



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 3025th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 22 November 2023, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3 p.m.

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

Combined twenty-first to twenty-fourth periodic reports of the Plurinational State of Bolivia (continued) (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. **Mr. Diaby** (Country Rapporteur) said that he would appreciate information on the steps taken by the State party to adopt a legal framework to guarantee the right of Indigenous Peoples to free, prior and informed consent in respect of measures that might affect them. He would be interested to know how the State party applied article 115 of the Hydrocarbons Act (No. 3058) of 17 May 2005, which required that consultations be held in good faith and in conformity with the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization. He wondered whether any measures were envisaged on behalf of 14 communities of the Tsimane Indigenous People of Yacuma, who had been deprived of their ancestral lands and excluded from the health and education systems. He would be interested to know what efforts were being made to bring consultation processes into line with international standards on free, prior and informed consent and how such consent was obtained in practice, especially in the context of mining operations.
4. The Committee would be grateful for information on measures to provide legal certainty to Indigenous, original and campesino nations and peoples concerning their traditional lands, territories and natural resources, including measures to facilitate access to land rights. It would be interesting to know what steps had been taken under Act No. 450 of 4 December 2013 on the Protection of Highly Vulnerable Indigenous and Original Nations and Peoples, including in respect of uncontacted Indigenous Peoples.
5. He wondered whether the State applied a gender-sensitive and culturally appropriate approach to combating multiple discrimination against Afro-Bolivians. It would be useful to know whether special measures had been introduced to improve literacy among Indigenous women and girls and to assist them in entering higher education. He would be grateful for more information on measures to improve education quality, including in rural areas, in order to reduce the education gap between Indigenous and Afro-Bolivian children and children belonging to other groups. He would be interested to know how the State party guaranteed the accessibility, availability and quality and cultural acceptability of health care for Indigenous Peoples, and what steps it took to train health-care personnel to prevent stigmatization, especially in rural areas.
6. The Committee would be interested to know what measures had been adopted with respect to intercultural and multilingual education, including in respect of funding and teacher training. How did the State party plan to improve the training of teachers so that they could provide an inclusive education that took into account the culture and needs of students? How did it address limitations to access and bridge the technological divide that affected Indigenous and rural children and adolescents? Did the State party plan to collect disaggregated data on the school dropout rate?
7. Furthermore, he wondered how the State party ensured that members of Indigenous and original peoples and Afro-Bolivians, particularly those living in rural areas, could obtain an identity card upon reaching adulthood; how it ensured timely birth registration, especially that of Bolivian children born to foreign parents; and whether other mechanisms were in place to prevent statelessness. The Committee would welcome information on how the authorities compiled and shared data on employment among Indigenous people and Afro-Bolivians, and on whether that data was disaggregated by sex in order to consider the situation of Indigenous and Afro-Bolivian women. Did the State party plan to collect

disaggregated data, based on self-identification, on coronavirus disease (COVID-19) patients in order to ensure the provision of culturally appropriate health services?

8. He would appreciate information on measures taken to combat multiple and intersectional discrimination affecting Indigenous and Afro-Bolivian women and to increase their participation in public and political life. He wondered what steps had been taken to disseminate information in Indigenous languages and languages spoken by Afro-Bolivians to combat violence against women, how many incidents of violence and femicide involving Indigenous and Afro-Bolivian women had been recorded during the preceding five years and what the status was of investigations carried out in such cases.

9. **Mr. Guissé** (Country Task Force) said that he would be interested to know what specific measures had been adopted to protect human rights defenders, especially those who defended Indigenous Peoples and Afro-Bolivians; how many cases of violence and threats against such persons had been reported; and how many investigations had been conducted. It would be interesting to know whether the State party planned to enshrine the Declaration on Human Rights Defenders in law. He wondered what measures the State party was taking to protect members of the Ayllu Acre Antequera community, who claimed to have been threatened by a mining company.

10. Recalling that, in its previous concluding observations ([CERD/C/BOL/CO/17-20](#)), the Committee had expressed concern about the lack of identity documents, cases of arbitrary refoulement of refugees and the lack of national legislation consistent with international standards on the protection of refugees, he asked whether the State party had any laws that protected the rights of refugees and provided for them to be issued with free identity documents. The delegation might provide information on the State party's efforts to enact national legislation consistent with international law to prevent the forcible return of refugees to countries where they might be at risk of serious human rights violations. It might also comment on reports that Peruvian, Colombian, Venezuelan and Haitian nationals were particularly exposed to discrimination and xenophobia. What measures had the State party taken to prevent violence and harassment committed against migrants by law enforcement personnel and to prosecute and punish those responsible? What measures had been taken to combat xenophobia and racism against asylum-seekers?

11. The Committee had been informed that the Refugee Protection Act (No. 251) of 20 June 2012 and Supreme Decree No. 1440 of 19 December 2012, although generally consistent with international refugee law, made no provision for a process to determine the best interests of unaccompanied or separated minors. He therefore wished to know what measures the State party had taken to guarantee the rights of unaccompanied children. He would be grateful for an update on the applicability of Decision No. 148/2020, whereby Venezuelan nationals under the age of 18 years could regularize their status upon presentation of a copy of their birth certificate. He wondered whether the Government planned to adopt a protocol for the support of unaccompanied and separated minors in need of international protection.

12. As the State party had not provided information on the number or the characteristics of stateless persons in the Plurinational State of Bolivia, put in place a statelessness determination procedure or established a legal framework for the protection of stateless persons, he would be interested to know if it planned to address those shortcomings in order to better comply with its obligations under article 5 of the Convention.

13. Moreover, he would welcome information on efforts to overcome the problems that had been reported in relation to the single health system, which benefited foreigners not covered by the short-term social security scheme, but whose implementation had been hampered by political problems and the coronavirus disease (COVID-19) pandemic.

14. **Ms. Tebie** said that she wished to know what steps had been taken to increase the participation of Indigenous Peoples in public life and in the State party's decision-making bodies, and what was being done to address the root causes of structural poverty, which disproportionately affected Indigenous Peoples. She would also appreciate details regarding any steps taken to protect the rights of Indigenous and original peoples affected by mining operations and to guarantee their rights to health and education. She would be grateful if the State party could provide information on the composition of the Ombudsman's Office, the

appointment of its members, the resources allocated to it and its connection with other institutions.

15. **Mr. Diaby** said that he would be interested to know what efforts had been made to address alleged discrimination against Indigenous Peoples and Afro-Bolivians in the defence and security forces and whether any investigations had been carried out in that regard. He would appreciate up-to-date statistics on hate crimes, including on the types of offence committed. He wondered what steps had been taken to prohibit organizations that incited racial hatred and to prevent hate speech and incitement to racial discrimination, xenophobia and violence in the media and online. He would be interested to know how hate speech was investigated and punished and whether the State party had a system for the collection of data in that regard.

16. **Ms. Ali Al-Misnad** said that she wished to know whether the different types of school mentioned in the State party's report employed a standard curriculum in addition to their specialist programmes. Having read reports that only one in seven children progressed to secondary education and that approximately 1 million people aged 15 years and above were illiterate, she would be grateful if the State party could provide more information on access to and completion of education. She wondered whether schools run by Indigenous communities received subsidies from the Government. The delegation might also comment on reports that children from Indigenous or ethnic minorities were dropping out of school due to a lack of knowledge of Spanish and that teachers had gone on strike over low payment.

17. **The Chair** said that she was curious to know how effective the process of land redistribution had been and whether the Government had experienced opposition to its efforts to dismantle the patriarchy.

The meeting was suspended at 3.30 p.m. and resumed at 3.40 p.m.

18. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that the police mutiny that had taken place during the coup d'état of 2019 had been driven not by the participants' concerns about racism and discrimination, but by their demands that the then President should resign. Their actions had contributed to a breakdown in the constitutional order which had led to serious human rights violations. The coup had had significant religious and anti-Indigenous overtones and had included acts of discrimination and racism towards people of Indigenous origin and symbols of their identity. The adoption by the de facto government of a supreme decree granting the security forces impunity from criminal responsibility had flouted international human rights standards and encouraged violent repression, particularly of Indigenous persons.

19. Regarding allegations of excessive use of force committed against the Afro-Bolivian population, a review of police records had found no complaints of such violence, nor indications of the use of racial profiling. Any allegations of aggression by the police, regardless of the ethnicity of the person concerned, were dealt with through the normal disciplinary channels and referred to the ordinary justice system where appropriate.

20. Ahead of the 2024 population and housing census, the National Institute of Statistics had established an inter-institutional technical committee specializing in self-identification and languages, which would provide technical support for the inclusion of those criteria in the census questionnaire. Questions would allow respondents to self-identify as members of Indigenous, original and campesino nations and peoples, or as Afro-Bolivians, and to indicate whether they spoke Indigenous languages. Self-identification would be based on two criteria: cultural or ethnic belonging and territorial belonging, both of which would be taken into consideration. In developing the census, the Government had coordinated its efforts with the National Council of Ayllus and Markas of Qullasuyu, which brought together some 20 nationalities from the Andean region, and with more than 30 nationalities from lowland areas. It was envisaged that the census would yield data on socioeconomic and linguistic characteristics of the population, including the most vulnerable population groups, in order to facilitate the targeted provision of services in areas such as health care, education and housing.

21. The State used various systems that incorporated indicators of ethnic origin. For example, the Central Register of Students collected information on students' cultural

belonging and language on a yearly basis. The prison system maintained statistical records on persons deprived of their liberty, including Indigenous persons and Afro-Bolivians.

22. **A representative of the Plurinational State of Bolivia** said that the National Committee against Racism and All Forms of Discrimination had a technical secretariat composed of nine officials and a budget for activities related to prevention and sanctions. The National Summit against Racism and Discrimination held in 2022 had led to the development and adoption of the Plurinational Policy on Decolonization and Dismantling of Patriarchy and the adaptation of the internal staff regulations of all public bodies with the aim of preventing and punishing racism and discrimination at all levels of government. The Summit's 34 resolutions included the recommendation that media organizations and professionals should implement mechanisms to monitor practices and instances of discrimination and racism and should introduce self-regulation measures. Universities and higher education institutions should conduct research on forms of racism and discrimination in order to inform policies to prevent them. The Summit conclusions had also stated that the judiciary, the Public Prosecution Service and the Bolivian police force should duly uphold the laws on racism and discrimination and that Act No. 045 on the Elimination of Racism and All Forms of Discrimination should be updated to include the media, social networks and e-government and to ensure its application in accordance with the principle of legal pluralism.

23. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that the Multisectoral Comprehensive Development Plan for *Vivir Bien* – Combating Racism and All Forms of Discrimination 2021–2025, which had recently been adopted with a budget of 918 million bolivianos (Bs), covered the social, productive and political spheres. Under the Plan, steps were being taken to report and prevent acts of racism and discrimination and to combat gender-based violence. Efforts were being made to increase access to adequate housing, to promote and protect the concept of decent work and to strengthen the national public health system on the basis of equality and non-discrimination.

24. **A representative of the Plurinational State of Bolivia** said that racism and discrimination were classed as offences under article 281 of the Criminal Code. During the period 2020–2021, the Attorney General's Office had received 317 complaints of racism, which had led to one conviction, and 1,643 complaints of discrimination. Eighty per cent of discrimination cases had been resolved and 16 cases were being tried. In 2021, the National Committee against Racism and All Forms of Discrimination had recorded 98 complaints of racism or discrimination, of which 93 had been addressed through administrative channels and 5 referred to the ordinary justice system. No acts of racism or discrimination committed by public authorities or law enforcement officials against Indigenous or Afro-Bolivian individuals had been reported in 2022 or 2023.

25. As at August 2023, records showed that approximately 27,500 people were deprived of their liberty, of whom about 6,800 belonged to Indigenous, original and campesino nations and peoples or were Afro-Bolivian. The courts employed 562 specialists, translators and interpreters working with the country's official languages, and 140 working with foreign languages.

26. In recent years, the judiciary had adopted an institutional gender equality policy and a protocol on judging with a gender perspective in order to improve access to justice for women and vulnerable populations and safeguard their human rights; it was hoped that the policy and the protocol would address the multiple forms of discrimination historically faced by Indigenous women in accessing justice. The criteria for interpreting the protocol aligned with the intersectional approach adopted by the Inter-American Court of Human Rights; in cases involving Indigenous women, the principles, values and norms of the Indigenous people or nations to which they belonged were taken into account. The State also guaranteed access to justice for Indigenous women through special criminal investigation units in both the police force and the Attorney General's Office, while the Ministry of Justice and Institutional Transparency provided services for the support and protection of victims.

27. A commission tasked with the submission of State party reports and follow-up to the recommendations of international human rights mechanisms, including concluding observations, had been established in 2022. Composed of representatives of the Ministry of

Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General's Office, it coordinated with State entities through requests for information and periodic meetings.

28. **A representative of the Plurinational State of Bolivia** said that the National Commission for Refugees was mandated to handle cases of unaccompanied children entering the country; by law, it was required to notify the relevant Office for the Defence of Children and Adolescents and, where necessary, the Crime Squad, of such situations. The Commission could also file a petition for guardianship with the competent judge. Moreover, the Plurinational Policy to Combat Trafficking in Persons, Smuggling of Migrants and Related Crimes 2021–2025 had been introduced to preserve and protect the fundamental rights, the lives and the physical, psychological and sexual integrity of all persons, particularly women and children. Article 11 of the Refugee Protection Act provided that refugees did not have to pay for formalities relating to the granting of permanent migrant status or the issuance of an identity card.

29. The State did not violate the fundamental rights of refugees or asylum-seekers. The Refugee Protection Act recognized the principle of non-refoulement, so that no refugee or asylum-seeker awaiting a final decision on their application could be returned to his or her country of origin or taken to another country where his or her life, safety or freedom would be endangered. Act No. 997 of 2017, amending the Migration Act (No. 370) of 2013, established specific requirements for the naturalization of foreigners, particularly refugees, and simplified the process of issuing travel documents to refugees and stateless persons. Foreign nationals over 60 years of age with permanent residence could obtain an identity card valid for an indefinite period. To achieve the goal of zero undocumented people in the country, the Government deployed mobile units that issued identity documents to members of Indigenous, original and campesino nations and peoples living in remote and isolated areas. New identity cards had been introduced that included the person's ethnic self-identification.

30. **A representative of the Plurinational State of Bolivia** said that the Ministry of Health and Sport had implemented a national plan to combat the COVID-19 pandemic that included epidemiological surveillance and control measures. Since 2020, the integrated epidemiological surveillance system had taken into account the ethnic self-identification of each patient. Vaccination activities had been carried out as a joint effort between various programmes and bodies. Within the framework of the Intercultural Community Family Health Model, the health authorities had organized comprehensive mobile health units to provide access for Indigenous, original and campesino nations and peoples to all regular and COVID-19 vaccinations; in total, more than 16 million vaccines had been administered. The aim of the Model was to guarantee universal and free access to health, thus ensuring the political, social, economic, cultural and environmental rights of all Bolivians.

31. Act No. 475 on Comprehensive Health Services had been amended with the introduction of Act No. 1152, "Towards a Unified, Universal and Free Health-Care System", which provided for access to telemedicine services as a measure to mitigate the impact of the pandemic on Indigenous and campesino communities, Afro-Bolivians and migrants. In 2020, the Ministry of Health and Sport had established a call centre and set up a free nationwide hotline that was particularly useful for people living in remote areas. Between 2020 and 2023, the call centre had provided over 131,000 telemedicine consultations. In the same period, the Ministry had conducted 109 remote education and training activities on COVID-19 to mitigate the impact of the pandemic.

32. **Mr. Diaby** said that he wished to know whether information on ethnic self-identification might be systematically included on identity cards, in view of the high levels of illiteracy among the Indigenous and Afro-Bolivian populations. He wondered whether additional action might be taken to ensure that identification cards were distributed to Indigenous people living in remote or isolated areas.

33. He would appreciate information on Tsimane communities of Yacuma, who had reportedly been deprived of their lands and their rights, and on any actions to put a stop to the activities of companies that were polluting the environment, thus jeopardizing public health and the right to a healthy environment. In view of the high rates of maternal mortality

and early pregnancy among Indigenous and Afro-Bolivian women, as well as high rates of abortion-related mortality, it would be useful to know how the State party planned to address those problems and to protect sexual and reproductive rights.

34. **Mr. Guissé** said that he would welcome information on the situation of human rights defenders from the Ayllu Acre Antequera community. In view of the reportedly limited capacity of the National Commission for Refugees, he wondered whether the State party might step up its technical cooperation with the Office of the United Nations High Commissioner for Refugees.

35. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that the Directorate General for the Protection of Indigenous and Original Nations and Peoples had been established by Supreme Decree No. 4393 of 2020, and a committee composed of representatives of five ministries had been set up to develop a multisectoral action plan for the protection of vulnerable Indigenous and original peoples.

36. **A representative of the Plurinational State of Bolivia** said that the Government had taken several steps to address the needs of Indigenous Peoples in the education system. Indeed, at the regional level, Indigenous Peoples contributed to the development of curricula in their own languages. Thirty-six language and culture institutes had been established to promote and preserve each of the country's official Indigenous languages, some of which were endangered. It was worth noting that the United Nations Educational, Scientific and Cultural Organization had declared that illiteracy had been eradicated in the country.

37. The Government upheld the right to education through an approach focused on decolonization and dismantling of patriarchy. School dropout rates had fallen from 6.5 per cent in 2000 to 2.7 per cent in 2019 and 1.8 per cent in 2022, and efforts were being made to sustain that downward trend. Indigenous, original and campesino nations and peoples benefited from general education policies designed for all students, including the Juancito Pinto voucher scheme, the free issuance of school-leaving diplomas, academic achievement awards and the removal of physical barriers for students with disabilities. In addition, the modular baccalaureate, launched in 2018, enabled people living in Indigenous and border communities to attend classes taught in small groups, and three Indigenous universities had been established, with courses in the Aymara, Quechua and Guaraní languages. Indigenous persons wishing to train in language instruction enjoyed special access to teacher training schools; once they had completed their courses, they returned to their communities to teach, thereby promoting, protecting and strengthening the linguistic and cultural identities of those communities.

38. **A representative of the Plurinational State of Bolivia** said that the economic, social, cultural and political rights of Bolivians of African descent and Indigenous, original and campesino nations and peoples were recognized in the Constitution. In response to calls for land reclamation, titles to approximately 18,000 hectares of land, divided into individually and communally held properties, had been granted to 39 Afro-Bolivian communities in the Department of La Paz, benefiting about 10,000 people. The State had granted the Tsimane Indigenous People title to their ancestral lands, covering an area of 402,484 hectares – more than the 392,220 hectares that they had initially requested. The lands claimed by the Yacuma communities already belonged to the Tsimane and were administered by the Tsimane Grand Council.

39. The Constitution enshrined the right of Indigenous, original and campesino peoples to be consulted, through their representative organizations, on activities that might affect them, including mining, hydrocarbon, hydroelectricity, forestry and infrastructure projects. The Plurinational State of Bolivia had ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization. Several domestic laws provided for mechanisms to give effect to the right to prior consultation. For instance, Supreme Decree No. 29033 of 2007 and the Mining and Metallurgy Act (No. 535) of 2014 contained provisions on prior consultation on hydrocarbon projects and mining and metallurgy projects, respectively.

40. **A representative of the Plurinational State of Bolivia** said that the Government had taken steps to mitigate extreme poverty in line with the principle of *Vivir Bien*, including by allocating Bs 7.41 billion from the State budget to provide access to food, education and

health, particularly for women and the neediest households. The Government issued various grants aimed at reducing poverty among older adults, promoting school enrolment, reducing maternal and infant mortality and supporting persons with disabilities. As a result of those efforts, the national extreme poverty rate had fallen from 21.6 per cent in 2009 to 11.1 per cent in 2021, which had had a strong positive impact on the quality of life of traditionally marginalized population groups and the exercise of their economic, social and cultural rights.

41. Regarding hate crimes, article 40 bis of the Criminal Code stipulated that the penalty for any criminal offence would be increased by one third to one half if the perpetrator demonstrated racist or discriminatory motives. Article 281 octies provided that anyone participating in an organization or association promoting and/or justifying racism or discrimination or inciting hatred, violence or the persecution of individuals or groups on racist or discriminatory grounds would be sentenced to 1 to 4 years' imprisonment.

42. The Government had taken measures to prevent violence and harassment against politicians, including the adoption in 2012 of the Act on Political Harassment and Violence against Women, the first law of its type in the Americas. It had also adopted several regulations aimed at enhancing political participation among women. Four of the seven seats in the Plurinational Legislative Assembly reserved for Indigenous representatives were currently held by women, and several autonomous authorities, including the legislative assembly of the Department of La Paz and the Cajuata municipal council, had created seats especially for Bolivians of African descent.

43. The Global Alliance of National Human Rights Institutions had observed that the Plurinational State of Bolivia had implemented its recommendation regarding the Ombudsman's Office. The Ombudsman was elected by the Plurinational Legislative Assembly in accordance with the rules laid down in the Constitution. The Ombudsman could appoint three deputies and must do so in accordance with the criteria of equity and parity. Deputies must meet the same requirements as the Ombudsman, and their appointment was confirmed by the Senate. The Office of the Ombudsman had functional, financial and administrative autonomy and its budget had increased over the previous five years.

44. Her Government shared the Committee's concerns regarding adolescent pregnancy. However, the number of adolescent pregnancies had fallen by 57 per cent between 2015 and 2022, thanks to the Government's focus on effective pregnancy prevention policies, comprehensive sexual health education and access to accurate sexual and reproductive health information and services.

45. **Mr. Diaby** said that the State party had taken significant steps to promote the rights of Indigenous Peoples, Bolivians of African descent and all other groups protected by the Convention. In its concluding observations, the Committee would seek to support the State party in its efforts to bridge gaps and to comply with its international commitments.

46. **Ms. Orellana Cruz** (Plurinational State of Bolivia) said that the concepts of decolonization and dismantling of patriarchy had emerged from grass-roots social movements driven by Indigenous Peoples and women. Recognizing that the capitalist model was characterized by individualism, the exploitation of people and Mother Earth, the unequal distribution of wealth and societal inequalities, Bolivian women from all walks of life had come together to call for policies that respected their rights and afforded justice and reparation for the harm caused by patriarchal violence.

47. Much progress had been made since 2006, despite the major setbacks experienced in 2019, including the closure of the Ministry of Culture. However, since then, the Government had successfully resumed its efforts in areas such as increasing the political participation of women and issuing land titles to Indigenous and campesino women. Measures such as the Plurinational Policy on Decolonization and Dismantling of Patriarchy were contributing to the creation of a more equitable society.

48. The dialogue with the Committee had been an important exercise that would allow her Government to reflect on areas in which public policies could be adapted and improved. Her Government would work tirelessly to fulfil its commitment to racial equality and social justice, and stood ready to work closely with all countries, organizations and relevant stakeholders to build a world that celebrated diversity and where all people were valued for their unique contributions to humanity.

The meeting rose at 5.05 p.m.