

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON MIGRANT WORKERS 8TH SESSION BOLIVIA, 1ST REPORT 16-17 APRIL 2008

Information submitted to the Committee.....	1
State report.....	1
List of issues.....	2
Information from other stakeholders.....	2
Themes and Issues.....	3
Status of the Convention under domestic law	3
Migration data and statistics.....	5
Documentation and regularisation.....	5
Trafficking and smuggling	6
Women migrant workers	6
Regional initiatives on migration.....	7
Services for Bolivians abroad.....	7
Migrants' access to basic services	8
Other issues	9
Conclusions and next steps.....	10

Information submitted to the Committee

State report

On 7 May 2007, Bolivia submitted its first periodic report to the Committee on Migrant Workers (the Committee).¹ The 44-page report contains an examination of the national implementation of Parts I to VI of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their*

¹ CMW/C/BOL/1, 7 May 2007, available at www2.ohchr.org/english/bodies/cmw/cmws08.htm.

Families (the Convention), with a specific focus on the relationship between international and national law. The report aims to explain how national legislation aligns with the articles of the Convention. However, in many instances, it only provides a description of national legislation, without any explanation on how these compare to the guarantees contained in the Convention. The report also describes the mechanisms and structures in place to guarantee the rights in the Convention.

List of issues

On 14 December 2007, the Committee provided the list of issues to the State.² In general, the Committee requested disaggregated data, statistics and specific or further information in various fields. The main issues related to legislation; status of the Convention in national law; implementation of the Convention; classification of migrants; the situation of Peruvian migrants in Bolivia; consular assistance; child labour in sugar cane and mining sectors; expulsion procedures; right to a nationality and education for migrant children; medical care for undocumented migrants; freedom of expression; social security; tax on remittances; right to vote; employment of migrants; and trafficking. The State responded³ to the list of issues shortly before its examination and therefore, it could not be translated into any of the other United Nations (UN) working languages on time. The Committee voiced its concern on this to the delegation, commenting that this made it difficult for some Committee members to take into account the State's replies in the formulation of their comments and questions. Furthermore, Bolivia's replies were not available to the other stakeholders present during the session.

Information from other stakeholders

One non-governmental organisation (NGO), Mesa Técnica de Migraciones (MTM), and the Ombudsman of Bolivia submitted alternative reports to the Committee.⁴ MTM submitted two reports, one in April and another in November 2007. The first report provides extensive responses to the list of issues that the Committee presented to the State. The second report provides a series of comments on the State report. This NGO points out the structural weakness of the State, which does not guarantee the rights of migrant workers in practise. The main issues raised by MTM include the lack of statistics and official data on migration; absence of national laws that apply the Convention; lack of programmes and policies on migration;⁵ lack of training programmes for public officials; the fact that NGOs were not consulted in the preparation of the report; abuse and discrimination suffered by Bolivians in Argentina, Brazil and Spain; discrimination against Peruvian workers in Bolivia; exploitation of children in the sugar cane and mining sectors; working conditions of domestic workers;⁶ collective expulsions and the violation of the principle of *non-refoulement*; access to education of children of migrant workers; freedom of expression; freedom of religion; social security benefits;⁷ involvement in trade union management or organisations as grounds for expulsion; violation of human rights in detention facilities; increase on the tax on remittances; right to be elected; and discrimination between nationals and foreigners.

The report of the Ombudsman examines each article of the Convention in turn, and explains whether it is respected or not. It underlines that even though the Constitution guarantees and respects human rights, there is still evidence of discrimination and stigmas. The main issues of concern include discrimination and xenophobia against migrant workers; deficiencies in infrastructure, food and health; trafficking; child labour; and the situation of internally displaced persons, especially migrant women from the north of Potosí. The report recommends that the State widely disseminate information on the rights of migrant workers; create public policies and programmes on migration; and create partnerships between the State, migrants, employers

² CMW/C/BOL/Q/1, 14 December 2007, available at www2.ohchr.org/english/bodies/cmw/cmws08.htm.

³ CMW/C/BOL/Q/1/Add.1, available at www2.ohchr.org/english/bodies/cmw/cmws08.htm.

⁴ Both are available at www2.ohchr.org/english/bodies/cmw/cmws08.htm.

⁵ Also raised in the report of the Ombudsman.

⁶ Also raised in the report of the Ombudsman.

⁷ Also raised in the report of the Ombudsman.

and international cooperation institutions. It is important to note that even though the report of the Ombudsman underlines issues of concern, it is less critical than the reports submitted by MTM.

Themes and Issues

The delegation of Bolivia was headed by Ms Angelica Navarro, Permanent Representative of Bolivia to the United Nations Office at Geneva. She was accompanied by Ms Maysa Urena, Counsellor at the Permanent Mission. The Committee expressed its disappointment and concern that Bolivia could not send any representatives from its capital for the examination. This restricted the possibilities of having a constructive dialogue, as it was difficult for Ms Navarro and Ms Urena to respond to the Committee's questions without any experts from the capital. The delegation explained that Bolivia is currently undertaking many activities, such as adopting a new constitution, preparing for the visit of two UN special rapporteurs, as well as preparing the present report. Therefore, representatives from the capital did not have enough time to travel and could not bear the expenses of travelling to Geneva.

Ms Navarro presented Bolivia's first periodic report and updated the Committee on recent developments. She noted that Bolivia is going through important social, political and economic changes. She explained that the current Government is carrying the burden of 'an extremely bureaucratic and very conservative government structure inherited from previous administrations', which is a very difficult challenge. Ms Navarro stressed that Bolivia is bringing itself up to date in the field of human rights, including reporting to treaty bodies, receiving visits from special procedures, opening an Office of the High Commissioner for Human Rights (OHCHR) in La Paz in the near future, and being elected to the Human Rights Council. She also presented a series of legislative measures and institutional changes that the Government has undertaken in order to better protect the rights of migrants.

A few new issues as well as numerous follow-up questions to the Committee's list of issues were raised during the discussions. Ms Dieguez, the country co-rapporteur, welcomed the initiatives and programmes mentioned in Bolivia's report and statement. However, she noted a lack of detail in some of Bolivia's replies as well as considerable discrepancies in the data provided. Near the end of the session, Mr Brillantes, the other co-rapporteur, commented on the delegation's inability to give more factual responses, and emphasised that the accuracy of the information given to the Committee plays a crucial role in the success of the entire exercise.

The lack of supporting data and the imprecision of some of the information provided by the delegation meant that some important questions were insufficiently answered or even completely unanswered. There was a sense of frustration among members of the Committee who had to pose the same questions repeatedly and often failed to obtain satisfactory answers. It is worth noting that, partly in relation to these difficulties, the session ended an hour and a half earlier than scheduled.

Status of the Convention under domestic law

Bolivia acceded to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (the Convention) in 2000, with no reservations.

In introducing the report, Ms Navarro noted that even though Bolivia still does not have a specific law to protect the rights enshrined in the Convention, the current legal framework does contain provisions that cover the rights and interests of migrants. She further noted that the Government, with the support of NGOs, is constantly undertaking action for the promotion and dissemination of the Convention.

The Committee enquired about the status of the Convention under Bolivian law and requested examples of instances in which the Convention was directly invoked before or by national tribunals. In response, the delegation drew the Committee's attention to the fact that Bolivia is currently undergoing constitutional and legislative reforms and noted that the status of the Convention cannot be ascertained before the end of this process. Ms Urena further noted that she could not recall a specific instance when the Convention came up in a judiciary proceeding, and explained that most disputes relating to migrant workers are resolved through non-judicial means.

Bolivia was also asked to expand on the application of legislative, administrative and other measures pertinent to implement the Convention. In particular, it was asked to provide information on the compatibility of *Decree No. 24423* on the legal regime of migration with the Convention. Ms Dieguez noted that the decree, which is only an administrative act, is insufficient and called on Bolivia to work on a migration bill. She further noted that the decree is 'full of unconstitutional elements', and wanted to know what articles had been declared unconstitutional and removed. Several Committee members also asked for clarification of the three categories of immigration which appear in the decree, namely spontaneous, planned and selective immigration.⁸ The delegation was also asked to give details on the work of the National Migration Service (SENAMIG), which was described in the report as the main body governing the entry and departure of migrant persons in Bolivia. The Chairperson, who expressed particular interest in Bolivia's institutional structure, wished to be given a description of the ways in which the SENAMIG and its 'support units' coordinate with each other.

Ms Navarro explained that Bolivia is following the recommendations made by various treaty bodies and special procedures. On the Constitution, she explained that President Morales is committed to establishing a Constitutive Assembly, where indigenous groups will be represented for the first time. Everyone's views will be taken into account in the drafting of the Constitution, which will be adopted by referendum. Ms Navarro specified that Article 27 will give the right to vote to Bolivians living abroad as well as to foreigners living in Bolivia. On the three categories of immigration, Ms Navarro stated that that is a difficult question to answer because she could not recall any instance where they have been applied in practice. She stated that the list is only on paper and assured that the matter will be settled once the migration plan that is currently being elaborated is implemented.

Staying within the topic of Bolivia's legal and institutional framework, Mr Alba requested clarification regarding the mechanisms in place to receive complaints on human rights issues from migrant workers. He sought precision regarding a reference in Bolivia's written replies to the list of issues to 'inspectors' who call employers and settle controversies through a rapid method.⁹ He noted that this was characterised as an alternative to the judicial process. He asked for more information about this alternative mechanism as well as the judicial mechanism.

Ms Urena explained that there are two ways in which complaints of human rights violations from foreign workers are dealt with, namely 'the rapid way' and 'the judicial way'. The rapid way consists of submitting the dispute in question to the Ombudsman, who then raises the matter with the State authority involved. The Ombudsman follows up the case until a satisfactory solution for both parties is found. In Ms Urena's recollection, there have been no cases brought to the judiciary involving immigrants, refugees or asylum-seekers. With the support of NGOs, many parties have found satisfactory compensation without having to resort to the judicial means.

In its concluding observations,¹⁰ the Committee encouraged Bolivia to strengthen its efforts to fully incorporate the Convention into domestic law, ensure that a Migration Law fully harmonised with international treaties is promptly adopted, as well as strengthen the legal framework by accepting the

⁸ Mr El-Borai, Ms Poussi Konsimbo, Mr El-Jamri.

⁹ Paragraph 26, CMW/C/BOL/Q/1/Add.1, available at www2.ohchr.org/english/bodies/cmw/cmws08.htm.

¹⁰ CMW/C/BOL/CO/1, 24 April 2008, paragraph 14.

competence of the Committee to receive individual complaints and ratifying ILO conventions on migrant workers. The Committee further recommended that Bolivia strengthen its efforts to inform migrant workers about the administrative and judicial remedies available and to address their complaints in the most effective manner.

The Committee also invited Bolivia to intensify training for all officials working in the area of migration. It also encouraged the State to take the necessary steps to ensure access by migrant workers to information about their rights under the Convention. In addition, the Committee encouraged the State to continue to work with civil society organisations in order to disseminate information and to promote the Convention.

Migration data and statistics

In introducing the report, Ms Navarro noted that globalisation had caused an increase of migration flows in the world, and Bolivia in particular had become a country of origin, transit and destination of migrants. She informed the Committee that one percent of the population in Bolivia were foreigners. She added that between 20 and 25 percent of the Bolivian population lived abroad, mainly in Spain, Argentina and the US, and mainly due to unemployment. She explained that the Government was implementing the National Plan of Development in order to create new sources of employment.

Almost all of the Experts commented on the lack of data on migration flows. Ms Navarro acknowledged this concern and noted that it was also the Government wish to have data, but that unfortunately, there was not any and that they had to work with estimates. Ms Urena further explained that it is difficult for a country like Bolivia, with limited resources and almost 7000 kilometres of border to cover, to monitor and control all the transboundary movements of persons. She explained that data is more readily available regarding movements across the northern border with Peru, the Southern border with Chile and Argentina, and the Western border with Brazil. However, data it is difficult to track movements across the Amazon to Brazil as well as the Northern border with Brazil.

Concerning the figures Bolivia provided in its report, Mr Alba asked the delegation to clarify the report's reference to 10,000 to 12,000 foreigners coming to Bolivia daily. According to Ms Urena, this number referred to all types of foreigners entering the country, including tourists, immigrants and temporary migrants.

The Committee encouraged the State to create a sound database in line with all aspects of the Convention including systematic and disaggregated data as a tool for effective migration policy and for the application of the various provisions of the Convention. When precise information this is not possible, for instance with respect to migrant workers in irregular situation, the Committee would appreciate receiving data based on studies or estimated assessments.

Documentation and regularisation

In her opening statement, Ms Navarro acknowledged the delay in issuing identity documents, but noted that the Government is working to improve the situation with the support of the International Organization for Migration (IOM). She explained that there is a project to install appropriate software and hardware to improve the services at the offices of SENAMIG.

The Chairperson and the Ms Dieguez-Arevalo, raised the issue of delays in issuing documents to foreign workers in Bolivia and expressed concern that the lack of documentation may lead to lack of protection. Regarding irregular or undocumented migrants in Bolivia, Mr Cubias expressed serious doubts on the way in which the issue is being dealt with. He noted that the information provided to the Committee focused on Bolivians in an irregular situation abroad but not on undocumented foreigners in Bolivia.

According to Ms Urena, the Bolivian Government is aware of the concerns that the delays raise and is currently looking for solutions. She further reassured the Committee that it has undertaken efforts to ensure that those who have begun the procedures are given adequate protection. She also made reference to the IOM project mentioned by Ms Navarro. On Bolivia's policy towards undocumented migrants, Ms Urena stated that Bolivia does not practice detention, imprisonment or expulsion of aliens for lack of documents. However, she recognised that these provisions need to be enshrined in a migration bill.

Noting the vagueness of Bolivia's response on expulsion decisions, the Committee invited it to ensure that migrant workers and members of their families are only expelled pursuant to a decision taken by the competent authority in conformity with the law, and that this decision can be reviewed on appeal. It further recommended that the State take all the appropriate measures to make regularisation procedures more accessible, including through the revision of tariffs, elimination of delays, and setting up a protection regime for migrants during the time in which their migratory status is being decided.

Trafficking and smuggling

In her introductory remarks, Ms Navarro noted that Bolivia has already implemented *Law 3325*, which criminalises trafficking and smuggling of persons, with aggravating circumstances when the victims are children or adolescents. In addition, the National Council on Trafficking and Smuggling has been created under the Ministry of Justice to establish mechanisms on these issues. However, she acknowledged that there is more work to be done, especially in creating centres for victims, and noted that this shortage is due to financial constraints.

Ms Dieguez-Arevalo welcomed the existence of a law prohibiting trafficking and smuggling of persons, but wished to know what further actions are planned. She also noted that the report does not give enough details on trafficking and smuggling. For instance, she inquired whether there is a mechanism to identify victims who require protection. Furthermore, while appreciating the establishment of hostels and other measures to help victims, she expressed her concern about the lack of information on preventive measures.

Ms Urena agreed with comments from the Committee that the report had not sufficiently highlighted the work that is being done in Bolivia to combat smuggling and trafficking, particularly in the highlands. She stressed that the media is giving more attention to this issue. Moreover, police are carrying out sweeps in El Alto in an effort to uncover smuggling and criminal networks.

Mr Alba asked for clarification on the meaning of 'personal and immediate intervention' by consular officials in the event of suspected trafficking and smuggling, as referred to in paragraph 66 of Bolivia's written replies to the list of issues. However, the delegation did not address this question during the session.

While noting Bolivia's willingness to address the issue of trafficking and smuggling, the Committee encouraged Bolivia to create mechanisms to facilitate the identification of migrant vulnerable groups, such as refugees and victims of trafficking in illegal or clandestine movements of migrant workers and members of their families. The Committee also requested it to impose effective sanctions on persons and/or groups who orchestrate or assist such movements, and to provide appropriate assistance to the victims.

Women migrant workers

Ms Dieguez-Arevalo showed much interest in women migrant workers. She was particularly concerned about an NGO report alleging that Bolivian women workers in Argentina and Brazil as well as Bolivian women domestic workers in Spain suffer a range of abuses. She also noted that Bolivia failed to inform the Committee about efforts undertaken to deal with the consequences of migration for those who are left behind, especially children or adolescents whose mothers work abroad. According to press reports, this group encounters more difficulties and abuse than children whose parents live in Bolivia.

Ms Urena confirmed that there is a clear trend towards the feminisation of Bolivia's overseas workers. She pointed out that most women leave the country illegally to work in Argentinean textile mills, and cited mistrust of the Government as one of the main causes of this phenomenon. She reassured the Committee that the current Government is taking steps to regain the trust of Bolivian migrants. Concerning the effects of migration on family members who are left behind, Ms Urena told the Committee that both the Government and NGOs are closely monitoring this question. In addition, she stated that the Ombudsman is currently carrying out a study on the subject.

Regional initiatives on migration

In her opening statement, Ms Navarro expressed her regret that the vast majority of Bolivians who have emigrated are in an irregular situation in the countries of destination and, consequently, vulnerable to human rights violations. In order to address this situation, the Government has undertaken two main initiatives. The first is the inclusion of a provision on respect for international human rights in bilateral and multilateral agreements. The second initiative is the review of the services provided by Bolivian consulates in different countries. This includes the creation of 'mobile consulates', where consular staff visit Bolivian communities to facilitate their access to services.

In this regard, the Committee asked the delegation to further elaborate on regional and bilateral efforts to deal with migration issues, especially in relation to planning, monitoring and gathering data on movements across borders. In response, the delegation recognised the importance of regional cooperation and claimed that the country is increasingly active in regional discussions within the MERCOSUR¹¹ and the Andean Community of Nations.¹²

Both Ms Navarro and Ms Urena made reference to the *Patria Grande Plan*, which was implemented by Argentina as a model for Bolivia and as a starting point towards the free of movement of workers within the region. Ms Urena also mentioned Bolivia's participation in the annual South American Conference on migration, which, in her view, contributes to the harmonisation of migration policies in the region. These regular dialogues help to gradually change the attitude of those states that continue to view migration as a security issue. During the 5th South American Conference on Migration, a declaration was made by States recognising the full range of migrants' rights. Ms Urena also stressed the importance of bilateral negotiations, and noted that in Bolivia's reply to the Committee's list of issues, there is a list of bilateral agreements entered into by Bolivia. New agreements have also been signed since. According to Ms Urena, bilateral agreements have 'become almost routine' for Bolivia.

Furthermore, Ms Urena explained that civil society groups hold yearly 'alternative encounters' on migration issues in parallel to the intergovernmental meetings. During the 5th civil society forum, a declaration was made on the justiciability of migrants' rights. The delegation was asked by the Chairperson to elaborate upon its expectations of these annual civil society meetings, but it failed to do so.

Services for Bolivians abroad

The delegation questioned about the protection provided to Bolivians working overseas. Firstly, Ms Dieguez requested more information about the work of the so-called 'mobile consulates' mentioned by Ms Navarro. Ms Urena explained that this consists of having consular staff visit Bolivian communities with a view to proposing a number of consular services to them. They may also propose temporary documents in view of processing regular ones. This has the double purpose of ensuring that Bolivian migrants are protected and

¹¹ The members of MERCOSUR are Argentina, Paraguay, Uruguay, and Brazil.

¹² The members of the Andean Community are Bolivia, Colombia, Ecuador, and Peru.

gathering data in order to better estimate the number of Bolivians abroad. This system has already been put in place in Argentina, where discrepancies in the figures are becoming clear.

Moreover, Ms Dieguez-Arevalo, considered the imposition of a 1 percent tariff on remittances of a value of less than or equal to 1000 US dollars to be an important measure, and asked the delegation for more details on this. With regard to the figure of 800 million US dollars in remittances cited in Bolivia's report, she expressed concern that it is too low and does not seem to 'jibe' with the other figures provided. Ms Navarro confirmed that there is a 1 percent tax on remittances, but pointed out that it is a temporary measure on speculative capital that enters Bolivia. With regard to the 800 million US dollars of remittances, Ms Navarro explained that these figures come from the Central Bank, which only records formal movements of capital. She added that Bolivians abroad tend not to use banks to send money to Bolivia.

Mr Brillantes asked the delegation whether there are provisions under Bolivian law for the repatriation of the remains of Bolivian workers who die abroad. Ms Urena replied that repatriation is possible through an informal process which involves the foreign State, Bolivian consular representatives abroad, as well as NGOs. The foreign state facilitates legal and administrative procedures, while the relevant Bolivian Embassy and NGOs gather financial resources.

Furthermore, Mr Kariyawasam posed a question on support measures for Bolivian returnees and help their reintegration into Bolivian society. Ms Urena stated that discussions on the issue are ongoing at the National Migration Service, but a tangible solution has not yet been found. She mentioned that NGOs in Bolivia have been active on the matter, and added that it may be helpful for Bolivia if the Committee makes some recommendations.

Taking note of the absence of mechanisms to facilitate return and reintegration, the Committee invited Bolivia to adopt relevant measures and to consider setting up local institutional mechanisms to facilitate the voluntary return of migrant workers and members of their families, as well as their durable social and cultural reintegration.

Migrants' access to basic services

Bolivia was asked by several Committee members to clarify if the current system allows migrants to access jobs and basic services such as basic education, healthcare, and social security.

Ms Urena affirmed that access to basic education is free for nationals and non-nationals. Children of migrants in an irregular situation acquire Bolivian nationality through the principle of *ius solis*¹³ and, thus, also have access to education services. Public universities are accessible to all on the condition that the applicants pass an entrance exam. Ms Urena stated that healthcare services in Bolivia have so far focused on mothers and children. The Universal Health Insurance for Mothers and Children (SUMI) provides universal, comprehensive healthcare free of charge for pregnant women from the start of their pregnancy up to six months after giving birth, as well as to children from birth to 5 years of age. She affirmed that the Government plans to extend this programme to the whole population. Access to social security is not universal in Bolivia; the system only covers full-time workers. Ms Urena emphasised that the former administration put in place a system of temporary work contracts that allows some employers to side-step their social security obligations, depriving both Bolivian and foreign temporary workers of social security coverage. The current administration plans to reform and extend this coverage in the future. Ms Urena further stated that there are no restrictions on foreigners' access to the job market. However, a general shortage of employment opportunities affects both foreign and local workers. The Government is currently looking to generate more stable employment opportunities through further developments in the gas industry and the promotion of micro-business.

¹³ Birthright citizenship.

Other issues

Participation of civil society

Ms Dieguez expressed concern that, according to an NGO report, NGOs were not allowed to participate in the drafting of the State report that was submitted to the Committee. Stressing the important role played by NGOs in clarifying a country's migration situation, Ms Dieguez and Mr Brillantes asked the delegation to describe the relations between the Government and civil society, as well as the degree of participation of NGOs in the preparation of the report. Ms Urena emphasised that the current Government has good relations with NGOs. Nevertheless, she admitted, due to time constraints and other organisational problems, the Government had failed to consult with NGOs in the elaboration of the national report and the reply to the list of issues submitted to the Committee.

Family reunification

Mr Sevim enquired about rules and regulations on family reunification. In particular, he requested information on whether there is a waiting period before family members can join a migrant worker in Bolivia, and whether there is an age limit for children. He also asked under what circumstances family members may obtain residence or work permits as well as access to education and other services. Ms Urena replied simply that although family reunification is among the Government's priorities, there are no formal norms to date. She also suggested that the Committee could help the Bolivian Government in this particular area. Concerning foreign spouses of Bolivian nationals, Ms Urena spoke from her personal experience that the process of regularisation takes two to three weeks, and thereafter foreign spouses have the same rights and access to governmental services as nationals.

Child labour

Ms Dieguez welcomed the establishment of an inter-institutional body and a national plan for the eradication of child labour. However, she also noted that the national report mentions that child labour is linked to the sugar cane harvest and the mining industry. In connection to this, she asked if this concerns just Bolivian children, or if it also concerns Peruvian children who accompany their families as part of the seasonal migration. Ms Navarro responded that labour in these industries is mainly performed by adults. However, she admitted that there are also children in the fields and in the mines, who are sometimes subject to slavery. These children were Bolivian.

In its concluding observations, the Committee encouraged the State party to support a comprehensive study on the situation of children of migrant families, with the aim of developing adequate strategies to ensure their protection and the full enjoyment of their rights.

Treatment of Peruvian migrants

In her opening statement, Ms Navarro admitted that there are certain discriminatory attitudes among public officials against Peruvian migrants, even though the legislation provides for equal treatment of nationals and non-nationals.

In response to the clarification requested by the Ms Dieguez-Arevalo on the treatment of Peruvian migrants, Ms Urena stressed that the Ombudsman's Office is working to prevent discrimination of any kind. She affirmed that the awareness-raising campaign against discrimination, which took the form of two-minute TV spots of dramatic situations, has had a big impact on Bolivian society. She also commented that with an indigenous person as President, the current Bolivian Government has 'a certain sensitivity' toward this issue.

Unionisation and participation in trade unions

Mr Sevim asked about migrant workers' right to join and/or set up trade unions. Ms Urena responded simply that there is no law in place which explicitly prohibits this and foreigners who feel that it is in their interest are free to join and/or set up trade unions.

Conclusions and next steps

In her final remarks, Ms Navarro thanked the Committee for their questions and reiterated Bolivia's commitment to the promotion and protection of all human rights. She pointed out that Bolivia does not actively promote emigration, but understands that those who wish to migrate have the right to do so. She also made two suggestions. First, she stressed the need to improve coordination among the various UN human rights bodies, pointing out that Bolivia has had to submit four reports in four months. Second, she suggested that the Committee allow well-founded requests for cancellations of State report presentations.

Ms Navarro reaffirmed that Bolivia is undergoing many changes, including a change in attitude and approach towards migration. She recounted a personal story of President Morales, who has been a migrant himself and thus personally understands the need to protect migrants. She noted that this change in attitude, ushered in by President Morales, has been reflected in a lot of different ways.¹⁴ Ms Navarro recognised that 'there is a lot that needs to be done,' but she was optimistic that 'the current change in attitude is already a good step forward'.

The Chairperson expressed her appreciation for Bolivia's participation in the discussions. He further noted Bolivia's recognition of migrants' contribution to society and hoped that Bolivia will take migrants' interests into account in the ongoing reforms. He acknowledged that Bolivia is currently undergoing a lot of political and socio-economic changes and is facing many challenges, but warned that none of these fully justifies the shortcomings raised by the Committee. He hoped that the concerns raised will be taken seriously, and that they will be thoroughly examined by the Government. The session ended one and a half hours earlier than scheduled.

The Committee requested that Bolivia submit its second periodic report by 1 July 2009.

Last revised and updated: 12 June 2008

¹⁴ For example, consulates in Switzerland, United States, and Spain have adopted an open-door policy and welcomes all Bolivians. In general, foreign service employees stationed abroad are more willing to extend their services to Bolivians, including those in an irregular situation.

TREATY BODY MONITOR STAFF

Gareth Sweeney, Deputy Manager, Geneva

Michelle Evans, Representative to the UN, New York

Vanessa Jackson, Human Rights Officer, New York

AUTHORS OF THE BOLIVIA REPORT

Rosa Sanz, Fellow

Sofia Cordero, Intern

ABOUT THE PUBLICATION

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the six treaty bodies (all but the Committee on the Rights of the Child) and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm>.

COMMENTS AND FURTHER INFORMATION

We would welcome your feedback on this publication so please send any comments and suggestions to information@ishr.ch. You can check the latest Treaty Body Monitor reports published on www.ishr.ch.

COPYRIGHT, DISTRIBUTION AND USE

Copyright © 2008 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on, or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.