



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined fifth and sixth periodic report of Bolivia, at the Committee's sixty-first session, held in July 2015. At the end of that session, the Committee's concluding observations (CEDAW/C/BOL/CO/5-6) were transmitted to your Permanent Mission. You may recall that in paragraph 45 on follow-up on the concluding observations, the Committee requested Bolivia to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19 (a) and (e) and 29 (b) and (c) of the concluding observations.

The Committee welcomes the follow-up report received with a four-month delay in November 2017 (CEDAW/C/BOL/CO/5-6/Add.1) under the CEDAW follow-up procedure. At its sixty-ninth session, held in March 2018 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations, that the State party “**develop, as a matter of priority and within a specific time frame, a strategy to prevent violence against women, with the participation of various stakeholders, including high-level government officials, and considering the special situations of risk to indigenous and Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention**”: The State party informed on the establishment on 8 March 2017 of an Inter-Institutional Commission to implement a public policy for a decent life of Bolivian Women, in the framework of which the 2022 Action Plan for the eradication of violence against women in its various forms will be implemented. It added that this plan is based on goals, strategies and actions, which are the result of an analysis of the 2016 survey on the prevalence and characteristics of violence against women. The State party further informed that the Ministry of Justice and Institutional Transparency established a sectorial and intersectoral council for a life free of violence, which first met in 2015 and adopted a multisectoral plan for dismantling patriarchy and promoting the rights of women in 2017. This plan proposes interministerial and intersectoral strategies to eradicate gender-based violence and punish discriminatory practices, exclusion and subordination, through institutional mechanisms, legislative instruments and actions aiming at institutionalizing the Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence.

Her Excellency
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Alternative information before the Committee underline the absence of a strategy to prevent violence against women and that consequently, awareness raising led by the State party does not focus on the deconstruction of the root causes of violence. Reports further inform that policies on violence against women tackle the situation of indigenous women, but not of women in detention, women with disabilities, women in prostitution, domestic workers and migrant women.

The Committee welcomes the adoption of the 2022 Action Plan for the eradication of violence against women in its various forms, and the proposal of inter-ministerial and inter-sectorial strategies to eradicate gender-based violence through the multi-sectorial plan for dismantling patriarchy. It further welcomes plans to institutionalize a Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence in the State party. The Committee however regrets the lack of information on the adoption of a strategy for the prevention of violence against women and on consultations with various stakeholders for the adoption of adopted actions plans, and on measures taken to consider the heightened risk of Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention to be exposed to violence. The Committee considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendations. It thus considers that the information provided is **partially satisfactory**.

In relation to the recommendation that the State party “**strengthen the mandate of the “Genoveva Ríos” special police force against violence at the national, departmental and municipal levels**”: The State party reported that the sectoral and intersectoral council for a life free of violence, during its meeting in July 2017, identified the strengthening of the institutional presence of the “Genoveva Ríos” Special Police Force to Combat Gender-based Violence and the extension of its offices to all the country’s municipalities as two major challenges.

Alternative information before the Committee informs on the activity of “Genoveva Ríos” police force in 30 out of 339 municipalities. Reports further underline that additionally to insufficient political will and insufficient presence over the municipalities, a lack of trust in institutions and social stigma attached to violence prevent victims from reporting the violence suffered. Reports also inform on insufficient resource allocation to the “Genoveva Ríos” Special Police Force.

The Committee takes note that the strengthening of the institutional presence of the “Genoveva Ríos” force, especially in all municipalities, was identified as major challenge and regrets that the State party has not taken measures in this regard or other measures to strengthen the mandate of this force since its recommendation in 2015. It considers that the State party has not taken sufficient steps to implement its recommendation. It thus considers that the recommendation **has not been implemented**.

The information provided by the State party is thorough and extensive, and relates directly to the recommendations. The Committee thus considers that it is **satisfactory**.

Regarding the recommendation that the State party “**provide capacity-building to the police officers to enable them to discharge their duties in a gender-sensitive manner, and address stigmatization of victims of violence**”: The State party reported that since December 2014, the “Genoveva Ríos” Special Police Force to Combat Gender-based Violence has a protocol to deal with cases under the comprehensive law No. 348 of March 2013 to guarantee women a life free of violence, and that its staff is made up mostly of policewomen who receive ongoing training on techniques for conducting investigations and interviews and handling victims

of sexual violence, on the provisions of Act. No. 348, and other related issues. It added that the staff of the Special Police Force run campaigns on the prevention of gender-based violence in schools, neighborhood councils and local gatherings.

Alternative information before the Committee informs that capacity building of members of the “Genoveva Ríos” police force has been undertaken and confirms the adoption of a protocol of action, allowing this force to evaluate the risks in a situation of violence, investigate and gathers information on acts of violence and refer victims towards support services. Reports however underline that due to high turnover in the “Genoveva Ríos” police force, trainings do not have the expected impact.

The Committee welcomes the information provided by the State party on the adoption of a protocol for the “Genoveva Ríos” Special Police Force to Combat Gender-based Violence to deal with cases under the comprehensive law No. 348, and on capacity building for its staff on techniques for conducting investigations and interviews and handling victims of sexual violence, as well as on the provisions of Act. No. 348. It considers that the State party took substantial steps to implement the recommendation. The Committee thus considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and responds fully to the recommendations. It thus considers that the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 19** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1. Ensure the consultation of various stakeholders, including high-level government officials, and considering the special situations of risk to indigenous and Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention in the implementation of its strategies to prevent violence against women.**
- 2. Develop and implement action addressing the special situations of risk to indigenous and Afro-Bolivian women, women with disabilities, migrant and refugee women and women in detention with regards to violence against women.**
- 3. Strengthen the mandate of the “Genoveva Ríos” special police force against violence at the national, departmental and municipal levels.**

With regards to the recommendation made in **paragraph 29** of the concluding observations, that the State party “**introduce age-appropriate school education on sexual and reproductive health and rights**”: The State party reported on the content of sexual education provided to young adolescents between 13 and 14 years of age, which include information on sexuality in a cultural context, reproduction, growth and development, consequences of high-risk behavior, the use of alcohol, tobacco and other drugs as well as information on sexually transmitted infections. It further listed the topics taught and directed to adolescents between 15 and 16 years of age, which include the anatomy and physiology of the male and female reproductive organs, information on fertilization and pregnancy, child development, as well as as gender equity and equality in responsible sexuality, on birth control methods, abortion and sexually transmitted diseases.

The Committee welcomes the information provided by the State party on the content of reproductive and health rights education addressed to adolescents between 13 and 16 years of age through formal education. The Committee considers that the State party has taken substantial steps to implement its recommendation. It recommends that its recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and relates directly to the recommendations. It thus considers that the information provided is **satisfactory**.

In relation to the recommendation that the State party “**ensure affordable access to services and information on sexual and reproductive rights for adolescent girls and boys and increase access to safe and affordable contraceptives throughout the State party**”:

In addition to the list of topics taught to adolescents on sexual and reproductive rights in formal education settings, the State party informed that the 2016 Demographic and Health Survey showed that 95.7% of women between 15 and 49 years of age know one or more method for preventing unwanted pregnancies, that 53.7% of these women do not use any contraception and that 43.6% of women between 35 and 39 years use modern contraceptives, whereas 21 % of these women use traditional methods. It added that this data shows a decrease in the proportion of women not using any contraceptive method and the proportion of women using traditional contraceptive methods since the 2008 Demographic and Health Survey. The State party further reported that female condoms, intrauterine devices, implants, contraceptive pills and the morning after pill are distributed free of charge in all public health facilities, and that the remaining challenge is to raise awareness on their use.

Alternative information before the Committee indicate the lack of legislation on sexual and reproductive rights, as well as of a comprehensive public policy on education in this regard, and the pending adoption of the Plurinational Plan on the Comprehensive Sexuality Education.

The Committee takes note of information provided by the State party on the awareness raising on the methods of contraception, the prevalence of use among women, and welcomes the decrease in the proportion of women not using any method of contraception. It further welcomes the free distribution of contraceptives through public health facilities. The Committee takes note of the identified challenge regarding the awareness on the use of contraceptive methods. It considers that the State party has taken substantial steps to implement the recommendation and thus that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and relates directly to the recommendations. It thus considers that the information provided is **satisfactory**.

Regarding the recommendation that the State party “**conduct awareness-raising campaigns about modern contraceptive methods in indigenous language**”: The State party did not provide information on awareness-raising campaigns regarding modern contraceptive methods in indigenous languages.

The Committee regrets the absence of measures taken to conduct awareness-raising campaigns about modern contraceptive methods in indigenous languages, especially considering that awareness raising on the use of contraceptives has been identified as one of the major challenges. It considers that the State party has not taken sufficient steps to implement the recommendation. It considers that the recommendation **has not been implemented**.

The information provided by the State party has failed to address the recommendations. The Committee thus considers that the information provided is **unsatisfactory**.

With regards to the recommendation that the State party “**amend relevant legal provisions to decriminalize abortion and ensure that it is legally available in cases of threats to the life or health of the pregnant woman, rape, incest and serious impairment of the foetus**”: The State party informed on the current grounds for legal abortions, which are in case of rape, abduction which is not followed by marriage, statutory rape, incest and in case of danger to the life or health of the mother. It further reported that the Plurinational legislative Assembly has

been debating a revision of the Criminal Code since February 2017, which includes considerations regarding the expansion of grounds for legal abortion.

Alternative information before the Committee underline that groups campaigning against women's rights have not only contested the expansion of grounds for legal abortion, but all possible grounds of abortion. Reports further show that the Penal Code System in the State party was repealed on 26 January 2018 and that the legislative Assembly will thus need to start over discussions on the Penal Code, including provisions on abortion.

The Committee welcomes the information provided by the State party on the ongoing debate on the revision of the Criminal Code, which includes considerations regarding the expansion of grounds for legal abortions. It however regrets the lack of information on the grounds for legal abortions included in the current proposal for the revision of the Criminal Code, and the lack of measures taken to ensure that abortion is available in cases of threats to the life or health of the pregnant women, rape, incest and serious impairment of the fetus. The Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds fully to the recommendations. It thus considers that the information provided is **satisfactory**.

Regarding the recommendation that the State party: “**ensure the appropriate implementation of the Constitutional Court ruling abolishing the requirement of judicial authorization for access to abortion in cases of rape or incest**”: The State party reported on the content of the Constitutional Court ruling abolishing the requirement of judicial authorization for access to abortion in cases of rape or incest, but it did not provide information on measures taken to ensure the appropriate implementation of this ruling.

Alternative information before the Committee informed on awareness raising on the Constitutional Court Ruling in question by the Ministry of Health in 35 hospitals covering the territory of the State party, as well as on the adoption of guidelines on its implementation and of a technical procedure for health care delivery. Reports further inform on obstacles identified for the implementation of this ruling, such as prejudice, patriarchal mandates, lack of confidence, socio-economic differences and lack of information.

The Committee regrets that the State party has not provided information on measures taken to ensure the appropriate implementation of the Constitutional Court ruling abolishing the requirement of judicial authorization for access to abortion in cases of rape or incest. It considers that it **has not received sufficient information to assess** whether the recommendation was implemented.

The information provided by the State party has failed to address the recommendations. The Committee thus considers that the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 29** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. **Raise awareness on the use of contraceptives and continue increasing access to safe and affordable contraceptives throughout the State party**
2. **Conduct awareness-raising campaigns about modern contraceptive methods in indigenous languages.**



3. Amend relevant legal provisions to decriminalize abortion and ensure that it is legally available in cases of threats to the life or health of the pregnant woman, rape, incest and serious impairment of the foetus.

4. Ensure the appropriate implementation of the Constitutional Court ruling abolishing the requirement of judicial authorization for access to abortion in cases of rape or incest.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hilary Gbedemah'.

Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women