Bolivian people. It is also concerned about allegations regarding the granting of licences for mining activities, hydrocarbon production and the carrying out of infrastructure projects, which have the potential to contaminate soil and to affect the traditional livelihoods of these peoples, without systematically holding consultations in order to obtain the free, prior and informed consent of the affected communities. The Committee expresses its concern about the alleged violation of the constitutional right to prior consultation in the Ayllu Acre Antequera community (arts. 2 and 5).

32. **The Committee recommends that the State party:**

(a) **In consultation with the Indigenous, original and campesino nations and peoples and the Afro-Bolivian people, and taking into account their cultural characteristics, ways and customs, develop and implement an effective, appropriate and legally binding national law and related protocols, which should include clear requirements as to the form that consultations should take and the representation of affected communities, to ensure full respect for their right to be consulted and to obtain their free, prior and informed consent in relation to all decisions that may affect them, and consider requesting technical support from the Expert Mechanism on the Rights of Indigenous Peoples of the Human Rights Council to this end;**



(b) **Adopt the administrative measures necessary to ensure that prior consultations are carried out in a systematic and transparent manner in order to obtain the free, prior and informed consent of Indigenous, original and campesino nations and peoples and the Afro-Bolivian people in relation to all decisions that may affect them, in particular before prospecting and mining exploration programmes or activities are undertaken and before licences are granted for infrastructure or mining, gas or oil production projects in the lands and territories that they have traditionally owned, occupied or used;**

(c) **Systematically conduct, as part of the prior consultation process, independent studies on the social, environmental and human rights impact of large-scale investments or natural resource exploitation projects on affected communities, and publish the results of such studies;**

(d) **Ensure, in practice, that the Indigenous, original and campesino nations and peoples and the Afro-Bolivian people affected by economic activities and the exploitation of natural resources in their territories are consulted, receive compensation for any damage or loss, and gain tangible benefits from such activities.**

#### **Indigenous and original nations and peoples in a highly vulnerable situation**

33. While it notes the measures adopted in this connection, the Committee expresses concern about the limited implementation of legislative measures and protection plans for Indigenous and original nations and peoples in a highly vulnerable situation, in particular Indigenous Peoples in voluntary isolation and in an initial-contact situation. The Committee is also concerned that, despite the establishment of comprehensive protection zones for these peoples, infrastructure development and natural resource exploitation projects, and the encroachment by third parties on their lands to carry out logging, fishing, hunting and mining activities, continue to threaten their health and their physical and cultural survival. The Committee is also concerned about allegations of violations of the rights of the Tsimane Indigenous People of Yacuma (arts. 2 and 5).

34. **The Committee recommends that the State party:**

(a) **Redouble its efforts to apply Act No. 450 of 2013 and its implementing regulations, respecting and upholding “the principle of no contact” and the right to self-determination, with a view to designing and implementing territorial and health action plans and protocols, and contingency protocols in situations of contact, particularly in the Oriente, Chaco and Bolivian Amazon regions, and ensure the effective enforcement of the Criminal Code provisions applicable to this matter;**

(b) **Ensure the allocation of sufficient financial, human and technical resources to the General Directorate for the Protection of Indigenous and Original Nations and Peoples so that it can carry out its mandate effectively, and accelerate the implementation of the comprehensive monitoring system for Indigenous and original nations and peoples in a highly vulnerable situation;**

(c) **Effectively implement the action plan for the protection of the Tsimane Indigenous People of Yacuma, respecting their cultural characteristics, ways and customs, and ensure that effective measures are taken to protect and grant titles for their land and to guarantee their physical and cultural survival.**

#### **Right to self-determination and self-governance**

35. The Committee is concerned about reports that Indigenous and original communities are facing obstacles to obtaining autonomous status, and the slowness of related proceedings. The Committee is also concerned about reports that the State party’s institutional framework is ill-suited to granting autonomous status to Indigenous, original and campesino communities, which has an impact on self-governance decisions and on the provision of resources by the central Government (arts. 2 and 5).

36. **The Committee recommends that the State party take all measures necessary to facilitate the attainment of autonomous status for Indigenous communities, including by adapting the State’s institutional and administrative framework to guarantee, in**

**practice, the rights to self-determination and self-governance of Indigenous communities, and ensure the allocation of sufficient financial, human and technical resources to that end.**

#### **Right to collective titling of lands and territories**

37. While it notes the measures adopted in this connection, the Committee is concerned about reports of limited progress and pending processes in relation to the demarcation, registration and titling of the lands and territories of Indigenous, original and campesino nations and peoples. It is also concerned about the adverse impact caused by the expansion of extractive and agricultural activities in these territories, despite the measures adopted (arts. 2 and 5).

**38. The Committee recommends that the State party accelerate recognition, demarcation, registration and titling processes in order to provide Indigenous, original and campesino nations and peoples with legal certainty regarding the territories, lands and natural resources traditionally occupied and used by these peoples, guaranteeing the allocation of sufficient financial, human and technical resources to the National Agrarian Reform Institute.**

#### **Cultural rights**

39. The Committee is concerned that the limited protection and demarcation of the ancestral lands and territories of Indigenous, original and campesino nations and peoples undermines the exercise of their cultural rights. It is also concerned about the reported shortcomings in the protection and promotion of the rights and cultural heritage of the Afro-Bolivian people (arts. 2 and 5).

**40. The Committee recommends that the State party:**

(a) **Take all the measures necessary to enable Indigenous, original and campesino nations and peoples to preserve, develop, express and share their identity, history, culture, languages, traditions and customs and to maintain their spiritual relationship with their lands, territories and resources;**

(b) **Adopt all the measures necessary to encourage the promotion, preservation, expression and dissemination of the cultural identity and historical legacy of the Afro-Bolivian people.**

#### **Right to education**

41. While it welcomes the results achieved in reducing illiteracy, the Committee expresses its concern about the reported high dropout rates in secondary schools, especially in rural and outlying areas, affecting mostly Indigenous and Afro-Bolivian students. The Committee is also concerned about the persistence of discriminatory stereotypes and prejudices in the education sector, this being the sector where the highest percentage of complaints of racism and discrimination was recorded in 2022. The Committee is also concerned about the limited implementation of intra- and intercultural education, particularly for the Afro-Bolivian people (arts. 2 and 5).

**42. The Committee recommends that the State party:**

(a) **Take all measures necessary to effectively combat racist stereotypes, attitudes and harassment and discriminatory prejudices in the education sector and ensure that educational institutions and their staff do not reproduce these stereotypes;**

(b) **Take the measures necessary to reduce school dropout rates, particularly in secondary schools, in order to ensure the retention and development of Indigenous and Afro-Bolivian students in remote and isolated areas;**

(c) **Take the measures necessary to ensure the integration and effective implementation of intra- and intercultural education in all regions and departments of the State, paying special attention to Afro-Bolivian people residing outside the Department of La Paz.**

### **Right to health**

43. The Committee notes with concern the reported structural deficiencies of Act No. 1152 of 2019 on the unified health system, which affect Indigenous and Afro-Bolivian persons living in rural and remote areas and which have been compounded in the context of the coronavirus disease (COVID-19) pandemic. It is also concerned about the reportedly insufficient resources allocated for the effective implementation of the Intercultural Community Family Health Policy (arts. 2 and 5).

44. **The Committee recommends that the State party:**

(a) **Take all measures necessary to strengthen the unified health system and to ensure the accessibility, availability, quality and cultural acceptability of health services for members of Indigenous, original and campesino nations and peoples and the Afro-Bolivian people, guaranteeing the allocation of sufficient financial, human and technical resources to that end;**

(b) **Redouble its efforts to implement the Intercultural Community Family Health Policy in an inclusive manner with all social sectors involved.**

### **Sexual and reproductive rights**

45. The Committee expresses its concern about the reported high incidence of maternal mortality, obstetric violence and teenage pregnancy, which particularly affects Indigenous and Afro-Bolivian women living in rural and isolated areas (arts. 2, 5 and 6).

46. **The Committee recommends that the State party:**

(a) **Take all measures necessary to reduce the incidence of maternal mortality among Indigenous and Afro-Bolivian women;**

(b) **Ensure that all women, particularly Indigenous and Afro-Bolivian women, have access to family planning services and contraceptive drugs and can benefit from effective measures to help reduce teenage pregnancy, in consultation with representatives of the Afro-Bolivian people and Indigenous, original and campesino nations and peoples;**

(c) **Take effective measures to ensure that anti-racism and human rights training is dispensed to all medical and health care staff involved in delivering sexual and reproductive health services to Afro-Bolivian and Indigenous women, including women with disabilities and lesbian, bisexual, transgender and intersex women, ensuring the inclusion of gender perspectives therein and accountability and reparations for any form of obstetric violence.**

### **Situation of Indigenous, Afro-Bolivian and migrant women**

47. While it notes the measures adopted by the State party in this connection, the Committee notes with concern the multiple forms of discrimination based on race, colour, ethnic, national or regional origin, language, age, disability and gender faced by Afro-Bolivian, Indigenous and migrant women in all areas of social, political, economic and cultural life (arts. 2, 5 and 6).

48. **Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party:**

(a) **Redouble its efforts within the framework of the Plurinational Policy for Decolonization and Dismantling the Patriarchy to eliminate deep-rooted gender and racial stereotypes with a view to changing patriarchal and discriminatory attitudes and promoting the equal sharing of family responsibilities between men and women;**

(b) **Take all measures necessary to promote the full access of women, in particular Afro-Bolivian, Indigenous and migrant women, to employment, social security, health care and services, education, land and income-generating activities, among others;**

(c) **Redouble its efforts to implement the Act on political harassment and violence against women, ensuring, in practice, the prevention of cases of political harassment and violence against Afro-Bolivian and Indigenous women, the investigation of such cases and the application of protection measures for the victims.**

#### **Situation of migrants, refugees and asylum-seekers**

49. While it notes the regulations in force in the State party in this connection, the Committee is concerned about the reported obstacles preventing migrants, refugees and asylum-seekers from gaining access to the refugee status determination procedure, obtaining appropriate documentation, and gaining access to education, employment and health services. It is also concerned about the alleged risk of statelessness faced by children born to foreign parents who are in an irregular migration situation (arts. 2 and 5).

50. **The Committee recommends that the State party:**

(a) **Ensure the full and effective implementation of the provisions of and the safeguards provided for in Act No. 251 of 2012 (the Refugee Protection Act) and its implementing decree, in particular by providing unfettered access to the asylum system, and consider strengthening technical cooperation with the Office of the United Nations High Commissioner for Refugees to that end;**

(b) **Ensure that the procedures followed by the Directorate General of Migration for the identification and return of migrants in an irregular situation, in particular Venezuelan and Haitian nationals, are carried out in accordance with the legislation in force;**

(c) **Apply comprehensive measures aimed at facilitating the social integration of migrants, asylum-seekers and refugees, in accordance with Act No. 251 of 2012, in coordination with the National Commission for Refugees and other entities responsible for employment, health and education;**

(d) **Adopt effective protocols to eliminate any barriers or administrative practices that prevent children born in the State party to foreign parents who are in an irregular migration situation and/or who are undocumented from being registered at birth, in order to remove the risk of statelessness.**

#### **Access to and administration of justice**

51. While it notes that the State party is in the process of reforming the judicial system, the Committee expresses its concern about the reported long-standing structural problems in the system for the administration of justice, such as the lack of judicial independence, insufficient budget and limited geographical coverage, which hinder access to and the delivery of justice for marginalized and disadvantaged ethnic groups who are the targets of acts of racism and discrimination. The Committee is also concerned about the fact that judicial services, including translation, interpretation and cultural expertise, are seldom accessible in Indigenous languages, which disproportionately affects Indigenous and Afro-Bolivian persons, particularly women, during judicial proceedings. The Committee shares the concerns of the Human Rights Committee<sup>10</sup> and the Committee against Torture<sup>11</sup> regarding the independence and administration of the justice system (arts. 5 and 6).

52. **The Committee recommends that the State party:**

(a) **Accelerate the process of reforming the judicial system, ensuring and protecting the full autonomy, independence and impartiality of judges and prosecutors and guaranteeing that they can carry out their work free from undue pressure and interference, in accordance with the Basic Principles on the Independence of the Judiciary, and ensure that they are in a position to protect victims of racial discrimination;**

<sup>10</sup> CCPR/C/BOL/CO/4, para. 26.

<sup>11</sup> CAT/C/BOL/CO/3, para. 22.

(b) **Ensure that the coverage of the justice system extends to the entire territory of the State party, in particular remote and isolated areas, guaranteeing the availability of translation and interpretation services in Indigenous languages and cultural and intercultural expertise, and ensure the allocation of sufficient financial, human and technical resources for its proper functioning;**

(c) **Ensure that the Plurinational Public Defence Service has sufficient financial, human and technical resources to carry out its mandate in an effective and timely manner throughout the country;**

(d) **Continue to implement the recommendations and decisions adopted by various international and regional human rights mechanisms regarding the reform of the system for the administration of justice, in particular the recommendations made by the Human Rights Committee, the Committee against Torture, the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights and the Special Rapporteur on the independence of judges and lawyers during his visit to the Plurinational State of Bolivia.**

### **Traditional Indigenous justice**

53. The Committee reiterates its concern about the fact that the Jurisdiction Demarcation Act (Act No. 073) of 2010 is not in line with the Constitution or the Convention.<sup>12</sup> It also regrets the lack of updated information on specific mechanisms to ensure coordination and effective cooperation between the Indigenous and the ordinary justice systems. The Committee is also concerned about allegations that the ordinary justice system does not, in practice, recognize the procedures of the Indigenous justice system, despite the Constitution's according them the same rank, and that the Indigenous justice system does not offer effective remedies (arts. 5 and 6).

54. **The Committee recommends that the State party:**

(a) **Review and amend Act No. 073 of 2010 (the Jurisdiction Demarcation Act) to bring it into line with the Constitution and apply, in law and in practice, the principle of hierarchical equality of the Indigenous and the ordinary justice systems, expanding the scope of the Indigenous justice system to cover personal, material and territorial matters;**

(b) **Establish specific mechanisms to ensure coordination and cooperation between the Indigenous and the ordinary justice systems, respecting the principle of hierarchical equality, and ensure that anti-racism, anti-discrimination and human rights training is dispensed to all officials in the justice system;**

(c) **Ensure the allocation of sufficient financial, human and technical resources to the Indigenous, original and campesino justice system so that it can effectively carry out its mandate.**

### **Racism in sport**

55. The Committee notes the adoption of the National Sports Act (Act No. 804 of 2016) and its implementing regulations (Supreme Decree No. 3116 of 2017), which provide for measures to combat racism, racist hate speech and hate crimes. However, it is concerned about continued acts of racism and discrimination and incidents of racist speech and violence in sports, particularly in soccer (arts. 4–7).

56. **The Committee recommends that the State party redouble its efforts to fully apply legislative measures to combat racism and discrimination and racial hatred and racist violence in sports, particularly in soccer, and that it develop mechanisms to measure their impact that will involve and ensure the active participation of the individuals and communities most affected by these acts. It also recommends that measures be taken to ensure that such acts are duly investigated and that those responsible are identified and punished.**

<sup>12</sup> CERD/C/BOL/CO/17-20, para. 22.

### **Combating racial prejudice and intolerance**

57. While it acknowledges the measures taken by the State party to combat racial prejudice and intolerance, the Committee reiterates its concern<sup>13</sup> about the lack of application, in practice, of the principle of non-discrimination and of effective measures to address the structural racism, stereotypes, prejudices and racial tensions that are entrenched in Bolivian society, which hinders intercultural acceptance and the building of a pluralistic society (arts. 2, 5 and 7).

58. **The Committee recommends that the State party:**

(a) **In consultation with representatives of Indigenous, original and campesino nations and peoples, the Afro-Bolivian people and organizations concerned with defending the rights of migrants, design and implement guidelines to combat structural and institutional racism and entrenched stereotypes and prejudices based on race, colour, gender and national, regional or ethnic origin, among others, at the national, departmental and municipal levels, and campaigns to raise public awareness of the negative effects of racial discrimination;**

(b) **Create, through the departmental committees against racism and all forms of discrimination, spaces and mechanisms for broad and open intercultural dialogue for Bolivian society as a whole, ensuring the participation of representatives of Indigenous, original and campesino nations and peoples, the Afro-Bolivian people and organizations concerned with defending the rights of migrants, with the aim of fostering tolerance and mutual understanding of the diversity of the different peoples and nations of the State party.**

### **Human rights defenders**

59. The Committee is concerned about allegations of acts of reprisals, intimidation, threats and improper use of judicial proceedings against human rights defenders, in particular leaders and members of Indigenous, original and campesino nations and peoples, in the context of defending their rights in the face of major investment and natural resource exploitation projects in their territories and lands (arts. 2, 5 and 6).

60. **The Committee recommends that the State party:**

(a) **Investigate all attacks and complaints of reprisals, intimidation, threats and disproportionate use of criminal proceedings against human rights defenders, in particular against leaders and members of Indigenous, original and campesino nations and peoples, the Afro-Bolivian people and the migrant population who defend their rights;**

(b) **Adopt a policy and programme for the protection of human rights defenders that ensures broad and adequate consultation with all stakeholders during the design, implementation and monitoring process;**

(c) **Review and amend article 232 bis of the Criminal Code on trespassing in mining areas in order to eliminate any disproportionate restrictions that may result in the prosecution of environmental rights defenders, in particular those who defend their rights in the face of large-scale economic development projects in their territories.**

## **D. Other recommendations**

### **Follow-up to the Durban Declaration and Programme of Action**

61. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related**

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<sup>13</sup> Ibid., para. 11.

Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### International Decade for People of African Descent

62. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies in collaboration with organizations and the Afro-Bolivian people. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### Consultations with civil society

63. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### Dissemination of information

64. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, including at the municipal level, and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

#### Common core document

65. The Committee encourages the State party to update its common core document, which dates to 2004, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.<sup>14</sup> In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

#### Follow-up to the present concluding observations

66. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 20 (national plans to combat racism and all forms of discrimination), and 34 (Indigenous and original nations and peoples in a highly vulnerable situation).

#### Paragraphs of particular importance

67. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12 (legislative measures to combat racism and all forms of discrimination), 22 (programmes and plans for

<sup>14</sup> [HRI/GEN/2/Rev.6](#), chap. I.

**Indigenous, original and campesino nations and peoples), 50 (situation of migrants, refugees and asylum-seekers) and 52 (access to justice) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.**

**Preparation of the next periodic report**

68. The Committee recommends that the State party submit its combined twenty-fifth to twenty-ninth periodic reports, as a single document, by 1 October 2027, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>15</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.

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<sup>15</sup> [CERD/C/2007/1](#).