

REPORT FROM BOLIVIAN CIVIL SOCIETY TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD) FINAL SUMMARY

1. INTRODUCTION

One of Bolivia's main historical contradictions, since the country's creation in 1825, was the exclusion of large parts of the indigenous populations from the right to citizenship and from political participation, development and the respect of their culture.

The new republic that achieved independence from the colony reproduced what is known as "internal colonialism", a caste system based on racist prejudices against the indigenous peoples who were considered "soulless", "not people" and "pack animals", "violent by nature" and "inclined to commit crimes".

Racial identity, both in Bolivia and in Latin America, was and still is the base of a system of domination and exploitation that controls access to work, resources, territory, identity, the exercise of rights and the system of production and even reproduction, as historians say.

Racism is, thus, a part of the neo-liberal system and is therefore not coincidental, since in Bolivia those who defend this internal colonialism today control agro-industry, foreign trade, banking and large media corporations. Nor is racism isolated; it is related to other mechanisms of social stratification like class, and it therefore has diverse ways of expressing itself in society.

The underlying traces of racism in the dominant and privileged sectors of Bolivian society were sharpened with the election of indigenous Evo Morales as President of Bolivia in January 2006 and his subsequent drive towards social, political and economic inclusion for the indigenous population.

Paradoxically, the actions of the new Plurinational State to reverse the internal colonial order and the exclusion of indigenous-*campesino*-afro population have faced relentless resistance – with elements of sporadic and systematic violence – by some parts of the powerful class, opposed to the process of change.

Law 045 against Racism and all forms of Discrimination in Bolivia, enacted on 8 October 2010, adopts the definitions of the International Convention on the Elimination of All Forms of Racial Discrimination, The Convention on the Elimination of All Forms of Discrimination against Women, Agreement 111 of the International Workers' Union (OIT), the Convention on the Rights of Persons with Disabilities and other international instruments. Although each has its specific content, all agree that any form of distinction, exclusion, restriction or preference based on race, skin colour, lineage, national or ethnic origin etc., that has the purpose or effect of revoking or undermining the recognition, enjoyment or exercise of a person's human rights and fundamental freedoms, constitutes discrimination.

The implementation of such legislation is perhaps the main challenge, along with other outstanding issues.

2. UNPUNISHED CASES OF RACIAL DISCRIMINATION

Between 2007 and 2008, political repression shifted from the political capital of the country, La Paz, to the departments of Cochabamba, Chuquisaca and Pando, where overt racism was unleashed by regional authorities towards their own peasantry, of indigenous origin. Each incident left several dead and wounded and left individuals, families and communities affected and suffering trauma.

- a) **Violence in Cochabamba, January 2007** – A movement of *campesinos* which occupied the main square of the city provoked a violent reaction. The former were

protesting against the call for a referendum by the prefect (governor) Manfred Reyes Villa and his support for the attempts for independence encouraged by civic committee of the city of Santa Cruz. The group "Young People for Democracy", officials of the prefecture and members of the middle and upper classes called for people to "*destroy Indians*" and "*evict the filthy Indians from our plazas*", encouraged by the media which reiterated the racist slogans. They organised themselves into armed groups with firearms, knives, baseball bats and shields produced in great quantities. Due to such violence and hatred, three people lost their lives, 404 people were injured by police dispersion devices and by civilians with sticks, bats and stones and 19 were wounded by stab or gunshot wounds.

- b) Violent events between 2007 and 2008 in Sucre (capital of Chuquisaca Department and of Bolivia)** – Following the decision of the Constituent Assembly – based in that city – to not include the term "full capital" in reference to Sucre, various racist incidents began to occur in 2007 on the understanding that this was the work of an alliance of opposition groups to generate rivalry with La Paz, which holds the seat of government.

Acts of verbal and physical violence against constituents and representatives of social organisations (composed above all of indigenous people and *campesinos*) were daily, from August 2007, putting many of their lives in danger. The conflicts intensified until a demonstration of university students and municipal and prefectural officials, in November of the same year, attempted to evict members from the Constitutional Assembly and tried to lynch them.

There are filmed and recorded testimonies of the aggression towards the indigenous constituents. "*They were insulted, attacked, rubbish and dirty water were thrown at them, they were beaten with bats and sticks*". Several of them were left injured and taken to hospitals where no one would attend to them, just because they were *campesinos*, according to reports from the time.

- c) Harassment and torture in May 2008, Sucre** – After the violent clashes during the sessions of the Constitutional Assembly – which had to be transferred to Oruro – the anniversary ceremony to commemorate 24 May was held in the Patria Stadium in the city of Sucre, which was to be attended by president Evo Morales with the aim of delivering ambulances to the rural municipalities. This provoked the mobilisation of certain sections of the city which, armed with sticks, dynamite, fireworks, stones and other blunt objects, forced the police and the army to retreat.

The *campesinos* and residents of the neighbourhoods on the outskirts of the city, who were gathered in the stadium to welcome the president, were forced to disperse in the midst of countless racist insults and abuse.

At least 50 indigenous men, women, children and elderly people, sheltering in a house, were forced to leave after receiving threats that the house would be burnt down with the victims inside. Among them 25 men were taken hostage, stripped above the waist and made to walk barefoot, whilst being beaten and insulted. "*Now you are slaves, MAS Indians, now you have fallen into our hands we are going to take you to the plaza and burn you*".

Then they were forced to march to the Plaza 25 May for more than three hours, still undressed, rejecting President Evo Morales, his origin and his culture. They forced them to get on their knees outside the Town Hall, in the presence of Fidel Herrera, President of the Municipal Council, Mayor Aidé Nava and Prefect Savina Cuellar. They were forced to renounce their political beliefs and their culture and to insult the President. The radio and television broadcasted the events justifying the "warning".

- d) Porvenir Massacre, 11 September 2008 in Pando** – On 2 August 2008 Pando was declared "the first department in Bolivia free from landowning monopolies". On 3 September the "civics", under orders from officials of the Prefecture, attacked the National Institute of Agrarian Reform (INRA), a key institution for the *campesinos*. For the latter group this attack represented a threat to the land they had obtained.

The Federation of Rural Workers of Pando (FSUTCP) thus called a departmental meeting for the 13 and 14 September in Cobija (capital of Pando department).

On 11 September at dawn the *campesinos* were prevented from reaching the capital of Pando. The Roadways Service (SEDCAM), under the orders of Leopoldo Fernández, department prefect, had dug ditches in the two roads that lead to Porvenir, the only route that leads to Cobija. When the *campesinos* overcame this obstacle, ignoring the threats from the Civic Committee whose members were insulting and pressurising them, then suddenly opened fire on the *campesinos*. Two *campesinos* were injured as well as two officials of the prefecture, a situation exploited by the media to encourage a more violent reaction.

Some of the gunfire took place by the river Tahuamanu. Many *campesinos*, including pregnant women, escaped across the river, whilst others fled into the woods or hid in surrounding houses. For a week the *campesinos* were pursued by the gunmen.

A total of 13 indigenous people died, 2 officials were killed and 50 *campesinos* were injured.

3. VIOLATIONS OF THE RULES OF CERD IN COCHABAMBA, CHUQUISACA AND PANDO

The events of Cochabamba, Sucre and Pando violate the rules of the International Convention on the Elimination of Racial Discrimination as well as many human rights standards: murder, armed rebellion against the sovereignty of the state, disorder or public disturbances, threats, coercion, imprisonment, abuse and torture.

The three prefectures of Cochabamba, Sucre and Pando and the municipal governments of these three departmental capitals did not intervene to protect the people who were attacked.

There have been no known formal complaints against individuals or institutions for the acts against members of the Assembly in Sucre that occurred during the session of the Constituent Assembly and for those of 24 May in Sucre (the Supreme Court of Chuquisaca denied compensation for human rights violations) and 11 January 2007 in Cochabamba.

In the three departments there was discriminatory treatment against people coming from the country by staff at medical centres who did not want to provide care for those who were wounded or who did so negligently, as stated in the reports of the Ombudsman.

The trials begun in Cochabamba at the demand of relatives were plagued by the disappearance of evidence, of information and all that which documented the events and would enable the conviction of those responsible. While a sentence was passed for the killing of the coca farmer Juan Tica Colque, it is subject to appeal before the Supreme Court.

In Sucre two of the main actors who organised, promoted and put into motion the events in Sucre ran as candidates in the municipal and prefectural elections in the region. Of those cases mentioned, the Pando case is the only one for which four prosecution trials are underway.

After these clashes between town and countryside which demonstrated such overt racism, no new policies were implemented to overcome the divisions in Bolivian society.

To date neither the state nor competent institutions have paid enough attention to the psychological, physical and social consequences left by events in Cochabamba, Chuquisaca and Pando. There has been no intervention policy by the Ministry of Health or the Vice-Ministry of Social Movements to care for the people whose physical and mental health has been affected, which has created a sense of abandonment among the groups affected.

The Institute of Therapy and Investigation into the Effects of Torture and State Violence (ITEI), which provided care for those affected in Cochabamba (53 people), Sucre (250) and Pando (236), have found that a significant number suffer from "*disorders due to post-traumatic stress, as well as depression and anxiety*" and that in several cases subsequent care is required.

4. PROGRESS AND CHALLENGES IN THE RIGHTS OF INDIGENOUS PEOPLES

a) Situation of the Guaraní People

The Bolivian state, through the Interministerial Plan of Support for the Guaraní People begun in 2008 despite violent landlord opposition against government officials, the leaders of the Guaraní People's Assembly managed to free several Guaraní families from the system of servitude and endowed the indigenous population of Alto Parapetí with the properties of Caraparicito (an area of 15,262,9492 hectares), the Buena Vista Isiporenda estate (4,894,0967 hectares) and San Isidro (3,790,0421), given free of charge and as a result of the system of servitude that had existed on these estates. This land became part of the Origin Community Territory (TCO) of Alto Parapetí.

However, it is clear that this liberation faces threats that should be addressed to prevent the process failing. The Interministerial Plan ended in 2009 and nothing else has been implemented since to ensure the consolidation of the reforms and to establish a minimum standard of living for the freed communities.

b) Development and application of the constitutional right of consulting the indigenous peoples

Law no. 50 of the Electoral Regime developed the right to prior, free and informed consultation (guaranteed by articles 30.15 and 352 of the Political Constitution of the State). This right is exercised by the state under electoral procedure activated by the Plurinational Electoral Body, the results of which are not binding.

In the concrete implementation of this right, still covered by legislation in the case of the exploitation of natural resources in indigenous territories, it has happened that even in processes carried out under that legislation, prior, free, informed consultation on the part of the government has not been applied.

As such, this right has been violated in the cases of consultation of the community of Pakajaki (La Paz), in the process of extracting of copper from the Coro-Coro mine, which it was predicted would have a severe social and environmental impact. The same goes for the construction of the Villa Tunari-San Ignacio highway, which will cut through Indigenous Territory and Isiboro Sécure National Park (TIPNIS), splitting one of the most indigenous areas of the continent into two.

c) Approval of the Jurisdictional Demarcation Law Nº102

The Jurisdictional Demarcation Law, approved on 22 December 2010, included a significant prior consultation process but indigenous groups noted various inadequacies which can be summarised as follows:

- The institutional framework of the Law does not include international human rights instruments for indigenous peoples; it is supported only by Article 30 of the Political Constitution of the State.
- Matters that were historically and traditionally part of the knowledge and legitimacy of the indigenous peoples are excluded from its jurisdiction. In this context, indigenous justice would only relate to cases that only involve men and women (except for the crime of rape) between 18 and 65 years.
- This jurisdiction only provides for indigenous people; the non-indigenous are excluded. This ignores the fact that in many indigenous territories non-indigenous are included.
- Mechanisms of coordination and cooperation of this jurisdiction with others already in force in the country have been included, but what they consist of and how they will work has not been specified.

d) The work of human rights defenders of indigenous peoples

The work of these organisations was affected by some departments of the Government in terms of the actions of the legal defence in prosecution trials, by a lack of juridical support in the first phase of the development of the Political Constitution of the State, and in the mobilisations of the indigenous peoples.

Also, some organisations that defend the human rights of indigenous peoples feel their financial capacity to continue working is under threat because sectors of the government have arranged to restrict their support for institutions that offer legal assistance and are considered "dangerous" or "enemies of the government" – under completely false accusations – leaving organisations defenceless against the power of the state.

5. THE MEDIA

In Bolivia, 93% of the mass media is private, its shareholders largely linked to the political and economic sectors (landowners, bankers and legislators), therefore the social function of the media is weakened by the search for discursive hegemonies in favour of economic interests and power.

"The press covered the violence and clashes that occurred on 24 May in Sucre, intentionally removing their racist content", says a report by the Media Observatory, Foundation UNIR.

Disguised as humour, the racist statements were directed against the State's indigenous authorities: *"It would not surprise me if the new governors abandoned their cholas¹ and birlochas² in favour of better educated and more finely scented women"* (La Prensa 13-12-05).

He is berated with expressions like: *"Collas³ damned race, illiterate president", "We must not allow the Indian Evo Morales, nor any other damned Indian, to set foot in this land; his life and that of others will be in danger if they dare"* (Journalist Jorge Melgar, Riberalta). The arrest of this journalist for his daily instigation of violence provoked movements among journalists' unions in protest "against violations of the freedom of expression". Radio broadcaster Luis Arturo Mendivil was saying, for instance, "collas, bastards, spawn of llama; Aymaras and Quechuas are real villains", was honoured by the Santa Cruz Civic Committee for his work in the press.

Throughout its history of complicity in and denial of racism, the press called indigenous people "ignorant, dirty, incapable of learning". *"If he wants to talk to me Evo Morales must first wash his hands"* (Humberto Vacaflor). Journalist Carlos Valcerde often calls the president "ignorant" and "illiterate; and if he could read he would still not understand".

The media promotes the naturalisation of racism to provoke aggression against the dignity and integrity of individuals on ethnic and political grounds, as occurred in Pando ("Investigation: "The massacre will not be broadcasted", Rafael Bautista, 2010) or the case against other journalists who were identified as "MAS cholos" (attacks on the journalist Wilson García Mérica encouraged by the television programme Aló Marianela Montenegro, Cochabamba, 2007).

Hence, the Law against Racism marks a milestone in the country since it considers the balance between the right to freedom of expression and opinion and the banning of expressions and advocacy of racial hatred that encourage hostility or violence in both the public and the private spheres, in schools and in the media.

5. RIGHTS OF INDIGENOUS WOMEN

Domestic workers – Today, female domestic staff are among those sectors that suffer most from racial discrimination in Bolivia, fundamentally due to their African or indigenous origin and ancestry and their poor education.

They are "modern slaves". They work more hours than is legal, do several activities at the same time, they have neither health insurance nor the right to a pension and more often

¹ Indigenous woman in traditional dress

² A scornful term for mixed race woman

³ People from the Bolivian Altiplano

than not their pay is below the minimum wage. Their employers argue that their wages include food and accommodation.

The National Federation of Domestic Workers of Bolivia succeeded in the approval of Law 2450 of the Regulation of Paid Domestic Work in April 2003, but there is still no regulation of Article 9 referring to health insurance. The Day of the Domestic Worker, 25 March, an appointed day of paid leave, is not recognised by employers despite Decree 28655.

A significant number of workers are unaware of these laws and suffer violations of their rights. There is no state policy for compliance with the laws.

Poverty, migration and racism – For indigenous people, having darker skin, different surnames and a different way of speaking are all causes for socio-economic discrimination. 90% of people living in extreme poverty (which has decreased from 45% to 33% between 2000 and 2008) are rural indigenous people; 33.82% are women.

The migration of indigenous women to the city due to their poverty generates racial discrimination. Their discrimination is triple: for being a woman, for being poor and for being indigenous.

In the same way, of the 2.5 million Bolivians that have migrated to Argentina, United States and Spain, around 70% are women; most are without papers, exposing them to poor working conditions, low wages, social insecurity and violence for ethnic reasons.

Political rights of indigenous women – Despite constitutional recognition of the political rights of indigenous peoples (election of representatives and authorities by their own customs and traditions, representation in all executive, legislative, judicial and electoral bodies, acceptance of indigenous autonomies as a form of self government), access to spheres of power and decision-making for indigenous women is still rare, and zero for Afro women, especially since 55.7% of Bolivian women identify themselves as indigenous (2001 Census).

Today, out of the 136 legislators in the Plurinational Assembly (senators and deputies), 46 are women and only 8 of these women are indigenous. Of the 36 senators, 16 are women and only 2 women are indigenous, whilst from the total of 130 deputies 30 are women, 6 of whom are indigenous. The seven special representatives of the indigenous peoples in Assembly are all men.

In the executive body, two of the ten female ministers are women, and there is one indigenous female vice minister, compared with 8 male vice ministers.

Bolivia, 3 February 2011

