



General Assembly

Distr.
GENERAL

A/HRC/6/15/Add.2
11 December 2007

ENGLISH
Original: SPANISH

HUMAN RIGHTS COUNCIL
Sixth session
Item 3 of the agenda

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on the situation of human rights and
fundamental freedoms of indigenous people, Rodolfo Stavenhagen**

Addendum

**PRELIMINARY NOTE ON THE MISSION TO BOLIVIA
(25 November to 7 December 2007)**

1. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people carried out an official visit to Bolivia, at the invitation of the Government, from 25 November to 7 December 2007, in order to examine the situation with regard to the human rights of indigenous peoples in the country. This preliminary note provides initial information on the visit of the Special Rapporteur. A full report of the mission, including the Rapporteur's recommendations to the Government and other relevant actors, will be submitted subsequently to the Human Rights Council.
2. The mandate of the Special Rapporteur was established in 2001 and renewed by the Council in September 2007. A key aspect of his work is the periodic visits to countries at the invitation of the Governments concerned. The reports on these visits describe the general situation with regard to indigenous rights and contain a number of recommendations to Governments and other actors with a view to improving the situation. Mr. Stavenhagen's visit to Bolivia is his eleventh visit as Special Rapporteur.
3. During his mission, Mr. Stavenhagen visited the departments of La Paz, Potosí, Oruro, Chuquisaca, Cochabamba, Santa Cruz and Beni, where he held information meetings with indigenous and human rights organizations to gain an understanding of the specific situation of different communities. Among others, he met with representatives of the Aymara and Quechua nations and the Ayoreo, Chiquitano, Guaraní, Guarayo, Mojeño, Movima, Tacana, Trinitario, Uru, Yuki and Yuracare peoples. The Special Rapporteur also met with several ministers and other officials of the national Government, with prefectural and municipal authorities, members of the Constituent Assembly and the legislature, and the Ombudsman. He also met twice with President Evo Morales Ayma.
4. Bolivia is a multi-ethnic country. In 2005 an indigenous president was elected for the first time, and announced his intention of introducing sweeping changes in the country's social and economic policy aimed at benefiting the indigenous peoples and remedying the historic injustices perpetrated against them. President Morales also appointed several indigenous ministers and vice-ministers to his Cabinet. One of the first decisions of his Government was to dismantle the Ministry of Indigenous Affairs and Native Peoples, which has been replaced by a cross-cutting approach led by the Ministry of the Presidency.
5. The Government has taken steps to incorporate in domestic law the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in September this year. The Political Constitution of the State recently approved for the most part by the Constituent Assembly contains numerous provisions on the collective rights of indigenous peoples, including the concept of indigenous autonomy.
6. One of the main issues that drew the attention of the Special Rapporteur during his visit is the serious persistence of racism and discrimination against indigenous people, and especially against indigenous women. This is still manifested in the behaviour of public officials at the national and subnational levels and in the attitudes of political parties and pressure groups, which sometimes incite violence against persons based on their indigenous status. Expressions of anti-indigenous racism frequently occur in some media, which often sacrifice the principles of objectivity and impartiality for the sake of political interests. It is a matter of concern that the current political conflict in Bolivia has given rise to a resurgence in manifestations of racism more suited to a colonial society than a modern democratic State.

7. Denial of the right to lands and territories, as recognized by the Declaration, is the main focus of concern for indigenous communities in Bolivia, and the principal source of violation of their rights. While some progress has been made in land reform and the granting of title under the Act on the National Agrarian Reform Institute and community renewal of agrarian reform, there are still many obstacles in the way of this process, which is a source of frustration for the communities. In the highlands, where smallholdings and extremely small plots (known as “*surcofundios*”) are prevalent, many indigenous communities are demanding a reconstitution of their ancestral territories. In the Eastern region (*Oriente*) and the Bolivian Amazon, land has been consolidated, in many cases illegally, into very large estates (“*latifundios*”), giving rise to numerous conflicts with the indigenous people who have been affected and, in some cases, displaced, and serious violations of their human rights have been documented.

8. A matter of special concern is the bondage in which Guaraní communities are still living in three departments of Bolivia as a result of historical dispossession of their territories; the Special Rapporteur was able to observe this personally. Also of concern is the situation of high-risk vulnerable communities such as the Yuki people in the tropical lowlands of Cochabamba and the Ayoreo in the department of Santa Cruz.

9. The Special Rapporteur was able to examine several cases of environmental pollution caused by extractive industries, with highly detrimental effects on the health and habitat of adjoining communities. This is the case of mining activities in the departments of Oruro and Potosí, as well as hydrocarbon extraction in other areas.

10. The mobilization of indigenous peoples in recent years has led to substantial progress in recognition of their rights and their role in the national political process. The many documented instances of assault and attacks on indigenous leaders and human rights defenders, with the support of economic actors and local authorities, are a matter of concern, and reflect the difficulties in the way of building a pluralistic democratic society in the country.

11. The Special Rapporteur will prepare a full report of his mission for subsequent presentation to the Human Rights Council. This report will also include his final recommendations on the legal, administrative and other measures that can contribute to improving the situation in regard to the rights of indigenous peoples in Bolivia.
