



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

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**Reports submitted by States parties under article
9 of the Convention**

Seventeenth to twentieth periodic report due in 2005

Bolivia* **

[20 January 2010]

* This document contains the seventeenth to twentieth (joint) periodic report of Bolivia, due on 21 October 2005. For the 14th to 16th periodic reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/409/Add.3 and CERD/C/SR.1594 and 1595.

** In accordance with the information transmitted to States parties regarding the processing of their reports, this report was sent directly to the United Nations translation service without prior official editorial revision.

I. General

1. The Plurinational State of Bolivia is situated in the middle of South America, and has an area of 1,098,581 square kilometres. The country is divided politically and administratively into departments, provinces, municipalities and indigenous, native and peasant territories. There are nine departments: Beni, Chuquisaca, Cochabamba, La Paz, Oruro, Pando, Potosí, Santa Cruz and Tarija, and these are divided into 112 provinces and 327 municipalities.

2. According to the most recent Population and Housing Census carried out in 2001, Bolivia has 8,274,325 inhabitants, which was projected to have risen to 10,426,154 inhabitants by 2009. Most of the population (62.42%) live in urban areas, while 37.58% live in rural areas. It is vital to bear in mind that, according to the latest census, 4,133,138 people described themselves as native-indigenous, and 27.5% of those individuals live in urban areas.

3. One of the main characteristics of Bolivia is its cultural diversity, with the ongoing presence of the following ethnically and linguistically distinct peoples and nations: Aymara, Araona, Afro-Bolivian, Ayoreo, Baure, Canichana, Cavineño, Cayubaba, Chácobo, Chimán or Tsimane, Chiquitano, Quechua, Uru (Chipaya, Murato and Hiruitu), Leco, Machineri, Moré, Movima, Mosetén, Moxeño (Ignaciano and Trinitario), Nahua, Yuki, Yuracaré, Yaminahua, Esse Ejja, Guaraní (Ava, Izoceño and Simba), Guarayo, Itonama, Joaquiniano (multiethnic community), Pacahuara, Paiconeca, Reyesano, Sirionó, Tacana, Tapiete, Toromona and Weenhayek (Mataco).

4. In the framework of this diversity, Spanish and all the languages of the native, indigenous and peasant nations and peoples have been established as official languages of the State.¹

5. Amidst a culturally, economically, legally, politically and socially diverse backdrop, the country's native history had to undergo a process of struggle and resistance by social movements that throughout history aimed to remove internal and external colonialism, which even now is responsible for inequality, exclusion and discrimination.²

6. In 2003, there was a rupture in the country's political system as a result of the social unrest in February and October that year, which led to the ousting of the then President, Gonzalo Sánchez de Lozada, owing to government corruption and crimes against humanity. He was succeeded first by the Vice President, Carlos D. Mesa Gisbert, and subsequently by Dr. Eduardo Rodríguez Veltzé, President of the Supreme Court of Justice.

7. The most recent presidential succession resulted in the calling of presidential elections, hence the approval of Supreme Decree No. 28228 of 6 July 2005, which scheduled the general election for 4 December 2005. This election transformed the country's history, as it was the first time that Bolivia had directly elected an Indigenous

¹ According to Article 5 of the Political Constitution of the State of Bolivia, the languages of the indigenous, native and peasant nations and peoples are: Aymara, Araona, Baure, Bésiro, Canichana, Cavineño, Cayubaba, Chácobo, Chimán, Ese Ejja, Guaraní, Guarasu'we, Guarayu, Itonama, Leco, Machajuyaikallawaya, Machineri, Maropa, Mojeño-Trinitario, Mojeñoignaciano, Moré, Mosetén, Movima, Pacawara, Puquina, Quechua, Sirionó, Tacana, Tapiete, Toromona, Uru-Chipaya, Weenhayek, Yaminawa, Yuki, Yuracaré and Zamuco.

² The struggle of the social movements of indigenous leaders, the Rebellion of Zarate Willka, the Indigenous Congresses of 1938 and 1945, the struggle for the communal power of Jesús de Machaca in 1921, the March for Dignity and other marches from 1991 onwards are all landmarks in understanding the history of Bolivia.

President (without the intervention of the National Congress) by majority vote, with the support of 54% of voters.

8. Mr Juan Evo Morales Ayma took over as Constitutional President of the Republic on 22 January 2006, heralding a new phase of significant change for the Bolivian State, where decolonization and the recognition of the rights of population diversity became the overarching principle of government policy. Paradoxically, the past four years have seen striking biases in terms of intolerance and attitudes that have arisen in resistance to change, racism, discrimination and resentment towards indigenous and peasant groups, and even the government authorities of indigenous origin.

9. The Constitutional President was later confirmed by the first recall referendum, whereby the Head of State, Vice President and Departmental Prefects put the continuation of their posts to the vote of citizens on 10 August 2008, and President Evo Morales Ayma was confirmed by 67.41% of the votes.

10. Other relevant events include the incorporation, following the social demands from the movements of the 1990s and the constitutional reform of 2004, of new democratic instruments, such as the Constituent Assembly, the citizens' legislative initiative and the referendum. The country's Constituent Assembly was thus established by Act No. 3364 of 6 March 2006, which called the election of Assembly members, who had the task of drafting a new Bolivian Constitution.

11. The Constituent Assembly was opened in the city of Sucre on 6 August 2006, with 255 Assembly members, including leaders and representatives of indigenous peoples and peasant organizations from across the country, thereby making it possible for any organization, political party or individual to put forward a proposal with no form of limitation or restriction.

12. The Pact of Unity was born in the city of Santa Cruz and brings together almost all of the country's indigenous organizations, including the Single Trade Union Confederation of Tenant Farmers of Bolivia (CSUTCB), the National Council of Ayllus and Markas of Qullasuyu (CONAMAQ), the Trade Union Confederation of Original Settlers of Bolivia (CSCB), the "Bartolina Sisa" National Federation of Women Tenant Farmers of Bolivia ("BS" FNMCB), the Landless Movement, the Chiquitano Indigenous organization (OICH) and the Confederation of Indigenous Peoples of Bolivia (CIDOB), which all saw the Indigenous March of 1990 as the starting point for a process that led to the proposed text of the new Constitution, of which the main pillar is the construction of a Plurinational and community State and the legal and formal recognition of indigenous rights.

13. It is worth noting that this was the first time that Bolivia had a Constituent Assembly involving a social pact, which also included 138 other proposals,³ and incorporated the respect for cultural and social diversity. The people of Bolivia placed all their hope in the constant quest to transform the State, with a view to eradicating inequality and exclusion.

14. During the work carried out by the Assembly, there were some confrontations regarding attitudes of racial discrimination, the same attitudes that are entrenched within the elite groups of some cities that responded with racist and violent demonstrations against native indigenous people.

³ There were 5 proposals from citizen groups, 9 from political parties, 19 from public organizations, 45 from social organizations and movements, 9 from civic and departmental organizations, 11 from indigenous peoples, 3 from private business owners, 15 from non-governmental organizations (NGOs), 4 from churches, 16 from individuals and 2 proposals of other types.

15. The establishment of a Constituent Assembly following social demand seemed to offend those who had always had political power, and the following public statements were made:

- "They have blocked this Plaza 25 de Mayo. This Plaza is not for Indians, get out of here Indians, you're filthy – go and wash. That's how they spoke to them. We heard it."⁴
- "On 7 November in Sucre, the 'red ponchos' and the President of the Constituent Assembly, Silvia Lazarte, were represented with donkey masks."⁵
- "'Whoever isn't jumping is a llama!' Shouted some students from the San Francisco Javier University as they spat at the peasants."⁶
- "On 20 November, 100 peasants who were standing at the entrance to the Edificio Centenario building in Sucre (near the Plaza Libertad) were forcibly pushed away by town and university officials."⁷
- "In the plenary meetings, some women spoke in their language while the members from PODEMOS - Poder Democrático Social (Social Democratic Power) whistled, yawned or left."⁸
- "They have said to me: first you should speak Spanish well. I'm not an expert or well qualified, and I have suffered from this discrimination. I heard a woman who saw me coming in say: is she an Assembly member or has she just come to make the place dirty?"⁹

16. This type of statement demonstrates the situation in the Constituent Assembly, and this intensified in November and December 2007 when some people of indigenous origin were attacked purely on the basis of their appearance, attire and origins. On the basis of these events, the Bolivian Government has undertaken to implement urgent action to eliminate racial discrimination, which in previous years had been a covert phenomenon.

17. Following one year of work, plus another six months, the approved text was agreed broadly and then in more detail on 9 December 2007, thanks to the efforts of the following 21 commissions: 1. Country vision; 2. Citizenship, nationality and nationalities; 3. Duties, rights and guarantees; 4. Organization and structure of the new State; 5. Legislature; 6. Judiciary; 7. Executive; 8. Other bodies; 9. Departmental, provincial, municipal and indigenous autonomy; 10. Education and interculturality; 11. Social and integral development; 12. Hydrocarbons; 13. Mining and metals; 14. Water resources and energy;

⁴ Research carried out by the Observatory on Racism of the Ombudsman and the Universidad de la Cordillera: "Racismo y regionalismo en el proceso constituyente" (racism and regionalism in the constituent process), quoting an interview with Saturnina Mamani, constituent member of the Movement for Socialism (MAS) for the Department of La Paz in November 2007.

⁵ Bolivian Information Agency (ABI), 6 December 2007.

⁶ Research carried out by the Observatory on Racism of the Ombudsman and the Universidad de la Cordillera: "Racismo y regionalismo en el proceso constituyente" (racism and regionalism in the constituent process). The llama is an animal that symbolizes everything Andean.

⁷ Bolivian Information Agency (ABI), 6 December 2007.

⁸ Research carried out by the Observatory on Racism of the Ombudsman and the Universidad de la Cordillera: "Racismo y regionalismo en el proceso constituyente" (racism and regionalism in the constituent process).

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15. Productive development; 16. Renewable natural resources, land, territory and environment; 17. Integral development of the Amazon; 18. Coca; 19. Economic development and finance; 20. National borders; and, 21. Security and national defence.

18. The New Political Constitution of Bolivia is the country's 17th Constitution, although it is recognized as being the first to result from a social pact. The new Constitution was enacted on 7 February 2009 by President Juan Evo Morales Ayma, having been approved on 25 January 2009 by a referendum, in which it received 61.43% of the votes.

19. The Plurinational State of Bolivia used the text of the new Constitution to establish the country as a free, independent, sovereign, democratic, intercultural, Unitary Social State of Plurinational, Community-Based Law, which is decentralized with autonomies. According to the Constitution, the Bolivian nation is made up of all Bolivians (male and female), indigenous, native and peasant nations and peoples, and intercultural and Afro-Bolivian communities that all form the Bolivian people.

20. Sovereignty lies with the Bolivian people and is exercised in a direct and delegated manner, giving rise to the roles and responsibilities of the bodies of public authority, structuring the State into the following: Executive, Legislature and Judiciary. The Executive is made up of the President of the Republic, the Vice President and the Ministers of State.

21. One of the structural changes to arise from the text of the new Constitution is the emergence of departmental, regional, municipal and indigenous, native and peasant autonomies, which may directly elect their authorities, administer their economic resources and exercise their legislative, regulatory, supervisory and executive powers. Owing to the recent approval of the Political Constitution, the new State structure will depend on forthcoming procedures in the Plurinational Legislative Assembly and the laws approved as part of those procedures.

22. The President, Vice President, Departmental Prefects and Municipal Mayors are elected by direct, free and secret vote. The State's Political Constitution also states that the judges of the Supreme Tribunal of Justice, the Plurinational Constitutional Tribunal and the Agro-Environmental Tribunal shall be elected by universal vote, which is a rule aimed at strengthening the real and legitimate participation of the country's population.

23. For the election of the President, the Constitution establishes a second round, with a view to strengthening the participatory democracy set up in the country.

24. Similarly, another important mechanism that has been introduced is the public oversight and participation that organized civil society will use to oversee public administration in all levels of the State, companies and public, private and mixed institutions that manage fiscal resources.

25. The Legislative Assembly shall comprise a Chamber of Deputies made up of 130 members elected by universal, direct and secret vote, and a Chamber of Senators with 36 members (four per Department), elected by universal, direct and secret vote.

26. The Plurinational Electoral Body is composed of: the Supreme Electoral Tribunal; Departmental Electoral Tribunals; Electoral Courts; voting officials; and electoral notaries. The Supreme Electoral Tribunal is the top election body, has national jurisdiction, and has seven members (of which at least two are of indigenous, native and peasant origin) with tenures of six years.

27. In terms of human rights protection, the State's Political Constitution has enshrined a new catalogue of fundamental rights that take up the main regional and universal human rights instruments. Unlike in the previous Constitution, this catalogue is broad and categorizes fundamental rights into civil rights, political rights, the rights of indigenous, native and peasant peoples and nations, social and economic rights, rights of children, adolescents and young people, rights of older adults, rights of disabled people, rights of prisoners, rights of users, consumers, education, interculturality and cultural rights.

28. In this sense, for the first time there is an integral recognition of collective human rights and the rights of potentially vulnerable groups.

29. The process of ratifying international treaties in Bolivia involves intervention by the Executive and the Legislature, as it is the role of the President to sign international treaties, and the role of the Plurinational Legislative Assembly to ratify them. Furthermore, it has been established that international human rights treaties and instruments that have been signed, ratified or acceded to by the State shall, where they confer more favourable rights than those contained in the Constitution, take precedence over the Constitution. Also, rights recognized by the Constitution shall be interpreted in accordance with international human rights treaties where the latter contain more favourable standards.

30. The Constitution also declares that education is a main role and top responsibility of the State. The State and society have full power over the educational system. Education is unitary, public, universal, democratic, participatory, community, decolonizing and high quality, as well as being intracultural, intercultural and multilingual.

31. As far as constitutional guarantees are concerned, all rights are directly applicable and their protection is equally guaranteed by defence measures such as actions of freedom, constitutional protection, privacy protection, unconstitutionality, compliance and popular action.

32. The promotion of human rights is also part of the obligations established by the Office of the Ombudsman, an "A" status national human rights institution recognized for its independence, responsible for the monitoring, promotion, dissemination and compliance with individual and collective human rights enshrined in the State Constitution, international instruments and laws, and its authority includes the administrative activity of the entire public sector and the activity of private institutions that provide public services.

33. The Plurinational Constitutional Tribunal ensures the supremacy of the Constitution, controls constitutionality and ensures respect for and enforcement of constitutional rights and guarantees. The plurinational character of the Tribunal refers to its composition, made up of elected judges, with parity between representatives from the regular system and the indigenous, native and peasant system. Although this Tribunal is not currently functioning, owing to the politicization of the positions involved, there will be a plurinational and democratically elected body in the next legislative session.

34. For the presentation of this document, information was received from institutions of the Executive, and this involved a training workshop that was held on 20 November 2007 and attended by civil society organizations, historical human rights organizations, non-governmental organizations (NGOs) working with human rights, social organizations and other relevant institutions. The report was also presented for approval in various regions and cities of Bolivia.

II. Information concerning Articles 1 to 7 of the Convention

35. The main characteristic of Bolivia is its cultural diversity, which makes it a complex society inhabited by different cultures that try to interact with each other with respect, tolerance and acceptance. As part of the development of Bolivia, indigenous groups put up a resistance and fought for the recognition and exercise of their rights. One of the most intense disputes was around the right to land and natural resources.

36. It is vital to point out that much of Bolivian history contains colonial overtones, which began with the Spanish invasion and, once Bolivia became a Republic, continued with the elite groups that were creating the country's laws, organization and structure, while combining elements of domination, ethnic exclusion, racism and hegemony. These masqueraded as liberal modernization, which was the reason for cancelling out and destroying the entire system of civilization and culture of the country's indigenous and native peoples and nations. In this sense, the process of colonization included practices of racism, extermination, genocide and ethnocide against indigenous people native to the territory.

37. In this context, it is understandable that there are limitations and frustrations in Bolivia that result from the system of ethnic, cultural and political domination that has been spread by different forms of colonialism. However, thanks to the struggle, resistance and work of the social organizations, indigenous native peoples and nations and farm workers who have been the historical protagonists of democratic change, major advances have now been made in terms of equal conditions for indigenous nations, peoples and communities.

38. The most recent government has changed the country vision, as expressed in the National Development Plan "A Decent Sovereign, Productive and Democratic Bolivia in order to Live Well- 2006-2011", presented in June 2006 and adopted as Supreme Decree No. 29279 on 12 September 2007. According to the National Development Plan, it is essential to work inclusively and integratively, as such a proposal makes it possible for the country to be consolidated, supplemented and enriched through cultural diversity. The Plan states that this requires transcending the vision of identity as a source of conflict with others, so as to make diversity a factor of social cohesion, rather than one of separation and confrontation.

39. The National Development Plan highlights the importance of finding ways for identities to complement each other and to generate values, and calls for a heterogeneous cultural mix that combines the various voices of diversity, with no single one imposing or dominating, hence the proposed respect for multiethnicity and pluriculturalism.

40. The National Development Plan highlights the importance of living well "[...] *Living well is where Peoples and Communities meet, it respects cultural diversity and identity, and means "living well" with each other", it is community living with interculturalism and without power imbalances, "We cannot Live Well if others are not living well", it is about living as part of the community, with its protection, in harmony with nature, "living in balance with our surroundings". It also means "Living Well with you and with myself", which is different from the western idea of a "better life", which is individual, separate from others and even at the expense of others and separate from nature [...]*".¹⁰

¹⁰ National Development Plan "A Decent Sovereign, Productive and Democratic Bolivia in order to Live Well- 2006-2011".

41. The Living Well proposal is also expected to reduce inequality by increasing the availability of and access to material and spiritual resources, and incorporating approaches based on cultural, gender and social equity, environmental management, innovation and the application of knowledge into development policies and strategies.

Information concerning Article 1

42. The Plurinational State of Bolivia signed the International Convention on the Elimination of All Forms of Racial Discrimination on 7 June 1966, ratified it through Supreme Decree No. 9345 of 13 August 1970 and made it into Act No. 1978 on 14 May 1999.

43. The State's Political Constitution states that rights are inviolable, universal, interdependent, indivisible and progressive, and that it is the State's duty to promote, protect and respect them. The Constitution also states that all forms of discrimination are prohibited and punished.

44. Some ethical and moral principles of the plural society have been adopted: ama qhilla, ama llulla, ama suwa (do not be lazy, do not be a liar or a thief), suma qamaña (live well), ñandereko (live harmoniously), teko kavi (good life), ivi maraei (land without evil) and qhapaj ñan (noble path or life).

45. Living Well also involves values such as unity, equality, inclusion, dignity, freedom, solidarity, respect, complementarity, harmony, transparency, balance, equal opportunities, social and gender equity in participation, common well-being, responsibility, social justice, distribution and redistribution of social goods and products.

46. The legal structure of the Bolivian State in terms of combating racial discrimination is as follows:

<i>Enactment</i>	<i>Reference number</i>	<i>Name</i>
Acts		
14 April 2009	Act No. 4021	Transitional Electoral Act
7 February 2009	Act No. 3942	Political Constitution of the State
5 November 2007	Act No. 3760	Act ratifying the United Nations Declaration on the Rights of Indigenous Peoples
28 November 2006	Act No. 3545	Act amending Act No. 1715, Community-Based Agrarian Reform Renewal
17 May 2005	Act No. 3058	Hydrocarbons Act
8 June 2000	Act No. 2209	Act on the Intellectual Property Regime, Act on the Development of Science, Technology and Innovation
14 April 2000	Act No. 2074	Act on the Promotion and Development of Tourist Activity in Bolivia
22 December 1997	Act No. 1818	Ombudsman Act
17 March 1997	Act No. 1777	Mining Code
Supreme Decrees		
22 July 2009	Supreme Decree No. 213	Establishing procedures to prevent discrimination in recruitment procedures
20 May 2009	Supreme Decree No. 131	Declaration for the Elimination of Racial Discrimination Day
7 February 2009	Supreme Decree No. 29894	Organizational Structure of the Executive

<i>Enactment</i>	<i>Reference number</i>	<i>Name</i>
10 December 2008	Supreme Decree No. 29851	National Human Rights Action Plan "Bolivia Dignified to Live Well", 2009-2013
12 September 2007	Supreme Decree No. 29272	National Development Plan "A Decent Sovereign, Productive and Democratic Bolivia in order to Live Well- 2006-2011"
9 May 2007	Supreme Decree No. 29124	Establishing the Participation of Indigenous, Native and Peasant Peoples and Nations
16 February 2007	Supreme Decree No. 29033	Establishing the Right to Consultation of Indigenous, Native and Peasant Peoples and Nations
2 August 2007	Supreme Decree No. 29215	Regulations for Act No. 1715 on the National Agrarian Reform Service
22 September 2000	Supreme Decree No. 26330	Regulations on the indigenous and native basic health insurance

47. International instruments concerned with combating racial discrimination that have been ratified by the Bolivian State:

<i>Date of ratification</i>	<i>Ratification</i>	<i>Name of instrument</i>
11 September 2000	Act No. 2116	International Convention on the Suppression and Punishment of the Crime of Apartheid
11 September 2000	Act No. 2116	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
11 September 2000	Act No. 2116	Slavery Convention
11 September 2000	Act No. 2116	Protocol amending the Slavery Convention
11 September 2000	Act No. 2116	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
11 September 2000	Act No. 2117	Convention on the Political Rights of Women
11 September 2000	Act No. 2119	International Covenant on Economic, Social and Cultural Rights
11 September 2000	Act No. 2120	ILO Convention No. 111 on Discrimination in Respect of Employment and Occupation
11 September 2000	Act No. 2120	ILO Convention No. 117 on Basic Aims and Standards of Social Policy
11 September 2000	Act No. 2120	ILO Convention No. 129 on Labour Inspection (Agriculture)
11 September 2000	Act No. 2120	ILO Convention No. 130 on Medical Care and Sickness Benefits
13 August 1970, made Act on 14 May 1999	Supreme Decree No. 9345 and Act No. 1978	International Convention on the Elimination of All Forms of Racial Discrimination

<i>Date of ratification</i>	<i>Ratification</i>	<i>Name of instrument</i>
5 July 1995	Act No. 1614	Headquarters Agreement between the Government of Bolivia and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean
25 July 1994	Act No. 1580	Convention on Biological Diversity
9 June 1994	Act No. 1599	Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women - Convention of Belém do Pará
18 February 1993	Act No. 1468	Articles of Agreement of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean
11 February 1993	Act No. 1430	American Convention on Human Rights
11 July 1991	Act No. 1257	ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries

Information concerning Article 2

48. *In terms of the commitment to condemn and eliminate racial discrimination in State policy*, the country has the National Development Plan “A Decent Sovereign, Productive and Democratic Bolivia in order to Live Well- 2006-2011”, a legal instrument that includes action lines for eliminating racial discrimination, as part of a Plan that guides and coordinates the country’s development in processes of sectoral, territorial and institutional planning. This document is led by the Bolivian people, especially the historically abandoned section of society.

49. According to the National Development Plan, in a multiethnic and pluricultural country such as Bolivia, development must be built around a plurinational and intercultural rationale based on civilizing coexistence.¹¹ Through the Plan, the aim of development is to achieve independence and uniqueness, with native languages and bilingualism, as well as intangible and subjective dimensions.

50. This new model proposes a different institutional design for representation and the exercise of power, in which the aim is to eliminate current racial discrimination and replace it with a practice of dialogue, cooperation, complementarity, reciprocity and understanding.

51. In addition, as the prohibition of discrimination is enshrined in the Constitution, it is also protected by another organizational structure of the State that was approved on 7 February 2009 by Supreme Decree No. 29894. This Decree established the principle of equality by and for public officials, and provided for the creation of the Vice-Ministry for Decolonization (attached to the Ministry of Cultures) that is responsible for, inter alia, encouraging the elimination of practices based on feudalism, patrimonialism, racism and bureaucratism, as well as developing policies to prevent and eradicate racism and cultural intolerance.

52. As part of the Vice-Ministry for Decolonization, the General Directorate for Public Policies Against Racism and Discrimination and the Unit for the Management of Public Policies Against Racism and Discrimination were created. The basic policy of the

¹¹ Coexistence links the various ways of perceiving, taking on and interpreting life, society, nature, the economy and the State (National Development Plan, *Official Journal of Bolivia*, 2007:11).

Directorate is to eliminate racism and discrimination by means of several actions lines,¹² including respect for cultural diversity, incentives for human solidarity, information campaigns to raise awareness of and promote action against racism and discrimination, renewed appreciation for ancestral knowledge, boosts to self-esteem, self-determination and the freedom to be different, strengthening cultural identity, constantly identifying and investigating and eliminating new forms of discrimination, and encouraging unity for the Plurinational State of Bolivia.

53. To achieve these action lines, the following activities have been developed: symposia, cultural fairs, press conferences, festivals, workshops, special sessions on public policy to overcome racism and discrimination for public officials and civil society in general, as well as some printed material.

54. Similarly, the Deputy Minister for Indigenous, Native and Peasant Justice is responsible for devising policies to protect and defend the rights of indigenous, native and peasant peoples and nations, and this has been used as the basis for implementing a process of socialization and dissemination of the rights of this population.

55. Along the same lines, Supreme Decree No. 213 of 22 July 2009 establishes processes to prevent discrimination in application and recruitment procedures for workers, by stating that the country's public and private companies are obliged to eradicate labour discrimination in job vacancies based on the age, origin or appearance of applicants (and failure to comply results in specific penalties).

56. This Decree extends its authority by prohibiting the publication of job vacancies that violate the provisions of the rule in written, oral, radio, television or other social communication or mass media.

57. There is also Act No. 2341 (Act on Administrative Procedure) and Supreme Decree No. 27113 of 23 July 2003 that governs the exercise of the collective right of petition vis-à-vis the Public Administration, and establishes people's rights when dealing with the Public Administration: according to Article 16(l), people have the right to be treated with dignity, respect, equality and without discrimination.

58. Article 3(j) of Supreme Decree No. 29215 refers to the elimination of all forms of discrimination by public officials working in institutions involved in agrarian matters.

59. Also in relation to Article 2 of the Convention, the National Human Rights Action Plan "Bolivia Dignified to Live Well", which was adopted as Supreme Decree No. 29851 of 10 December 2008, includes plans for human rights policies actions and measures, and contains a specific chapter on the right to non-discrimination, which has prioritized certain actions to be carried out between 2009 and 2013.

60. Taking account of the challenge undertaken by the State in terms of racial discrimination, 24 May has been declared Elimination of Racial Discrimination Day in Bolivia, to mark the fact that, on that day in 2008, a group of native, indigenous and peasants were insulted and humiliated in the city of Sucre in actions led by radical right-wing groups. This was established by Supreme Decree No. 131 of 20 May 2009, in which the State (through its institutions) undertakes to employ the necessary efforts to combat racial discrimination.

¹² Consensus on these proposals is being sought with the population, particularly indigenous, native and peasant peoples and the intercultural and Afro-Bolivian communities that, according to the Political Constitution of the State, make up the Bolivian people.

61. It is also important to highlight the work done by the Ombudsman and the Universidad la Cordillera, in their management of the Observatory for Racism, which has developed a research, training and action project to combat all forms of racism in Bolivia. The project aims to reduce racial labels, to replace the fatalist acceptance of inevitable conflict with a peaceful intercultural attitude and to fight to eliminate racial discrimination, xenophobia and other forms of discrimination.

62. The work of the Observatory for Racism is based on the following three pillars: 1. Research area; 2. The Observatory for Racism itself; and, 3. Training processes. The aim of the latter is to organize seminars, analyse discourse and representation and suggest to the media actions to promote concepts that offer an alternative to racism.

63. *As far as special and concrete measures for specific populations are concerned*, these will be detailed in the section on Article 5.

Information concerning Article 3

64. The Plurinational State of Bolivia condemns any racial segregation or apartheid, in accordance with the principles and prohibitions established by the Political Constitution of the State and other above-mentioned laws. However, it is important to recognize that, despite the national Government's efforts to halt racial discrimination in all its forms, there are events that continue to exacerbate racial discrimination and segregation, including the following incidents:

(a) On 21 August 2009, institutional actions were instigated when a Bolivian woman in traditional indigenous dress (including the layered skirt) was refused entry to a public establishment in La Paz called "Doña Chela", based on the argument that "women in traditional indigenous dress, gays and youths with wide trousers" were not allowed in. With the cooperation of the municipal government of La Paz, the establishment was closed (although this was for other failures and not because of discrimination or racism).

(b) On 11 September 2008, in Porvenir within the Department of Pando (Bolivian Amazon), an even more unfortunate incident led to the death of several indigenous and peasant individuals. Officials of the Prefecture and members of the Civic Committee are said to have caused the deaths. According to those injured, survivors and their families, at 3.00 a.m. when peasant leaders were travelling to a meeting at the Consolidated Trade Union Federation of Farm Workers of Pando (FSUTCP), their vehicles were violently intercepted by clash groups from the Prefecture, Civic Committee and the Departmental Highways Department using tear gas and explosive devices. In reaction to this repression, the farm workers organized a commission to approach the other side with a white flag to explain that they simply wished to have a meeting, and to show they were unarmed. However, they were told that they would absolutely not be allowed through, and this led to a violent exchange involving firearms.

(c) Various racist and xenophobic actions against human rights defenders working to defend the rights of indigenous peoples and protesting against the racist policies of the governments of what are known as the "half moon" Prefectures.¹³ This case is currently the subject of a police investigation.

(d) On 24 May 2008, the Inter-Institutional Committee of Sucre, along with some university students, captured 30 indigenous people and farm workers in the area of El

¹³ "Half moon" is the term used by some groups in the Departments of Santa Cruz, Beni, Pando and Tarija that oppose the national Government to differentiate themselves from other regions for political and social reasons.

Abra, burned their clothes and forced them to walk half-naked about 7 km to the Plaza 25 de Mayo, where they were further humiliated and encouraged to ask forgiveness and kiss the flag of Chuquisaca. The Mayor of Mojocoya, who was one of the victims, reported that voices were calling for the “death of the Indians”, and this was witnessed by the President of the Inter-Institutional Committee, Fidel Herrera, and Mayoress Aidé Nava (local authorities that oppose the national Government), who appeared to approve of what was happening.

(e) On the same day, the media reported another incident, which was recorded on a mobile telephone. The recording shows Leonilda Zurita (leader of the “Bartolina Sisa” National Federation of Women Tenant Farmers of Bolivia (“BS” FNMCB) and Alternate Senator) and her companions being the victims of racist and discriminatory treatment as they arrived at the airport.¹⁴

(f) On 3 January 2008, which marks the beginning of the judicial year, a group of protestors staged a violent demonstration against the Government at the entrance to the Supreme Court, and the Justice Minister, Celima Torrico Rojas (of indigenous origin), was verbally attacked by the angry mob. Upon seeing her, they adopted an intolerant, racist and discriminatory attitude, began to insult her and “bay for blood” in a street protest involving shouts of “Go away you bloody Chola, Sucre doesn’t want you” (Chola means an indigenous woman) and “Celindia, here’s your car”.

(g) On 11 December 2007, a 54 year old citizen who used to belong to the Federation of Bolivian Miners was brutally attacked, because of his Andean features,¹⁵ by young people on hunger strike for the Santa Cruz Youth Union in the Plaza 24 de Septiembre in Santa Cruz.

(h) On 11 July 2007, Assembly member Fernando Morales from PODEMOS - Poder Democrático Social (Social Democratic Power) physically attacked the leader of the Confederation of Indigenous Peoples of Bolivia (CIDOB), Adolfo Chávez, in Sucre airport.

(i) On 11 January 2007 in the city of Cochabamba, during protests against the Prefecture government, some people of indigenous origin were subjected to acts of racism and discrimination on the part of “clash groups” coordinated by the Civic Committee of Cochabamba. Youth groups such as Youth for Democracy and the Santa Cruz Youth Union called on people to gather in the squares early in the morning to shout racist and hateful comments, such as: “[...] Calling on the people of Cochabamba to turf out the filthy Indians from our plazas [...]” “[...] against Indians who have invaded Cochabamba [...]”, demanding “[...] the immediate departure of socialist Indians from the city [...]”, “We’re going to mess up the Indians”, and so forth. This racial violence resulted in a day of clashes and losses that left three dead and dozens injured.

(j) In the city of Santa Cruz, a list of 47 Bolivian citizens was circulated and displayed in different parts of the city’s main square, accusing the listed individuals of betraying the interests of Santa Cruz. This was clearly a case of political persecution, as the list included peasant and indigenous leaders, representatives and leaders of the Movement for Socialism (MAS), directors of human rights organizations and priests. In Sucre, similar posters were displayed featuring the names of peasant and indigenous leaders and Assembly members of the governing political party MAS.

¹⁴ *La Razón*, 24 May 2008.

¹⁵ This refers to indigenous features, such as those of the Aymara, Quechua and Uru (from the western region of Bolivia).

(k) On 15 December 2006, in the areas of San Julián, Guarayos, San Ramón, San Javier and Concepción in the Department of Santa Cruz, the lives and safety of indigenous leaders were attacked, the offices, equipment and vehicles of the "Paiconeca" Indigenous Centre of San Javier and the Indigenous Centre of Concepción were destroyed, and the leaders and inhabitants of Guarayos were attacked. These events were instigated by the Prefecture and the Civic Committee of the Department of Santa Cruz, who organized violent groups involving the Santa Cruz Youth Union to brutally attack inhabitants with indigenous or Andean features.

65. These and other incidents are of concern to the Bolivian Government. Although it has means of combating racial discrimination, these are not having an effect in the Departments of Santa Cruz and Sucre, where groups such as the Santa Cruz Youth Union and the Inter-Institutional Committee of Sucre are inciting racial segregation, violence, discrimination and separatism throughout the country. A bill has therefore been prepared to categorize and penalize any form of discrimination, and this will be brought before the Plurinational Legislative Assembly that was due to be established in January 2010.

Information concerning Article 4

66. The Plurinational State of Bolivia still has no specific rule penalizing dissemination, propaganda and other acts that inspire or promote ideas or theories based on racial superiority and discrimination of any form, as it has only recently been made into State policy. It was discussed by the Constituent Assembly in the drafting of the New Political Constitution that penalizes discrimination in general.

67. According to Article 14(II) of the Constitution, "The State prohibits and punishes all forms of discrimination based on sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious belief, ideology, political affiliation or philosophy, civil status, economic or social condition, type of occupation, level of education, disability, pregnancy, and any other discrimination that attempts to or results in the annulment of or harm to the equal recognition, enjoyment or exercise of the rights of all people".

68. Paragraph III of the same Article declares that "The State guarantees everyone and all collectives, without discrimination, the free and effective exercise of the rights established in this Constitution, the laws and international human rights treaties".

69. As stated previously, there is a rule (Supreme Decree No. 213) prohibiting the publication of job vacancies with discriminatory characteristics in written, oral, radio, television or other social communication or mass media.

70. It is also vital to recognize that some Bolivian communication media that do not fulfil a social function tend to issue racist propaganda that at times incites hatred and racial discrimination, with information that has in some cases directly or indirectly resulted in or contributed to acts of racial violence.

71. In addition, there has been a need to criminalize the offence of racial discrimination on the part of the media, as the past couple of years have seen a series of incidents involving the dissemination of language and acts that promote discrimination, as a result of the interests of certain groups with media influence that distort information or issue information in a biased way that indirectly expresses prejudice and intolerance towards certain people or groups. This also constitutes work pending for the future Plurinational Legislative Assembly.

Information concerning Article 5

72. *As for the right to equal treatment before all organs administering justice*, the Political Constitution of the State includes a wide range of rights, each of which is broken down to establish the parameters to be used as a framework for other legal rules. Access to justice, which is enshrined as a fundamental right, must thus be applied to all Bolivian men and women without any type of discrimination.

73. Article 178 of the Constitution states that "[...] The power to impart justice emanates from the Bolivian people and is based on the principles of independence, impartiality, juridical security, publicity, probity, promptness, being free of charge, legal pluralism, being inter-cultural, equity, service to society, citizen participation, social harmony and respect for rights".

74. There are other legal rules that mention the equality of people in the eyes of the law, such as the Code of Criminal Procedure, which recognizes equal opportunities for parties; the Family Code, which sets out the legal treatment for families; the Code of Civil Procedure, which establishes the duties of judges and courts in terms of equal conditions; the Children and Young Persons Code, which recognizes preferential treatment for all boys, girls and adolescents; and the Organic Act of the Public Prosecutor's Office, which recognizes cultural diversity and establishes guarantees.

75. The administration of justice in Bolivia, previously described as "exclusively for the privileged", has undergone major changes, as stated in Article 182 of the Constitution: "[...] The Magistrates of the Supreme Tribunal of Justice shall be elected by universal suffrage", such that the justice handed down in our country can be applied using equal conditions for all individuals.

76. *Concerning the right to security of person*, this is recognized as a fundamental right established in Article 23(I) "[...] Every person has the right to freedom and personal security. Personal liberty may only be restricted within the limits set forth by law to assure the discovery of the true facts concerning acts in jurisdictional processes".

77. *With regard to political rights*, these are established in Section II, Article 26 of the Constitution "[...] All citizens have the right to participate freely in the formation, exercise and control of political power, directly or through their representatives, individually or collectively".

78. As the exercise of the political, legal and economic systems of indigenous, native and peasant peoples has been recognized in the Constitution, where community democracy is practiced, electoral processes are to be carried out according to their own rules and procedures, as are the election and appointment of representatives. This is considered significant progress according to the relevant international instruments.

79. Act No. 4021 of 14 April 2009 (Transitional Act on the Electoral System) recognizes the political rights of Bolivians, with emphasis on the right of freedom to participate in any political party, equal participation among men and women, and the right to participate in organizations. The Act also establishes the participation of Bolivian men and women living abroad, including their right to vote in elections for President and Vice-President.

80. This Act, enacted for the general elections held on 6 December 2009, opened the possibility for the consideration of special constituencies, giving a total of 130

representatives (70 district elected, 53 at-large representatives and 7 special indigenous constituencies).

81. Following the introduction of the biometric electoral register, the National Electoral Court set a target of 3.5 million registered voters, and 5 million people have already registered.

82. Furthermore, it is vital to mention that many State authorities are from indigenous native peoples and nations, such as the President, Ministers, members of parliament and senators, municipal mayors and other administrative figures in the Executive, which shows there is no obstacle to exercising this right.

83. *In respect of the right to freedom of thought, conscience and religion*, Article 4 of the Constitution declares that "[...] The State respects and guarantees freedom of religion and spiritual beliefs, according to their view of the world. The State is independent of religion". This is then reaffirmed under the civil and political rights recognized in Article 21(3): "[...] freedom of belief, spirituality, religion and cult, expressed individually or collectively ". As this right has been recognized by the new Constitution ("Magna Carta"), it must be complied with in all bodies, especially educational ones.

84. In this sense, as the Plurinational State is particularly diverse, there is recognition for the worldview of the indigenous, native and peasant peoples and nations.

85. *Regarding the right to housing*, this is recognized in Article 19 of the Constitution "[...] I. Every person has the right to an adequate habitat and home that dignifies family and community life. II. The State, at all levels of the government, is responsible for promoting the development of housing for social benefit, using adequate financing systems, based on principles of solidarity and equity. These plans shall be directed preferentially to families with scarce resources, to disadvantaged groups and to rural areas".

86. In compliance with this rule, the Solidarity and Social Housing Programme (PVS) was established by Supreme Decree No. 28794 of 12 July 2006, with work beginning in 2007 and 28,858 housing units in good habitable conditions built at the time of publication.

87. The Housing Programme planned to approve a total of 41,925 housing units by December 2009.

88. It is important to point out that this programme has prioritized the provision of housing for low-income groups, which tend to be made up mainly of migrants from rural areas who are of indigenous, native and peasant origin.

89. *As far as the right to public health is concerned*, the approval of the Political Constitution of the State guarantees the right to health without exclusion for all Bolivians of both sexes. There are also special rules and programmes and projects that have yielded excellent results, such as:

(a) The Act on Universal Health Insurance for Mothers and Children (SUMI), created by Act No. 2426 of 21 November 2002, provides treatment free of charge to children from birth to 5 years of age. This Act was amended by Act No. 3250, which broadened the provision to sexual and reproductive health and cervical cancer, covering women aged from 5 to 60. The aim of this programme is to reduce maternal and child morbidity and mortality.

(b) A 41% reduction in maternal and child mortality from 390 to 229 deaths for every 100,000 live births.

(c) Old-age medical insurance, by means of Act No. 1886, the Act on Rights, Privilege and Free Old-Age Medical Insurance, with a view to providing free medical care to older adults.

(d) Restoration of extended, well-equipped and well-built health establishments to increase treatment by 48%.

(e) Between 2006 and the first half of 2009, a total of 745 ambulances were delivered to various municipalities, thereby helping to improve the country's health services.

(f) There are specific programmes, such as the Operation Miracle programme, jointly implemented with the Government of Cuba to enable over 145,000 people to have sight operations free of charge in the first six months of 2008.

(g) The "Juana Azurduy" vouchers, which are an incentive for safe motherhood and integral development of children from birth to two years of age, which aim to reduce maternal mortality levels and child malnutrition in children under two years of age. The scheme is currently benefiting 250,000 mothers and 260,000 children under two years of age.

(h) The indigenous, native and peasant population now has intercultural medical treatment through the Intercultural Family and Community Health Programme (SAFCI), which treats indigenous, native and peasant communities in their own environment.

(i) The Zero Malnutrition Programme was set up for the health sector to contribute to the eradication of child malnutrition among children aged under five in Bolivia, while also strengthening capacity for nutritional care and the treatment of common illnesses in the under fives. By 20 June 2009, this benefit had reached 100% of the country's municipalities.

90. *In terms of the right to public health, medical care, social security and social services*, it should be pointed out that the public service policies of the new Government are inclusive and free of discrimination of any kind. It is a stated priority to design and implement specific rules to facilitate equitable access to public telecommunications services, with preference given to disadvantaged groups. This demonstrates the interest in prioritizing the economic, social and cultural rights of the population in general.

91. *As far as the right to vocational training is concerned*, Article 17 of the Political Constitution of the State *Estado* affirms that every person has the right to receive an education at all levels, which is universal, productive, free, comprehensive and intercultural, without discrimination. It is also stated that education is a supreme role and top financial responsibility of the State, with the inescapable obligation to support, guarantee and manage it.

92. Furthermore, naval institutes (Naval Military Academy and Sergeants Academy) have always opened their doors to young people who have a maritime vocation without distinction of origin, culture, race, religious belief or other aspects. Accordingly, and in compliance with the social inclusion policy outlined in the National Development Plan, Resolution No. 033/07 of 17 December 2007 was adopted on the subject of the Equal Opportunities Programme targeting young people from indigenous, native and Afro-Bolivian peoples, under the aegis of the Bolivian Navy. To date, there have been nine cadets under this programme, and this figure is expected to double.

93. Similarly, the Military Aviation Academy and the Polytechnic Military School of Aeronautics invite school leavers to apply to military institutes without distinction.

Information concerning Article 6

94. The State guarantees all people and collectivities, without discrimination, the free and effective enjoyment of the rights established by the Constitution, laws and international human rights agreements.

95. Although there is not yet a special rule to regulate and penalize discriminatory acts against people as offences, it should be mentioned that Bolivia is working intensively to reform its rules, a prime example being the Integral Reform of the Penal Code, which takes account of the need to include racial discrimination as an offence punishable with criminal penalties. The reform will be completed during 2010.

96. Furthermore, as stated previously, a preliminary draft law is being produced to combat racism and discrimination, in coordination with public and civil society institutions at the head of the Ministry of Culture.

97. The State also has the following defence actions established by Article 125 of the Political Constitution of the State:

(a) Action for Liberty, which can be brought by "[...] Anyone who believes his or her life is in danger, that he or she is being illegally persecuted, unjustly tried or deprived of personal liberty, shall file a claim of Action for Liberty [...]", and there are also specific penalties for authorities who fail to comply with the provisions of the Article.

(b) Action for Constitutional Protection is established in Article 126 and: "[...] shall take place against the illegal or unjustified acts or omissions of public servants or of individuals or collectives, who restrict, suppress or threaten to restrict or suppress rights recognized by the Constitution and the law".

(i) Article 130: Action for Protection of Privacy can be brought by "[...] Every individual, or collective, that believes he or she to be unjustly or illegally impeded from knowing, objecting to, or achieving the elimination or correction of information registered [...]";

(ii) Article 132: Action for Unconstitutionality can be brought by "[...] Every person or collective affected by a juridical norm contrary to the Constitution [...]";

(iii) Article 135: Popular Action shall proceed "[...] against any act or omission by the authorities or individuals or collectives that violates or threatens to violate rights and collective interests related to public patrimony, space, security and health, the environment and other rights of a similar nature that are recognized by this Constitution".

98. In addition, according to Article 41(2) of Act No. 1817 of 22 December 1997 (Act on the Council of the Judiciary), which sets out the organization, structure and functioning of the Council of the Judiciary and the Administrative, Disciplinary, Human Resource and Economic and Financial Systems, the repeated mistreatment of those on trial is a minor fault, and the situation is governed by a specific procedure established in the same Act. This provision can be applied to any act of discrimination that occurs within the judicial sphere.

Information concerning Article 7

99. In terms of education, the Plurinational State of Bolivia has rules, policies, projects and programmes aimed at promoting equal education. One of these instruments is the National Human Rights Action Plan, approved by Supreme Decree No. 29851 of 10 December 2008, which was drafted by the Ministry of Justice in coordination with other institutions and civil society. The Plan includes concrete educational actions, including impetus for the adoption of a new “Avelino Siñani and Elizardo Pérez” Education Act, based on interculturalism. The aim is also to teach primary and secondary education in three languages, as well as other actions to be implemented in coordination with the Ministry of Education.

100. Since 2008, efforts have been made to devise a new educational curriculum, based on values and principles such as non-discrimination and interculturalism. Between 2006 and the first half of 2009, 269 educational units were built, which gives a current total of 14,292 school buildings at the national level.

101. Another important advance made during this period was the “Yes I can” literacy programme, which by 2008 had achieved its goal of literacy for 824,101 people, thus making Bolivia a country free from illiteracy. Subsequently in 2009, the post-literacy project “Yes I can continue” was launched to prevent the newly literate from forgetting what they had learned and to consolidate their knowledge. This programme also includes bilingual education, which has made 24,699 people literate in Aymara and 13,599 people literate in Quechua.

102. There is also the Juancito Pinto voucher, which aims to avoid pupils dropping out of school, and which is distributed at the national level up to the eighth grade of primary school and will be extended to early years (nursery and pre-school), as a way of encouraging education, especially among indigenous populations where drop-out rates are higher.

103. What is more, the entry into force of the new Constitution has made school-leaving certificates free of charge throughout the country, and this measure is being implemented from the current year.

104. In terms of access to the right to professional training for indigenous and native peoples and nations, Intercultural Indigenous Universities were created by Supreme Decree No. 29664 of 2 August 2008. Examples now include the Tupac Katari University, based in Warisata, the Casimiro Huanca University, based in Chimore, and the Apiahuayqui Tumpa University, based in Kuruyuqui. The Decree also established Educational Councils of Native Peoples (CEPOS): Aymara Educational Council (CEA), Educational Council of the Quechua Nation (CENAQ), Educational Council of the Native Guaraní People (CEPOG), Multiethnic Amazon Educational Council (CEAM), which are bodies that coordinate their actions with the Ministry of Education and other relevant institutions.

105. The Plurinational Diplomatic Academy, which is part of the Ministry of Foreign Affairs, is training the first generation of Intercultural Diplomats, as well as training artists as cultural attachés familiar with intercultural diplomacy.

106. With a view to encouraging people to exercise their right to communication and information, 25 community radio stations were created in various regions, and this serves to promote the process of inclusion of indigenous, native and peasant peoples and nations.

107. It is worth mentioning that, as part of the programmes implemented by the Ministry of Education, Act No. 3351 of 21 February 2006 on the Organization of the Executive set up the National Platform for the Eradication of Violence in Schools, which comprises the Ombudsman and civil society organizations. The Platform includes the eradication of discrimination based on gender, social status and cultural background, considering that these are the factors that generate prejudice and violence. To date, this work is still ongoing, and the next stage will involve dissemination and increased support from organized civil society.

108. In terms of higher education, National Meetings were organized and resulted in the Inter-Institutional Cooperation Agreement concluded by the Ministry of Education, the Association of Private Universities, the National Council of Aymara Suyus and Quechuas of Qullasuyu (CONSAQ), the National Council of Ayllus and Markas of Qullasuyu (CONAMAQ) and the Single General Union of Peasant Workers - Gran Chiquitania.

109. The main objective of the Inter-Institutional Cooperation Agreement is to establish a system of grants to facilitate access, continued study and graduation for low-income students from isolated indigenous areas to attend the country's private universities. The initiative is expected to provide a space for discussion and reflection around State decolonization processes and policies, and on educational practices, so as to generate an intercultural environment that promotes inclusion, tolerance and understanding among the country's different cultures. The following five state organizations are currently involved: CONAMAQ, FNMCBS, CSUTCB, CIDOB, and the Bolivian Workers' Centre (COB), and 520 new grants have been awarded with no enrolment costs (unlike in previous years).

110. Community Educational Telecentres (TEC) have also been set up, with the main aim of providing access and use of information and communications technologies to rural areas within the National Education System. The first stage involved setting up 7 Telecentres in Beni, 13 in Chuquisaca, 14 in Cochabamba, 28 in La Paz, 16 in Oruro, 5 in Pando, 11 in Potosí, 17 in Santa Cruz and 5 in Tarija.

111. The Ministry of Culture was established to formulate and implement policies to protect and disseminate the cultures that exist in the country; protect cultural, historical and documentary assets by promoting custodianship and conservation; and achieve the participation of indigenous, native and peasant nations and peoples, intercultural and Afro-Bolivian communities in decision-making concerning cultural policies by, inter alia, becoming responsible for strengthening the construction of a Decolonized Plurinational State whose identity is based on the principles, spiritualities, knowledge, customs and practices of tangible and intangible cultural heritage, establishing sovereignty within a framework of Living Well.

III. Compliance with the Committee's recommendations

Recommendation 12

112. In terms of the recommendation issued by the Committee on the Elimination of Racial Discrimination on making all forms of racial discrimination punishable by law, as specified in article 4 of the Convention, it is vital to reiterate what has already been stated in previous paragraphs. The adoption of the new Political Constitution of the State is a major advance, as it prohibits and punishes discrimination in general, as well as establishing guarantees to protect freedom, equality and justice for all Bolivians.

113. The Bolivian State sees the need to make all forms of discrimination punishable by law, and there are therefore five preliminary draft laws on discrimination produced by civil society organizations and other institutions. These proposals are being considered by the

National Congress.¹⁶ The General Directorate for Public Policies Against Racism and Discrimination carried out an analysis in conjunction with civil society, and is now working on an Act against Racism and Racial Discrimination, while also supporting the preliminary draft law proposed by the Ministry of Justice and other institutions regarding discrimination in general.

114. Besides this, the Ministry of Justice (through the Vice-Ministry for Justice and Fundamental Rights) is using its Constitutional mandate to reform the Bolivian Penal Code. The aim is to produce a Code that meets the population's needs and matches the country's reality. In this regard, work on the Code includes studying how to make racial discrimination punishable by law.

Recommendation 13

115. As for the Committee's concern over the indigenous lands of the communities of Chiquitano, Beni and Santa Cruz, it must be reported that the landownership situation was analysed at the beginning of the leadership of Mr Evo Morales Aima, and it was established that the lands were inequitably distributed. Almost 68% of the land was not regularized and some indigenous communities owned the land but with some legal uncertainty.

116. Although in recent years the State has undertaken to introduce regulatory legislation to enforce the rights of indigenous peoples, the process of implementation is still under way. The work is taking longer than expected, mainly because of the obstacles set up by major landowners in the east.

117. However, it should be stated that the Bolivian State has felt the need to adopt other types of measure to enforce the land rights of indigenous peoples.

118. In this framework, the new land policy is based on the decolonization of agrarian structures, elimination of large estates, removal of servitude and labour exploitation, consolidation of the territorial rights of indigenous peoples, equity in land ownership, food sovereignty and the sustainable management of land, water, forests and biodiversity.

119. The public institution responsible for reinstating the ownership rights over the lands of indigenous communities is the Vice-Ministry for Land, which is part of the Ministry of Land and Rural Development that has the following role: "[...] To design and implement policies and programmes for the access, distribution, redistribution and recovery of lands and human settlements, integrated into productive plans in accordance with established policies for the sustainable use of the land resource".

120. To achieve its aims, the Ministry of Land and Rural Development is implementing what are usefully known as the three revolutions: rural revolution, forest revolution and agrarian revolution, which are included in the Ministerial Plan. The agrarian revolution promotes a transformation in land access, so that the land is in the hands of those who produce and work on it, by eliminating large estates and returning unused land and distributing land to peasant, indigenous and native people, through the formation of new human settlements.

121. The General Directorate for Land Distribution was created as part of the Vice-Ministry for Land, and is responsible for implementing policies, rules and strategies relating to the economic productive development of indigenous and native peoples,

¹⁶ The preliminary draft law on preventing and eliminating all forms of racial discrimination presented by the Vice-Ministry for Indigenous, Native and Peasant Justice aims to prevent and punish all forms of discrimination against indigenous, native and peasant nations and peoples.

promoting actions to mainstream and decentralize any policies formulated and indigenous issues in general.

122. The regularization of land titles is carried out in conjunction with the National Institute for Agrarian Reform (INRA), which is a public decentralized entity of the Ministry of Land and Rural Development with national jurisdiction, legal personality and its own assets. Its main activity is to introduce new land policies devised by the Vice-Ministry for Land. Examples include the following:

123. The National Strategic Plan on Land Title Regularization and Land Titling (PENSAT) aims to complete the regularization and titling of agrarian property in the plains, valleys, Altiplano and special areas within six years (2006-2013).

124. The National Strategic Plan for the Distribution of Land and Human Settlements (PENDTAH) aims to instigate the process of redistributing land, through the consolidation of indigenous and native territorial rights and the formation of new community settlements on public land.

125. The Inter-ministerial Plan for the Guaraní People was produced to regularize the titles of specific land in the Bolivian Chaco.

126. In addition, one of the guiding principles is the institutional commitment to combat corruption in agrarian administration, to avoid any mismanagement involving favouritism.

127. On 3 June 2006, the President of the Republic, Mr Evo Morales Ayma, announced the beginning of the agrarian revolution by means of seven Supreme Decrees stating that all the country's public land shall be handed over to the collective and exclusive ownership of indigenous and peasant peoples, and establishing land title regularization as a national priority.

128. The seven Supreme Decrees enacted by the President lay down the following provisions:

Supreme Decree No. 28732 of 2 June 2006

129. The purpose of this Decree was to abrogate Supreme Decree No. 28140 of 17 May 2005 enacted by the former President, Mr Carlos D. Mesa Gisbert, which created forest property. The latter's aim was to award enforceable land titles to private individuals exclusively for production activities, and to award titles for permanent endowment or allocation of forest property.

Supreme Decree No. 28733 of 2 June 2006

130. This "[...] provides that all available government lands and those declared as such as a result of the land title regularization process shall be earmarked exclusively to the indigenous, peasant, and first-nation peoples and communities that have no land or insufficient land", in the framework of Article 43 of Act No. 1715. It also incorporates amendments to the regime and procedures for distributing public lands, as laid down in the Regulations of the on the Act on the National Agrarian Reform Service.¹⁷

¹⁷ Article 1, Supreme Decree 28733.

Supreme Decree No. 28734 of 2 June 2006

131. The purpose of enacting this Supreme Decree was to amend the content of Supreme Decree No. 28160 of 17 May 2005 as follows:

- Eliminating point 7 of Article 6 to also allow people who have been involved in illegal land seizures to access a line of non-reimbursable financing.¹⁸
- Eliminating point 4 of Article 7 on the eligibility of properties that can be accessed using the line of non-reimbursable financing, which states that owners must have enforceable titles or regularized title certificates issued by the National Institute for Agrarian Reform (INRA) in rights in rem. Supreme Decree No. 28160 authorized the financing of properties that were in the process of title regularization.
- In terms of the areas of project implementation under Supreme Decree No. 28160, they will initially be implemented in the following three municipalities of the Department of Santa Cruz: Mineros, Pailón and Charagua (Charagua Norte and Bajo Isoso Community Lands of Origin), by means of joint support agreements with the Prefecture of Santa Cruz and respective municipal governments.

Supreme Decree No. 28735 of 2 June 2005

132. The main aim of this Supreme Decree is to adapt criteria to set the concession value of land for simple adjudication to individual settlers in the sub-area of Santa Cruz.

Supreme Decree No. 28736 of 2 June 2005

133. This Supreme Decree make it a matter of national urgency to complete the process of regularizing agrarian land and to guarantee the participation of social and producer organizations in land title regularization processes.

134. The Decree also prioritizes the participation of female heads of household in the land title regularization process, while also guaranteeing that, in the case of a marriage or common-law marriage, property titles must be in the name of both spouses or partners.

135. The Decree also states that any precautionary measures adopted as part of the procedures implemented by the National Institute for Agrarian Reform must be in proportion with the threat or risk of the case in hand.

Supreme Decree No. 28737 of 2 June 2006

136. This Supreme Decree aims to regulate the selection and recruitment processes for staff of the National Institute for Agrarian Reform, by establishing a specific rule about the principles and guidelines that must be respected in these processes, the sphere, form of participation and control by social organizations to guarantee transparency, and the composition involved in personnel selection. The Decree also guarantees the participation of social and civil society organizations as observers in staff selection and recruitment processes, thereby ensuring that the recruitment processes of INRA officials guarantee the efficiency and transparency of land regularization processes.

¹⁸ Cofinancing fund to support the productive initiatives of communities and associations of indigenous, native and peasant peoples and settlers, established by Supreme Decree No. 28160 of 17 May 2005.

Supreme Decree No. 28738 of 2 June 2006

137. This abrogates Supreme Decree No. 28148 of 17 May 2005, and once again brings into force the provisions of Act No. 1715 of 18 October 2006 (Act on the National Agrarian Reform System) regarding the Technical and Legal Assessment and the Special Procedure for Titling and Certification without Additional Process, concerning pending agrarian processes.

138. In order to achieve the objectives of the Ministry for Land and Rural Development and the National Institute for Agrarian Reform, the authorities enacted Act No. 3545 of 28 November 2006 (Community-Based Agrarian Reform Renewal Act) and its Regulatory Decree No. 29215 of 2 August 2007, and Act No. 3501 of 19 October 2006 on extending the time frame for land regularization.

139. Act No. 3545 of 28 November 2006 (Community-Based Agrarian Reform Renewal Act) incorporates in Article 2 the Economic and Social Function, which comprehensively includes areas that are actually used, those for rest, ecological easement and projected growth. Properties being regularized shall not exceed the surface area allocated in the Enforceable Title or the agrarian process, except in cases of legal possession.

140. The Economic and Social Function will be have to be checked on the ground, as this is the main means of verification. Interested parties and the administration may both submit legally accepted evidence. The checks and evidence will be considered and assessed at the relevant stage of the process.

141. Act No. 3545 (Community-Based Agrarian Reform Renewal Act) amends the Act on the National Agrarian Reform Service (Act No. 1715 of 18 October 1996) and establishes the composition of the National Agrarian Commission,¹⁹ which includes social, indigenous and peasant organizations to give more legitimacy to the decisions made, as it now includes public institutions, the National Agricultural Federation (CONFAGRO), Single Trade Union Confederation of Tenant Farmers of Bolivia (CSUTCB), Confederation of Indigenous Peoples of Bolivia (CIDOB), the National Council of Ayllus and Markas of Qullasuyu (CONAMAQ), the Trade Union Confederation of Original Settlers of Bolivia (CSCB), the Federation of Bolivian Livestock Producers (CONGABOL), the “Bartolina Sisa” National Federation of Women Tenant Farmers of Bolivia (“BS” FNMCB) and the Bolivian Forestry Chamber (CFB).

142. This Commission is tasked with: the institutionalized public oversight of compliance with the Economic and Social Function in agrarian property, requesting the reversion of lands from the relevant authorities in the event of non-compliance with the Economic and Social Function under the grounds provided for in this Act, driving and presenting plans or policies for the expropriation of land for the purposes of public utility established in this Act.

143. The Act extends the reversion of land as established in the INRA Act, stating that those lands of which the use harms the collective interest shall revert to original ownership of the State without any compensation.²⁰

¹⁹ The National Agrarian Commission (CAN) is the body responsible for planning and proposing agrarian policies for the distribution, reordering and redistribution of land, irrespective of condition or use, to bring them to the attention of the maximum authority of the National Agrarian Reform Service (Article 10 of the INRA Act).

²⁰ Defined in Act No. 3545, in accordance with Article 56 of the Political Constitution of the State.

144. Partial or total failure to comply with the Economic and Social Function established in Article 2 of Act No. 1715 (in contradiction of the general interest) shall result in land reversion. The National Director of INRA has the power to dictate the final resolution of the procedure.

145. The National Institute for Agrarian Reform has thus been awarded the following powers:

- Land regularization and titling of agrarian property;
- Identification of public lands;
- Coordination of human settlement programmes;
- Production of the rural cadastre and expropriation of property for public use;
- Land reversion on the grounds of failure to comply with the Economic and Social Function;
- Conciliation in agrarian disputes;
- Updating of land ownership information;
- Certification of public lands for special activities such as conservation, research, ecotourism and forestry use;
- Introduction of precautionary measures such as the hearing and resolution of processes of reversion, expropriation and distribution of public lands;
- Title regularization of agrarian property.

146. Act No. 3545 and its Regulations guarantee the right of land access and ownership, the transparent and responsible administration of the agrarian regime, the timely execution of procedures of land title regularization, reversion, expropriation and distribution of land, compliance with the Economic and Social Function and the redistribution of public lands in favour of indigenous and peasant peoples and communities with little or no land.

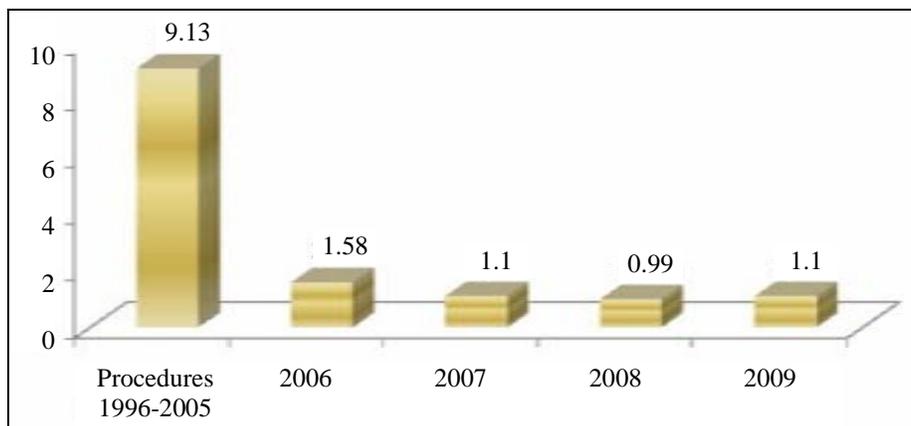
147. The Act also set up the Unit for Agrarian Matters, of which the legal representation before the National Agrarian Tribunal won 85% of the cases heard for the institution. The process of introducing results-based management has also begun, and legal action has been taken to combat land trafficking.

148. In the framework of gender policy, a study was conducted into "The sociocultural, economic and legal effects of women's access to agrarian property".

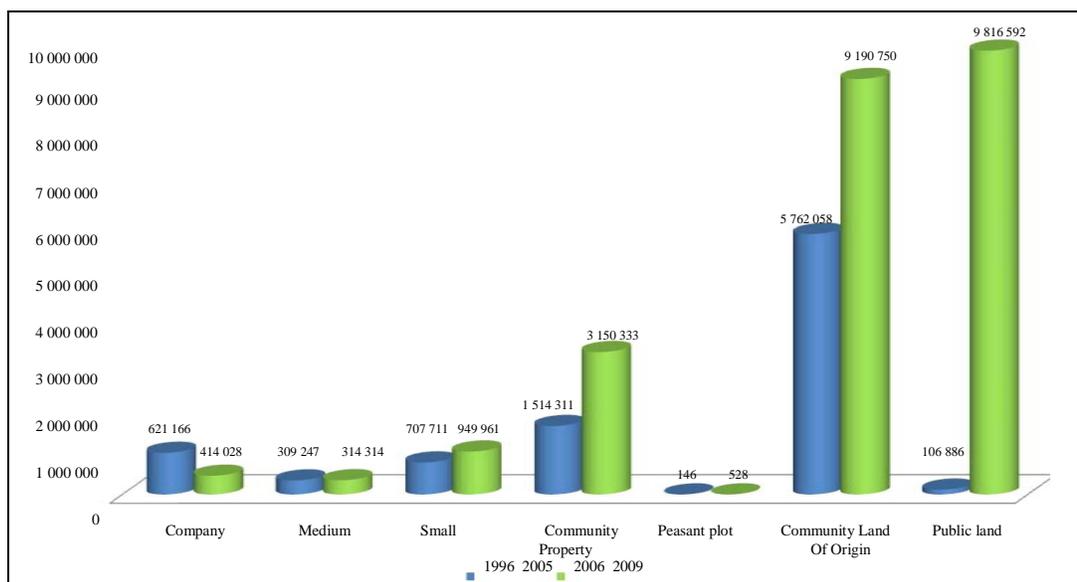
149. As a result of this process, between 2006 and November 2009 the National Institute for Agrarian Reform has used the new procedure of land title regularization and titling of agrarian property to successfully consolidate the ownership right over an area of 28,413,203 hectares of land, thus benefiting 98,454 families, of which 10,299 were given to women exercising their right to land and 1,009,626 hectares to small-scale producers and indigenous peoples.

**Land title regularization
Titled and regularized area,
1996 to 2009 (June)**

*Land identified through procedures (1996-2009)
(Average cost per hectare in United States dollars)*



**Results of the process of land title regularization by category of agrarian property
(Area in hectares)**



Source: National Institute for Agrarian Reform.

150. As for the situation of the captive peoples in the Guaraní territory of the regions of the Chaco and Santa Cruz, the Plurinational State of Bolivia (through the National Institute for Agrarian Reform) enacted the following legislation to enable territorial reconstitution to take place, as well as the liberation of captive communities.

Supreme Decree No. 29215 of 2 August 2007

151. This Decree establishes that, in the event of non-compliance with the Economic and Social Function or where there are relations of servitude, forced labour, peonage and/or slavery of captive families in rural areas, the land shall revert to the State and be awarded to the native families of the region.

Supreme Decree 29292 of 3 October 2007

152. This Supreme Decree provides for the implementation of a 2007-2008 Inter-ministerial Plan for the Guaraní People, in order to drive forward the process of territorial reconstitution of the Guaraní people, within the framework of the authority of INRA and the Community-Based Agrarian Reform Renewal Act.

153. This Decree also created the Inter-Ministerial Council for the Eradication of Servitude and Forced Labour, made up of the Ministry of Justice, Ministry of Labour, Ministry of Rural Agricultural Development and the Environment, Office of the Presidency, Ministry of Planning, Ministry of Production and Micro-enterprises and representatives of the Guaraní people (APG).

Supreme Decree No. 29354 of 28 November 2007

154. This Decree defines the need to expropriate agrarian properties over an area of 180,000 hectares.

Supreme Decree No. 29388 of 19 December 2007

155. This Decree authorizes the Ministry of Finance to immediately transfer funds of USD 2,000,300 for the implementation of the Inter-Ministerial Plan for the Liberation of the Guaraní People.

Supreme Decree No. 29082 of 19 November 2008

156. The aim of this Decree is to establish, in the agrarian sphere, a definition for systems of servitude, forced labour, peonage and/or slavery (or similar practices) of families or individuals, and gives INRA the power to verify and identify the existence of these systems, independently of the actions and effects that they generate in labour, criminal or other terms.

157. There is also Bi-Ministerial Resolution No. 005 (dated 14 November 2007) of the Ministry of Labour and Ministry of Rural Agricultural Development and the Environment, which provides the instruments and guidelines for the verification and assessment of the Economic and Social Function in terms of possible relations of servitude, forced labour or similar practices.

158. It is also vital to mention that an inter-ministerial emergency plan is currently being developed for the restitution and respect of the rights of indigenous Guaraní people of the Bolivian Chaco. Within 18 months, this plan is expected to benefit a high percentage of people by re-establishing their labour rights.

159. It is worth stating that the infringement of the human rights of captive families has not been completely remedied, as a result of the reaction of a group of affected landowners, which has on many occasions threatened the physical safety of authorities attempting to comply with the Act.

160. In this context, during the 131st Regular Session of the Inter-American Commission on Human Rights, a hearing was held on captive communities on 10 March 2008, as a result of a request of an NGO called CEJIS (Legal Studies and Social Research Centre), based on the infringement of the human rights of the Guaraní population

161. The above clearly shows the current Government's will to eradicate modern slavery in some areas of the Bolivian Chaco (Santa Cruz and Chuquisaca). There is also a recognition of the huge responsibility of resolving the most dramatic cases of forced labour and ethnic discrimination that persist in the country. However, given that solving this problem requires an integrative approach, the will is lacking among those who have a vested interest in the lands of this territory.

162. As a result, it is regrettable to report that, owing to the resistance to land title regularization on the part of the power groups in the Chaco region, a decision has been made to temporarily suspend the activities of the Inter-ministerial Plan for the Guaraní People.

Indigenous peoples of Beni

163. Regarding the ownership of the El Tigre estate, INRA and the indigenous people made several attempts to recover legitimate ownership over these areas that were mainly within the Miraflores indigenous community, whose members were the victims of violent actions that threatened their physical safety.

164. In May 2007, individuals from Beni INRA with the help of the public authorities, managed to evict the illegal occupiers of the area known as El Tigre, thereby making it possible to return the rights over this area to the Miraflores indigenous community.

165. With the same objective, the Deputy Minister is launching initiatives to combat corruption in agrarian administration, by implementing investigation processes into land trafficking, land hoarding and irregularities in the title regularization process, technical and legal audits, in which significant progress has been made.

166. In terms of actions relating to file analysis and investigation, there are plans to recover around 957,629.4032 hectares for distribution to indigenous peoples and peasant communities, in accordance with the provisions of the Community-Based Agrarian Reform Renewal Act.

167. There is also a proposal for the procedural regulations for the Single National Registry of Public Lands and the certification of the Single National Register of Beneficiaries. In addition, some human settlement experiences have been identified and assessed, and proposed models for new human settlements in the country are currently being formulated.

168. Between 2006 and 2009, 25,900,782 hectares have been titled and had their titles regularized (35,272,307 hectares since 1996), and this has benefited over 141,813 families.

169. According to Article 30.II.6, the collective titling of land and territories involves a collective right over the lands and territories of indigenous, native and peasant nations and peoples.

170. In the period 2006-2009, 980,454 people have benefited from the 10 million hectares declared Community Lands of Origin in the lowlands of Bolivia. Although this is the case in the total land title regularization of Pando, the process to regularize agrarian property of peasant and indigenous people there remains ongoing.

171. Following a mandatory referendum held on 25 January 2009, landed estates were prohibited in Article 398 of the Political Constitution of the State, with a limit of 5,000 hectares established to avoid land hoarding. There remain large properties that were bought before this rule was approved, thus infringing the law and failing to comply with the Economic and Social Function. In recent years, this has led to serious outbreaks of violence and infringements of the rights of indigenous peoples.

172. The Productive Development Bank was created to facilitate access to credit for small and medium-sized producers, and the Social and Productive Development Fund was created for indigenous, native and peasant peoples (5% from the indirect tax on hydrocarbons). The Plan to redistribute public land to peasant and indigenous peoples has also been adopted.

173. There is also the National Strategic Plan on Land Title Regularization and Land Titling (PENSAT), which aims to complete the regularization and titling of agrarian property within six years (2006-2013), and the National Strategic Plan for the Distribution of Land and Human Settlements (PENDTAH), which aims to implement the process to redistribute land by consolidating indigenous and native territorial rights.

Department	<i>Results of the governance of President Evo Morales (2006-2009)</i>						<i>Total public land 2006-regularized 1996-2009</i>
	<i>Regularized land 1995-2005</i>	<i>Regularized land 2006</i>	<i>Regularized land 2007</i>	<i>Regularized land 2008</i>	<i>Regularized land 2009</i>	<i>Regularized land 2009</i>	
Beni	19 389			2 500		2 500	21 889
La Paz	8 671	7 500	10 444	3 696	23 628	45 268	53 940
Pando			513 580	200 697	26 910	741 186	741 186
Santa Cruz		23 856	134 304	39 566		197 725	197 725
Tarija	8 755	691	7 508			8 198	16 953
Totals	36 815	32 047	665 835	246 458	50 538	994 878	1 031 693

Source: Ministry of Land and Rural Development.

Recommendation 14

174. Regarding the measures that the State has adopted to protect human rights defenders against any kind of threat or violence on the part of the police (especially in the Chapare region), it is vital to point out that the General Directorate of the Anti-Drug-Trafficking Force (FELCN) has instructed all of its staff to respect and comply with the constitutional rights of all people without distinction, from the time they are arrested to the end of criminal proceedings.

175. FELCN is constantly training its human resources in human rights and respecting people without considering their social status, colour or race, thereby promoting the fight against racial discrimination.

176. It is also necessary to report that police and legal actions carried out by FELCN agents are supervised and led by the Public Prosecutor's Office for Controlled Substances, which is responsible for enforcing Act No. 1970, the Code of Criminal Procedure, Act No. 1008, Act of the Regime Applicable to Coca and Controlled Substances, the Political Constitution of the State and international agreements and conventions (including the International Convention on the Elimination of All Forms of Racial Discrimination).

177. In addition, the Bolivian Police created a National Human Rights Directorate, by means of Resolution No. 133/04 of 23 April 2004, with the mission of complying with institutional human rights policies and boosting the issue within the educational system, as

well as introducing levels of training, dissemination and awareness-raising among member of the National Policy, in accordance with the Universal Declaration of Human Rights.

178. The mission of the National Human Rights Directorate of the Bolivian Police is to promote within the police a culture of knowledge of, compliance with and respect for human rights, and for this reason there is a Management and Control component, and an Assistance and Support component (and the latter includes a Training Department, an Investigation Department and Departmental Human Rights Authorities).

179. Within this framework, the objectives of the National Human Rights Directorate of the Bolivian Police include: (a) to disseminate the principles of human rights to all members of the National Police and civil society as a whole; (b) to truly enforce the legal precepts that ensure respect for human rights; (c) to investigate reports of human rights violations; and (d) to propose the adoption of prevention policies to provide increased protection for human rights throughout the national territory.

180. In this sense, and in accordance with Article 55 of the Organic Police Act of 8 April 1985, a series of seminars and workshops are being held for training and dissemination of human rights and international humanitarian law applied to the police function. These activities are being carried out as part of inter-institutional collaboration with the Ombudsman, the Human Rights Community and the International Committee of the Red Cross, among others.

181. The most important agreements include the one concluded by the Ministry of the Interior, the Ombudsman and the Bolivian Police, with a view to consolidating and strengthening curricula throughout the police training system in terms of education, promotion and training in human rights and citizens' rights (the agreement is for two years).

182. An agreement was also signed by the Ministry of the Interior, the International Committee of the Red Cross and the National Police on 11 April 2007, which will be valid from 2007 to 2009, with the aim of contributing to the development of police professionalism, particularly in terms of respect for and compliance with international human rights standards and humanitarian principles in relation to the police function, through various academic and training activities.

183. The situation of human rights defenders in the eastern region of the country has been of concern to the entire State, as movements against the Constituent Assembly gave rise to publications and attitudes against human rights defenders in December 2007. This is because of the relationship and/or association of human rights defenders with indigenous and peasant peoples in defending the rights of the latter.

184. It must, however, be acknowledged that there has been a recent increase in racial violence, discrimination and attacks against human rights defenders for racist reasons. In this regards, the Ministry of Justice produced the National Human Rights Action Plan "Bolivia Dignified to Live Well", 2009-2013, in which the spheres of protection include specific actions to protect and defend human rights defenders.

Recommendation 15

185. With regard to the recommendation to implement measures to ensure that members of the Afro-Bolivian community fully enjoy the rights listed in Article 5 of the Convention, it should be noted that, in the most recent National Population and Housing Census in 2001, only the "language" variable and "identification with any indigenous or native people" were included, which does not include the Afro-Bolivian population. On the form for the

next Population and Housing Census scheduled for 2012, however, the self-identification section will explicitly include the Afro-Bolivian people, and this will be tested in the pilot censuses.

186. In addition, the Afro-Bolivian population has been recognized for the first time in the current Constitution. Article 3 states that the Bolivian nation is made up of all Bolivians (male and female), indigenous, native and peasant nations and peoples, and intercultural and Afro-Bolivian communities that all form the Bolivian people.

187. The departmental government of La Paz also has provisions for the recognition, respect and protection of the Afro-Bolivian population, which led to the issue of Prefectural Resolution No. 2033 approved on 15 November 2007, which recognized Mr Julio Pinedo as a direct descendant of Bonifacio I. (king of the tribe). In addition, the Afro-Bolivian ethnic community was declared a living treasure of the Department of La Paz, and the cultural value of Afro-Bolivian dance was recognized through Prefectural Resolution No. 1690.

188. Significant progress has also been made in terms of land. INRA reverted the 191 hectares of the former Chijchipa Yariza estate of the Coscoma Community (in the Coripata Canton of Nor Yungas Province) by awarding agrarian titles to over 250 Afro-Bolivian and Aymara families in the Nor Yungas Province of the Department of La Paz. There is also a project to regularize land titles in the Chijchipa Yariza Community (covering about 482 hectares) in the Mururata Canton of Nor Yungas Province, with the results of the regularization being socialized, and titling expected to continue up to June of this year.

189. The Community-Based Agrarian Reform Renewal Act and all the recently approved land legislation benefits all indigenous peoples and the Afro-Bolivian community, which is part of what is known as the agrarian revolution.

Recommendation 16

190. In terms of the recommendation to provide additional information on policies aimed at rationalizing and measuring production and illegal trafficking in coca and its repercussions for the members of indigenous communities, it is hereby reported that the area of coca leaf production in Bolivia has, in the last 10 years, changed in accordance with the policy implemented by the various governments.

191. The maximum surface area was observed in 1998, while the smallest area of 14,600 hectares was achieved in 2000. Between 2004 and 2008, the area occupied by coca crops has remained constant at between about 28,900 hectares and 27,000 hectares, of which 12,000 hectares are for traditional use (in accordance with Act No. 1008) and 3,200 hectares are permitted in the Tropic of Cochabamba as part of an agreement between the Government and producers of the region.²¹

192. In 2009, a total of 4,678.4792 hectares were rationalized,²² with 4,007.0070 in the Chapare, 340.7168 hectares in Yapacani and 330.7554 hectares in the Yungas region.

²¹ The agreement is known as the approval of one "cato" per family (October 2004).

²² Rationalization is the new term that has replaced Eradication, and it is based on agreement with coca leaf producers, thereby avoiding conflict and fully respecting human rights.

Rationalization data

(Area in hectares)

<i>Department</i>	<i>Day</i>	<i>Month</i>	<i>Cumulative for 2009</i>
Total Yungas – La Paz	2,2101	36,4184	330,7554
Total Chapare	–		
Cochabamba	17,193	486,4607	4 007,0070
Total Yapacaní – Santa Cruz	10,4071	69,8705	340,7168
Total reduction	29,8110	592,7496	4 678,4792
Total rationalization: 4,678 hectares with 4,792 m²			

Source: Vice-Ministry for Coca and Integral Development.

193. In this most recent period, the 2007-2011 Strategy to Combat Drug-Trafficking and for the Revaluation of the Coca Leaf and the Plan for National Integral Development with Coca have gradually been implemented to establish a framework for voluntary crop replacement and sustainable integral development.

194. To date, the policy has yielded 127,000 new hectares of crops including: banana, pineapple, palm hearts, passion fruit, pepper, papaya, citrus fruits and other tropical products, as well as forestry, agroforestry and feed products. Technical assistance and training has also been provided to over 1,200 producer families in the Yungas of La Paz and the Tropic of Cochabamba.

195. In terms of the number of people who have stopped illegal coca production and their ethnic origin, there are no data because this is not considered in the registry of those who undertake to rationalize their crops. The signed rationalization commitments are implemented by the communities, which use a social control process to enforce the target of hectares to be rationalized under the terms of the signed commitment.

196. However, based on the sociocultural characteristics and traditional cultures of indigenous peoples and the presence of intercultural communities in producer regions, the people involved seem to be native individuals from Quechua, Yuracaré and Yuki cultures in the Tropic of Cochabamba and Quechuas in Yungas de Vandiola in the same Department; migrant Aymara and Afro-Bolivians in the Yungas region of La Paz and Guarayo settlements in the Yapacaní region of the Department of Santa Cruz.

197. The Integral Development Programme has helped to increase the value of the main crop exports. Between 2000 and 2005, coffee exports grew by 29%, and cocoa by 42% in the Yungas (La Paz). Banana, palm heart and pineapple exports from the Tropic of Cochabamba expanded by 61%.

198. As for the effect of State policies on the standard of living of these communities, the Government of Bolivia has, in the framework of reappraising and dignifying the coca leaf, introduced the 2007-2011 Strategy to Combat Drug-Trafficking and for the Revaluation of the Coca Leaf, with a view to reaffirming the political will to reduce the country's cocaine production potential using control and prohibition measures and actions to prevent drug use, as well as the reappraisal of the coca leaf and the use of social control over production, productive transformation and commercialization. This validates the role of the coca leaf in the daily life, culture and economy of the country.

199. This new Strategy has a different focus from those applied since 1988, as these were previously based on controlling coca leaf producers as the weakest link in the drug-trafficking chain, which revealed an eradication bias in how coca leaf production was perceived, whereas one of the pillars of the new strategy is the respect for human rights.

200. It is vital to report that variations in the “successes” recorded in eradication data up to 2004 have revealed data on infringements of human rights. Between 1998 and 2004, 55 people were killed, 659 coca leaf producers were injured and 677 coca leaf producers and their leaders were arrested during these actions.

201. The results of the current policy are positive, while also benefiting many communities thanks to a project to renew appreciation for their cultural, spiritual and even economic traditions in terms of producing and consuming coca leaves. As coca is part of the cultural heritage of the indigenous communities of the Andes and Amazon, it is used in all spheres of life of these peoples. The Government’s current policy protects and respects permissible traditional uses.

202. In terms of the economic and social sphere, many of the families in these regions have benefited from works that have had an immediate impact, including markets and irrigation systems, as well as 18 paved bridges in the Provinces of Carrasco and Chapare, maintenance of 800 km of roads, and improvements and new loose surfaces for 187 km de of local roads. The work was financed and cofinanced by the National Alternative Development Fund (FONADAL), at an outlay of 85 million bolivianos, as well as a contribution from municipalities and social organizations. These projects have benefited over 850,000 families, and it is hoped that they will participate in production chains for banana, cocoa, annatto, pepper, coffee, pineapple, wood and derivatives. In Caranavi, Palos Blancos, over 5,300 families have benefited from electrification.

Recommendation 17

203. As for the lack of information on legislative, judicial, administrative or other types of measures to enforce the provision of Article 6 of the Convention and statistical information on cases brought and sentences imposed for offences relating to racial discrimination, it is acknowledged that the Bolivian State does not have specific legislative measures for racial discrimination, and there are therefore no complaints and legal actions for the victims of racial discrimination. However, justice administration (through the Public Prosecutor’s Office) is obliged to investigate offences relating to racial discrimination, and to protect the rights and freedoms of all people without distinction of race, colour, sex, language, religion, wealth, birth or any other racial condition, in accordance with Article 1 of the American Convention on Human Rights, ratified by the Bolivian State, Act No. 1430 of 11 February 1993.

204. According to Article 14(II) of the Political Constitution of the State: “The State prohibits and punishes all forms of discrimination based on sex, colour, age, sexual orientation, gender identity, origin, culture, nationality, citizenship, language, religious belief, ideology, political affiliation or philosophy, civil status, economic or social condition, type of occupation, level of education, disability, pregnancy, and any other discrimination that attempts to or results in the annulment of or harm to the equal recognition, enjoyment or exercise of the rights of all people”.

205. However, it is worth mentioning that there have been significant acts of discrimination, including the events in Sucre on 24 May 2009, which were investigated by the Human Rights Commission of the Legislature of the Plurinational State of Bolivia. The final report was approved by the Chamber of Deputies, and then required to be submitted to the Office of Attorney General to continue criminal proceedings (formal charges), in accordance with the report, and punish those responsible.

206. On 9 April 2009, the District Prosecutor of the Department of Chuquisaca charged 14 people with racism for the humiliation of peasants in the main plaza of the city of Sucre on 24 May 2008. This was made possible when a complaint led to the case being extended

to 14 other people, including authorities and civil leaders of Sucre, who are thought to have been involved in the acts of violence.

207. However, the District Prosecutor of the Department of Chuquisaca decided to charge them with criminal association and organizing the violence witnessed on that day in Sucre. The other complaints were for incitement, unlawful entry and assault.

208. The extension of the investigation ordered by the Office of the Attorney General is related to the report presented by the Human Rights Commission of the Chamber of Deputies, which found signs of responsibility with authorities and civil leaders of Chuquisaca.

Recommendation 18

209. With reference to the dissemination of the Convention and other human rights instruments in the main languages, it should be pointed out that the Executive, through the various ministries, implicitly disseminates the principles of the Convention.

210. In addition, the current situation is that the National Communications Directorate (DINACOM), which comes under the Office of the President, is responsible for such dissemination. There are human rights programmes on National Television (TVN) and Radio Illimani, which are State communication media that have daily information broadcasts on human rights, especially those of indigenous peoples.

211. The Executive also broadcasts information campaigns and publishes monthly bulletins (from ministries and vice-ministries) to inform the population about activities, actions and programmes being carried out, as well as the relevant national and international legislation.

212. The Ombudsman also uses the relevant authority to organize campaigns to disseminate human rights, including articles and documents relating to the Convention and other international instruments. This is achieved using programmes, advertisements, printed materials, training, meetings and the Ombudsman's Information and Documentation Centre.

213. During 2006, the Ombudsman created the following five training programmes in human rights and citizens' rights: training in human rights and citizens' rights for the armed forces; for the National Police; for public officials; and training in human rights and citizens' rights for citizenship; and in education.

214. As for the dissemination of human rights in different languages, campaigns were organized to promote peace and dialogue as part of the exercise of rights and obligations. One of the specific topics dealt with was the issue of refugees, in order to raise social awareness about the plight of this group. The campaign consisted of messages broadcast on national radio and television in Spanish, Aymara, Quechua and Guaraní. On the radio, 1,700 daily messages were broadcast by 150 stations, while 60 television channels broadcast 500 messages a day.

215. As far as dissemination using written materials is concerned, this involves the production of books, posters and leaflets. Over the past year, the Ombudsman has distributed around 1,022,692 such materials at trainings, seminars, workshops, interactive events, information meetings, visits to rural communities and by sending them directly to public libraries, information and documentation centres and public institutions, as well as by distributing them to individuals that come to the Ombudsman offices. The Universal Declaration of Human Rights was also printed and disseminated in various languages.

216. It is, however, recognized that dissemination on this issue should be a State priority, given the high levels of racism observed in recent times.

217. The General Directorate for Combating Racism, through its Unit for Public Policies against Racism and Discrimination, has organized a workshop for analysis and proposals of preliminary draft laws against racism and discrimination, as well as launching a campaign to raise awareness of racism and discrimination in the Plurinational State of Bolivia. The following activities have been organized in the context of these actions.

218. On 20 March 2009, a symposium was held on the persistence of and fight against racism in the twenty-first century.

219. In April 2009, a press conference was held to reveal the results of the post-Durban review conducted in conjunction with the Office of the High Commissioner for Human Rights in Bolivia, Ombudsman's Office, the Bolivian Chapter of Human Rights, Democracy and Development, Ministry of Justice, Observatory for Racism of the Universidad la Cordillera and the Network against Racism.

220. On 5 May 2009, the Ministry of Justice organized a post-Durban workshop to publicize the recommendations formulated at the Conference.

221. On 24 May 2009, the Stop Racism Festival was jointly organized by unions in the following nine cities: El Alto, Cochabamba, Oruro, Potosí, Santa Cruz, Trinidad, Cobija and Tarija, with the participation of around 10,000 people. The aim was to involve all young people to join together in song to combat racism and discrimination and reject racist and discriminatory actions.

222. On 26 June 2009, a symposium was held on Indigenous Rebellions (1947-1952), which provided input to the construction of concepts surrounding racism, discrimination and decolonization. The aim was to reappraise indigenous leaders, and the symposium was attended by Aymara intellectuals and experts on the history of indigenous, native and peasant peoples and nations of the Plurinational State of Bolivia.

223. On 30 July 2009, a workshop for analysis and proposals of preliminary draft laws against racism and discrimination was attended by civil society, planners and other relevant parties. The resulting proposal is to improve preliminary drafts laws on discrimination presented to Congress by combining them into one, improved legislation.

224. On 2 August, billboards bearing the following awareness-raising content were displayed in 10 Bolivian cities in coordination with municipal governments and some prefectures:

- Nobody's born hating other people for the colour of their skin, their origins or their religion. no to racism!
- There are no inferior or superior races, racism is used for people to have power over others
- The media are an expression of the country. no to racism!
- Building national unity involves eliminating racism and discrimination
- Never again should this country witness one person being oppressed by another. no to racism!

- United to end violence against cultures. no to racism!
- When you teach your children to discriminate, you take away some of their humanity. no to discrimination!
- United to end violence against women. no to discrimination!
- It's not just about recognizing difference, but living with equal opportunities and rights. no to racism!
- Being free means living and helping others to be free. no to discrimination!

225. On 14 August 2009, an internal workshop on combating racism and discrimination was held with a view to improving the services provided to the population and train public officials. Experts from the Office of the High Commissioner for Human Rights in Bolivia took part in the workshop, and the participants who benefited were public officials from the Vice-Ministry of Decolonization. The fundamental objective was to improve the service provided by public officials, and to ensure there is no discriminatory (let alone racist) treatment.

226. On 16 and 17 September 2009, "Special sessions on public policy to overcome racism and discrimination: international exchange of good practices" were held and attended by public officials and social organizations, including the Office of the United Nations High Commissioner for Human Rights in Bolivia, representatives of indigenous, native and peasant peoples and civil society.

227. Analysis is currently under way into the idea of setting up an office for complaints and follow-up to discrimination cases, as part of the Unit for the Management of Public Policies Against Racism and Discrimination (Ministry of Culture).

Recommendation 19

228. For the purposes of drafting this report, a training workshop was held on 20 November 2007, and was attended by human rights organizations and other relevant institutions.

229. Once the draft report was completed, it was disseminated the same year in three Departments of the country, and in each Department civil society and its organizations were consulted about the presentation of the report.

230. The first workshop was held on 30 September in the city of Sucre (Chuquisaca), the second was held on 2 October in the city of Trinidad (Beni) and the third was held on 7 October in La Paz. At the third workshop, a meeting was held with representatives of various public and private institutions working with discrimination, and significant comments were made there and later incorporated into the final report.

Recommendation 20

231. In terms of the optional declaration provided for in Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, on 14 February 2006 the Bolivian State recognized the competence of the Committee on the Elimination of Racial Discrimination established in Article 8, in accordance with Article 14 of the Convention.

Recommendation 21

232. With regard to the Committee's recommendation on the ratification of amendments to Article 8(6) of the Convention, approved on 15 January 1992, the Bolivian State has not yet made the necessary arrangements for that ratification.

Recommendation 22

233. Concerning the information on action plans or other measures adopted to implement the Durban Declaration and Programme of Action at the national level, the Bolivian State recognizes that the purposes identified by the Declaration must be incorporated for each area or group.

234. Bolivia reports that, while it has gradually implemented some actions relating to the Durban Declaration and Programme of Action, it recognizes that people in the country continue to be the victims of racism and discrimination.

235. In this sense, it is vital to point out that, in accordance with General Issue 15 of the Durban Declaration establishing genocide as a crime against humanity and a major source and manifestation of racism, racial discrimination, xenophobia and related intolerance, the Bolivian State criminalizes genocide in Article 138 of the current Penal Code: "Anyone who, with the intention of totally or partially destroying a national, ethnic or religious group, inflicts death upon or causes injury to the members of the group, subjects them to inhuman living conditions, imposes measures intended to prevent them from reproducing, or violently effects the displacement of children or adults towards other groups shall be punished by a prison sentence of from 10 to 20 years [...]".

236. In terms of General Issue No. 23 of the Declaration, which states "We fully recognize the rights of indigenous peoples consistent with the principles of sovereignty and territorial integrity of States, and therefore stress the need to adopt the appropriate constitutional, administrative, legislative and judicial measures, including those derived from applicable international instruments", 13 September 2007 has become a historic date for the human rights of indigenous peoples, because it was the day when the United Nations Declaration on the Human Rights of Indigenous Peoples was approved, and then ratified and made into Act No. 3760 of 5 November 2007, thereby reaffirming the right to self-determination or free determination of indigenous peoples with the legitimate aspiration to defend harmonious coexistence with nature, other cultures, ways of life and worldviews, to build a world with more justice and equality.

237. As for General Issue 8 of the Durban Declaration, which states "[...] We recognize that religion, spirituality and belief play a central role in the lives of millions of women and men, and in the way they live and treat other persons ", Article 4 of the new Political Constitution of the State declares that "The State respects and guarantees freedom of religion and spiritual beliefs, according to their view of the world. The State is independent of religion", as a means of avoiding racial discrimination on the basis of religion or religious belief.

238. For the first time in the country's history, the Political Constitution of the State establishes the coexistence of individual and collective human rights, legal pluralism and respect for cultural identity, among others.

239. According to General Issue 48 of the Durban Declaration "[...] We note with concern and strongly condemn the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to

them [...]”, and this is taken into account by Supreme Decree No. 28329 of 12 September 2005, which created the National Commission for Refugees, which is the State body responsible for dealing with people that must be treated without discrimination, in compliance with the legal rules in force and international commitments undertaken.

240. In paragraph 69 of the Programme of action, States are urged to “[...] to enact and implement, as appropriate, laws against trafficking in persons, especially women and children, and smuggling of migrants, taking into account practices that endanger human lives or lead to various kinds of servitude and exploitation [...]”. In terms of this section, the Bolivian Penal Code criminalizes the trafficking of people in Article 321 *bis*, in which trafficking is described as perpetrated by “Whoever shall bring about, promote or encourage the entry into or exit from the country or movement within it of persons to engage in prostitution, by means of deceit, violence or threats, or renders them unconscious for this purpose, shall be punished with imprisonment for between 4 and 8 years. If the victims are aged under 18 years, the penalty shall be 5 to 10 years’ imprisonment”.

241. Lastly, it is worth mentioning that, once this report has been sent to the Committee, it will be published on an official website so that it can be publicly available to the population.
