

SPCP- BOLIVIA UPDATE FEBRUARY 2008

INTRODUCTION

Bolivia is signatory to the 1951 Convention and the 1967 Protocol. It also ratified relevant international human rights instruments and adopted the broader Cartagena refugee definition. Although the Government is committed to the protection of refugees, there is a recognized need to revise some of its laws and practices to bring them fully in line with international protection standard.

In light of this, in 2007 UNHCR and the Bolivian Ministry of Foreign Affairs launched the first phase of the Strengthening Protection Capacity Project – Bolivia (SPCP-Bolivia) to strengthen the capacity of the Bolivian government to receive and protect refugees.



Puerto Quijarro, Bolivian frontier with Brazil

CONTEXT

The recognized refugee population in Bolivia is relatively small (just over 600 persons) but steadily increasing. For example, in 2007 the number of persons requesting asylum in Bolivia rose by 200%. There are also believed to be many more individuals residing in Bolivia, particularly Colombians, with serious protection concerns but who have not registered officially with the

government. This reluctance in part stems from a lack of confidence in the refugee asylum procedures. As a result, many with protection needs live hidden from official view in precarious situations or move on from Bolivia to claim asylum elsewhere.

One of the positive developments that coincided with the launch of the SPCP-Bolivia was the recently approved new Political Constitution providing in law for the systematic individual registration of refugees and asylum seekers, recognition of the right to seek and be granted asylum and the explicit reference to the non refoulement principle. This therefore provides a firmer basis on which to strengthen refugee protection capacity.

PROTECTION GAPS

At the outset of the SPCP-Bolivia a number of key protection gaps were identified including:

- the absence of registration and proper documentation of asylum-seekers and refugees;
- unclear refugee status determination procedures and practices not in accordance with international protection standards;
- a relatively high incidence of arbitrary arrest, detention, and refoulement;
- and negative and discriminatory treatment particularly of Peruvian and Colombian asylum-seekers and refugees;

IMPROVING REFUGEE STATUS DETERMINATION

Given the limited funds initially available to the SPCP-Bolivia, the project was divided into Phases. Phase 1, completed in December 2007 focused primarily on measures to improve the refugee status determination procedures and ensure that those in

need of protection have access to them.



Urban Refugees in Santa Cruz and UNHCR staff

Access to the territory

To help ensure that asylum seekers are appropriately identified and referred to the asylum process, training of immigration authorities and auxiliary migratory forces (Unidad Policial de Apoyo al Control Migratorio – UPACOM, INTERPOL) were conducted in La Paz, Santa Cruz and frontier areas (Desaguadero, Puerto Suárez). Ninety-five governmental officers were trained on refugee issues during the period.

Registration and Documentation

The SPCP-Bolivia supported the training of registration officers, and the advanced proGres registration system is currently being implemented. This will result in a more rigorous and systematic registration procedure,

The provision of individual personal documentation for all asylum seekers that include security safeguards is another important development of the SPCP- B. The new Temporary Identification Certificate includes minimal data concerning the asylum seeker, the Ministry of Foreign Affairs Official Logo and the contact information of CONARE Secretariat.

CONARE Technical Secretariat

Through the cooperation and financial support of the SPCP, CONARE's Technical Secretariat was established.

The Secretariat plays a fundamental role in the administration of refugee affairs. coordinating with immigration and border agents concerning asylum seekers access to the territory and referral to asylum procedure; individual registration and documentation of refugees and asylum seekers; coordination and participation in refugee status determination interviews; the provision of country of origin and legal research; the preparation of eligibility assessments and drafting of CONARE decisions.



Training activity with immigration officers in Santa Cruz

Eligibility Interviews and Assessments

Among the improvements that have been supported through the Secretariat are a new more accountable filing system; initial eligibility assessments; regular meetings between the Secretariat and CONARE members and enhanced appreciation on the part of the latter for a full and inclusive interpretation of the refugee definition, including the recognition of gender-related persecution as a basis for a refugee claim.

CHALLENGES

The successful completion of Phase 1 of the SPCP-Bolivia has led to a commitment on the part of UNHCR and the Government of Bolivia to continue in

this joint capacity building endeavor. To that end, donor support is needed to reinforce the positive achievements reached to date and to address the other serious protection gaps remaining. In particular further work is needed in the following areas:

Legislation

Notwithstanding positive developments regard to the approval of the new Political Constitution, there is a need to ensure that laws affecting refugees fully conform to international standards. Specifically this includes working for the removal of current provisions that are contrary to such standards such as in the areas of exclusion, cessation, cancellation, and revocation of refugee status.

Capacity Building at Borders

There remains a need for further training and guidance of government officials in border areas to help manage migration in a protection sensitive manner. Specifically this includes the training as well as development and implementation of mechanism to assist in the identification of persons wishing to claim asylum and appropriate and timely referral procedures to the appropriate authorities.

CONARE Secretariat

The current capacity of the Secretariat is limited and needs to be reinforced to ensure the ongoing proper registration and documentation of asylum seekers. In addition there is also a need for further refinement of refugee determination procedures to bring them in line fully in line with international standards. This includes refinements to ensure written reasons for negative decisions, independent appeal process and the introduction of specific procedures to address the particular protection risks of women, and unaccompanied and separated children.

Substantive training on the refugee definition and how to apply it and the expanded definition to asylum determinations is also required.

Public Information Campaign

Addressing widespread discrimination confronting certain groups of refugees and asylum seekers including from government authorities (Police, INTERPOL, the National Immigration Service) the media and the local population is also necessary to improve the protection environment in Bolivia.

Trafficking in Persons and Migrants Smuggling

Bolivia continues to be a source and destination country for those who are trafficked or smuggled across territories. Although the Government is committed to fight human trafficking and smuggling, no special mechanism has been put in place to identify victims of trafficking or those who are smuggled and in need of international protection.

Durable Solutions

There are serious obstacles confronting recognized refugees in being able to locally integrate into their communities. Work is needed to establish a comprehensive durable solution strategy in Bolivia, and to ensure the legal and practical means for recognized refugees to successfully integrate.

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