



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

Distr.: General
23 May 2013
English
Original: French

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Eighteenth session

Summary record of the 216th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 April 2013, at 3 p.m.

Chairperson: Mr. Taghizade (Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of the Plurinational State of Bolivia (CMW/C/BOL/2)

1. *At the invitation of the Chairperson, the delegation of the Plurinational State of Bolivia took places at the Committee table.*

2. **Mr. Cox Mayorga** (Plurinational State of Bolivia) said that for the purposes of preparing the second periodic report, information workshops had been held in several towns in the country, and attended by State and civil society representatives.

3. The new Constitution, adopted on 7 February 2009, recognized a raft of new rights and progressive norms for citizens and for the environment. The new State, which was plurinational, featured a non-exclusive political structure. In accordance with article 256 of the Constitution, the international human rights instruments which had been ratified and which enshrined better rights for people than those in domestic legislation, took precedence over the latter. Such was the case with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In accordance with article 14 of the Constitution, all forms of discrimination were prohibited. With the adoption of the new Constitution, a number of provisions that did not comply with the principles set out in the main text had been repealed. Since 2010, the Plurinational Legislative Assembly had adopted over 340 Acts, including Act No. 045 against racism and all forms of discrimination, Act No. 251 on the protection of refugees, Act No. 263 against trafficking in persons and Act No. 348 on violence against women. The Assembly was currently working with civil society on the preparation of several bills, including one on migration, which should serve as a framework for the protection of migrants in accordance with the Constitution and the treaties ratified by the State. Migration was also taken into account in national plans such as the national human rights action plan for 2009–2013, entitled “Bolivia: Dignity for a Good Life”, which protected the rights of vulnerable groups, including migrant workers in general, as well as migrants and refugees in Bolivia.

4. At the administrative level, efforts had been made to build capacities and streamline the relevant institutions. Recent measures included the permanent district office inspection programme, training for senior officials, implementation of an integrated system for the issuance of passports, delivery of new identity cards for foreign nationals, training of civil servants, creation of the official migration website (<http://www.migracion.gob.bo/web/>), establishment of a new individualized support service, and prioritization of monitoring of minors’ entries and exits in order to combat the trafficking and smuggling of children and adolescents.

5. Regarding migration statistics, while progress had been made in identifying foreign nationals, monitoring entries and exits, and recording crimes, complaints and incidents, the data nonetheless needed to be more carefully disaggregated. The last population census had been held on 21 November 2012 and the results would be available in 2013. Furthermore, over 50 new consulates had been opened across the globe to accommodate the needs of Bolivian expatriates. Bilateral agreements had been signed with Brazil, Argentina and Spain to regularize the situation of Bolivians living in those countries. In 2009, Bolivians abroad, residing mainly in Spain, Argentina and Brazil, could for the first time vote in Bolivian national elections.

6. In its opposition to all political exclusion, Bolivia had, through its President, published an open letter against the 2008 European Union Directive on the return of foreign nationals in an irregular situation, which it considered a violation of human rights in general. Against the current crisis of the capitalist system, which primarily affected

European economies, Bolivia was doing its utmost to help Bolivians working in Europe to return voluntarily and to be reintegrated.

7. **Mr. Núñez-Melgar Maguiña**, noting that Bolivia had not yet made the declarations required under articles 76 and 77 of the Convention, which recognized the competence of the Committee to receive and consider communications submitted by States parties or individuals, asked whether it envisaged doing so. Also noting that Bolivia had not brought its domestic legislation into line with the provisions of International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), he would like to know whether it planned to do so. On the question of discrimination, efforts had been fully found wanting, especially in relation to Peruvians who were victims of abuse committed by State representatives, particularly police officers. Had an agreement been made with Peru in that area? At the administrative level, how long did it take for consulates to issue the necessary travel documents to Bolivian migrants and their families who were travelling abroad or returning to the country? Where migrants encountered prejudice, what action could they take to seek compensation and what was done to inform them of such action?

8. **Mr. Kariyawasam**, noting that many Bolivian women worked in neighbouring countries, and even in Spain, asked whether provisions had been made to ensure their protection. If not, did Bolivia intend to make such provisions?

9. **Mr. Sevim**, noting that the report did not contain information on social security and pensions in Bolivia for migrant workers in regular and irregular situations, also asked what provisions had been made in those two areas. He asked what actions Bolivia had taken regarding family reunification.

10. **Ms. Dicko** asked what mechanism, if any, had been put in place to coordinate the actions carried out by the various authorities in the area of migration. The report gave no information on the question of the return of Bolivians abroad. Was there a system to provide support or incentives to return in the form of loans to help start up companies, for example? Might the delegation also provide further information on foreign nationals working in Bolivia?

11. **Mr. Carrión Mena** asked when the Immigration Bill would be enacted and implemented. How did the State party plan to collect data on immigrants and emigrants, given that such statistics were essential for the implementation of public policies centred on the protection of migrants' fundamental rights? Highlighting the fact that being in an irregular situation was not a crime, he asked why the Bolivian authorities placed migrant workers in administrative custody. Regretting that the report contained little information on how migrant workers in Bolivia were informed of their rights and obligations, he would also like to know whether the State party had concluded bilateral agreements with the countries that received significant numbers of Bolivian migrant workers, and to be given details on the services provided to Bolivian nationals by Bolivian consulates.

12. **Ms. Poussi** asked what concrete measures the State had taken to realize the rights of migrant workers, be they foreign migrants working in Bolivia or Bolivians working abroad. She would like to know whether any bodies or mechanisms had been established to that end and, if so, how they operated and whether they had sufficient resources. Noting that the Bolivian Constitution enshrined the principle of non-discrimination, she enquired about the measures that had been taken to facilitate foreign workers' access to employment. Had anyone already brought a habeas corpus action and, if so, what had been the outcome? Noting that in 2010 the Ministry of Justice had prepared an assessment of the situation of torture in Bolivia, she asked what the conclusions of that assessment had been and if some conclusions concerned migrant workers in particular. She would like the delegation to provide details on the right to join freely any trade union, indicating especially whether

migrant workers were members of trade unions in Bolivia and whether Bolivian emigrants could exercise that right.

13. **Mr. Ibarra González**, noting that when a Bolivian migrant worker died abroad, his or her family often took responsibility for the repatriation of the body, asked whether the State party had set aside a budget in that regard. He also wished to know whether the Bolivian consulates provided advice and assistance to Bolivian migrant workers whose rights had been infringed.

14. **The Chairperson** noted that the report contained very few examples concerning implementation of the provisions of the Convention. Noting that around 60 per cent of Bolivians who emigrated went to Argentina, he said that specific agreements on the social protection of migrants should be concluded between the two countries. Structures and mechanisms designed to protect the rights of migrant workers in Argentina should also be put in place.

The meeting was suspended at 4 p.m. and resumed at 4.50 p.m.

15. **Ms. Navarro Llanos** (Plurinational State of Bolivia) said that the Government was looking into the possibility of making the declaration required under articles 76 and 77 to recognize the competence of the Committee to receive and consider communications from individuals and States parties and envisaged ratifying ILO Convention Nos. 97 and 143. Bolivia had made several amendments to its legislation to bring it into line with the new Constitution adopted in 2009.

16. **Ms. Llanos Sangüesa** (Plurinational State of Bolivia) said that the draft Immigration Bill, which regulated the entry, transit and stay of migrants in Bolivia and provided for policies on migration which ensured the rights of migrants, had been adopted in 2012 by the Chamber of Deputies and that it would soon be enacted.

17. **Ms. Navarro Llanos** (Plurinational State of Bolivia) said that migrant workers, just like Bolivians, had the right to join a trade union. Regarding State social benefits, migrants who had been in Bolivia for over a year could benefit from the free universal maternal and infant insurance scheme (SUMI) for children under 5 years of age, pregnant women and women of childbearing age, as well as the universal insurance scheme for older persons (SSPAM). The Social Security Code provided that all persons who worked in the country, whether a foreign national or Bolivian, must have compulsory social security cover. Unemployed persons came under the general short- or long-term social security scheme. In addition, in order to combat school dropout, the Government granted an allowance to each child in school, regardless of their nationality, up to the eighth year of primary school on the condition that the child completed the school year.

The meeting rose at 5 p.m.