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**REPORT OF THE COMMITTEE OF LATIN AMERICA AND THE CARIBBEAN
FOR THE DEFENSE OF THE RIGHTS OF WOMEN (CLADEM-BOLIVIA) AND
LEGAL OFFICE**

**THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN (CEDAW)**

"THE HUMAN RIGHTS OF WOMEN IN THE POLICE BOLIVIANA"

MARCH, 2015

1. INFORM PURPOSE

1. The purpose of this presentation to CEDAW, is reporting problems that threaten the women rights in Bolivian Police: discrimination and violence that threaten the rights to equality, personal integrity, to the honor and dignity, social rights and other recognized by the CEDAW.

2. In particular, refers to the rights of a segment of the female population that is not made visible in official way and alternative reports submitted to this Committee and other instances.

2. Context

3. Bolivia is defined as a free, independent, sovereign, democratic, intercultural, decentralized and autonomous Community Social Unitary State of Plurinational law. Adopts for its government participatory, representative and democratic community, with equal rights between men and women.¹

4. Bolivia is considered the poorest country in South America, with large disparities between rural and urban, ethnic groups and social classes. According to the National Statistics Institute (INE), 2012, 45% of the population lives in poverty. Poverty in rural areas affects 61.35%, in urban areas at 36.84%. The female population comprises 50.6 percent of the total.

3. Equality

5. The State is based on the values of unity, equality, inclusion, dignity, freedom, solidarity, reciprocity, respect, complementarity, harmony, transparency, balance, equal opportunities, social and gender equity in participation, common welfare, responsibility, social justice, distribution and redistribution of goods and social goods, to live well "and are goals of the State" Ensuring compliance with the principles, values, rights and duties established²

4. No discrimination

6. International treaties and conventions ratified by the Plurinational Legislative Assembly, which recognize human rights and prohibit their limitation in states of emergency prevail in domestic order³

7. The State prohibits and punishes all forms of discrimination and recognizes in particular women not to suffer physical right, sexual or psychological violence in the family and in society⁴.

5. The Bolivian Police

8. The Bolivian Police is organized under a single command by General Commander under the President of the State. It is a hierarchical structure that is of aspiring professional police officers and police officers, noncommissioned officers, cadets, officers (sergeant, lieutenant, captain), head (major, lieutenant colonel, colonel) and general.

9. Formally, the entrance to the police is open if the minimum requirements are met. Both officers and NCO and classes are done through training institutes. Upon graduation from the National Police Academy (ANAPOL), officers hold the rank of Second Lieutenant, can reach the maximum rank of General. The policemen who graduate of the Police Basic School (ESBAPOL) do with the degree of Police Officers, and the maximum degree to which they can aspire is to Superior NCO.

¹ Artículo 1 de la Constitución Política del Estado (CPE) aprobada por referéndum de 2009

² Artículos 8.II y 9.4 de la C.P.E

³ Constitución Política del Estado Art. 13.III

⁴ Ibid. Art. 14 inc. I,II y III y Art. 15 inc II

6. Problems faced by the Bolivian Police

10. Although the police regulations is consistent with a democratic state, the gap with reality is the ineffectiveness of the institution and the existence of informal codes that regulate them. Corruption is very common. Wages are very low (four or five times lower than of the military) and police illegitimate leverage other sources of income. (Mansilla, 2003).

11. Violations of human rights committed by agents not only given to citizenship, but also within the institution. The physical and psychological abuse seems to be a common behavior towards police officers and NCOs. 34% of the officers and NCOs say 33% subject to these behaviors and indicate that in most cases comes from the officers.⁵

12. Another serious aspect has to do with violence and murder of women whose authors were members of the police force. The cases are many and are generally characterized by a lack of sanctions. According to research news, 18% of the 35,000 police registered in the country were reported by aggression toward their partners and it is estimated that 5% of similar cases went unreported⁶. A case that has shocked the Bolivian citizenship occurred on July 22, 2014 in the city of Cochabamba, where a woman was raped by six members of the UTOP (Tactical Police Operations Unit) in one of the bedrooms of the body. This case unsolved, is full of negligence by the law enforcement agency.⁷

7. Women in the Bolivian Police

13. On 1973 was created in Bolivia Women's National Police Brigade, an operating unit of preventive and auxiliary character. In 1979 the Police Academy admitted women to train as cadets; in 1986 this access was closed and reopened on 1999.

14. In 2008, 3,617 were women police officers nationwide, 10% of the total of which only 96 were officers: Lieutenant Colonel 15, 8 Mayor, 3 Captain, 23 and 47 Lieutenant Second Lieutenant. The rest, NCOs, classes and agents (Pérez, 2009).

15. In 2003 for the first time two women were promoted to the rank of General what constitutes a step towards gender equality in the police force.

8. Specific Issues of gender and protected by the CEDAW violated by the Bolivian State Rights.

Article 1. For the purposes of this Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction based on sex which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by women restriction, regardless of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

8.1 Discrimination

16. The gender discrimination in Bolivian Police has various manifestations, explicit, through feedback from their colleagues and superiors in grade questioning the ability of women or merits by which reached a position of command and other subtly from admission to a police training institute (ANAPOL and ESBAPOL) by applying unwritten rules that women must fulfill obligations not required of men.⁸

⁵Informe del PNUD 2006

⁶ Periódico El Diario. 17 de febrero de 2014.

⁷ Source Oficina Jurídica Para la Mujer. Cochabamba, complainant institution. 2014.

⁸ Policía Nacional y Seguridad Ciudadana. PNUD. Año 2005.pag.59. en <http://idh.pnud.bo>

17. *"One of the first negative samples were found to be very frustrating, it was noted that the applicants who were relatives of some boss or their somatic characteristics were the most prized had all the support and especially enjoyed privileges, but that had physical characteristics as being more brown or some fatty were noticeably more marginalized and ignored and obviously the most commonly required in all aspects".*

18. In general difficulty accessing positions of responsibility and achieve promotions are constant in the police, but, for women are much greater obstacles they are valued in them marital status, number of children, ethnicity, height, and others are what define their situation.

19. A study by the chair of the Human Rights Commission of the Chamber of Deputies in 2009 received alarming results: 89% think the institution of human rights of women are not respected and 96% say that there discrimination in various forms of manifestation. 70% of respondents report having suffered personally police discrimination based on gender.⁹

20. The 66% claimed to have been the victim of employment discrimination in promotions, destinations, schedules, etc. Intellectual capacity of women belittles, are assigned to specific destinations and bodies by gender. Males are intended to places and institutions where they are assigned bonuses and their salary.

21. 33% say they have suffered discrimination generational reason. Is not taken into account the experience or seniority of women for promotion or destinations: there is influence peddling. Young and adult feel discriminated against, first through inexperience and the second by elderly. Moreover, they assert that physical attractiveness influences much.

22. 40% of respondents claim to be discriminated against on clothing. The uniforms are made and distributed in standard sizes for men, so women should send fix with the consequent extra expense. Nor does it take into account the region and climate of the assigned destination.

23. The 55% say they have personally suffered discrimination in access to professional development. Scholarships and specialization courses are for men regardless of training or merit, preventing access to this training for women.

8.2 Barriers to access to spaces of leadership and power

Article 3. *States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women in order of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on an equal basis with men.*

24. The exercise of control of women is hardly accepted by men, why are preferably designed to units whose function is to attend the female population such as the Task Force to Combat Violence (FELCV) or the lower section of the Task Force to Fight Crime (FELCC).

25. *The politicization of the Bolivian Police has overturned its own rules for access to higher positions aside the capacity and expertise of prominent and eminent chiefs and officers generating discouragement and loss of intellectual stimulus for improvement leading to seeking favors contacts with influential people in the political, trade union or other area. "Such situations were part of my institutional experience, however to have the grade, seniority and preparation charges assigned me under chiefs who did not have these requirements. The biological differences between men and women, have become the main cause for discrimination and devaluation of the work of one sex at*

⁹ Diagnóstico de los Derechos Específicos de las Mujeres en la Policía Boliviana. Dirigido por Elizabeth Salguero Carrillo. La Paz, Octubre de 2009.

*the expense of another, devaluing the contribution of women to the institutional development and full participation of women in all areas of institutional life.*¹⁰

8.3 Abuse

26. The disrespect and abuse are two sides of the same coin in National Police. Be treated with respect not necessarily mean not having suffered some form of abuse; mean when much their frequency and severity is lower¹¹.

27. The 25% of victims of abuse of power points and 16% to the imposition of degree to explain the mistreatment.¹²

28. From the entrance to the police training institutes applicants are often subjected to verbal, physical and psychological abuse. Apparently the intent is to cause the withdrawal of the claim to be police. In November 2013 three cadets of the National Police Academy (ANAPOL) were admitted to a health center, one of them with blows to the coccyx caused by excesses of instructors. In the same opportunity I had to mourn the death of the cadet Cinthia Poma.¹³

8.4 Gender-based violence (sexual harassment and impunity)

General Comment 19 of CEDAW

*6 Article 1 of the Convention defines discrimination against women. The definition of discrimination includes gender-based violence, it means violence directed against a woman because she is a woman or that affects women disproportionately included. Acts that inflict physical harm or suffering, mental or sexual, threats of such acts, coercion and other deprivations of liberty are included. Violence against women may breach specific provisions of the Convention, regardless of whether those expressly mention violence or not.*¹⁴

29. Violence against women in the police force for their gender is deeply rooted, many victims choose to cope with the problem quietly and women choose to report more rarely successful if the attackers are official high graduation or influences heads of the institution or political actors.

30. *María a sergeant intended Brigade Family Protection says "I was assaulted by Lieutenant NN for calling attention to a young police because not answer my call. I did not realize she was a lieutenant lover, he came to me and started yelling expletives who was affecting my dignity as a woman and police officer. When I asked him what happened to act that way, he tried to hit me, only the intervention of the driver of the unit avoid his aggression. He screamed that I don't know who he was, his father is Colonel NN with a high post in La Paz and would terminate me."*¹⁵

31. Sexual harassment is a problem that remains silent. The mere mention of the term "sexual harassment" causes rejection reactions, solidarity, mockery, embarrassment and disqualification.

¹⁰ The Colonel Zaida Mariaca, besides being professional police trained as a lawyer and from his position as a cadet at the Police Academy and during his professional career was highlighted as the first could not promoted to the rank of General is the highest at you can aspire to finish the race in the police force.

¹¹ . Policía Nacional y Seguridad Ciudadana. PNUD. Año 2005.pag.51. en <http://idh.pnud.bo> Última visita 10 de agosto de 2014.

¹² Ibid. Pág.54

¹³ <http://www.paginasiete.bo/sociedad/2013/12/4/fiscal-indaga-responsabilidad-padres-poma-muerte-7747.html>. Last check ugust 8, 2014.

¹⁴ En http://www.ipu.org/splz-e/cuenca10/cedaw_19.pdf

¹⁵ Part of the tenor of the complaint to the inner court, the same which failed

Usually looking blame the victims, other positions argue that "sex games" in work environments are natural; therefore denounce punish or pretend do not correspond.¹⁶

32. Sexual harassment affects women in the police are expressed in physical and psychological pressure to have unwanted close contacts with a colleague or superior has hit at least 35% of women. Data from the NGO World Vision indicate that at least 60% of women suffer police harassment in their labor sources.¹⁷

33. In March 2009 the Commission on Human Rights of the Chamber of Deputies received 75 complaints of sexual harassment of women in the institution of the order.¹⁸

34. *The report on Police and Public Safety conducted by UNDP must be the incidence and intensity of sexual harassment is significantly higher among women than among noncommissioned officers, sergeants, corporals and policemen female: at least one in two official claims to have been a victim of this type of treatment and one in five is a serious case.*

35. The conclusions of the Report of Ombudsman on ANAPOL (2005) tend to confirm: the atmosphere at the National Police is particularly difficult for women to reach leadership positions. Among those who report being sexually harassed at least once, 62% indicated that the assailant was a senior officer, against 22% pointing rather to a low-ranking officer, demonstrating once again the excesses which the verticality of the institution leads. Rather marginal percentage point to colleagues (8%) and subordinate (8%).¹⁹

36. *March 2013 after police YQ accused the ATM lieutenant (both intended for Transit Operations Unit Tarija) for the crime of rape, it would have been committed previously causing unconsciousness of victim. According to complaint lodged with police, Lieutenant would have insisted on several occasions establish an intimate relationship with the police woman, who had rejected him on several occasions. The 29 years old woman currently performs hers functions in the same unit. The obsession of the officer would have been planning an intimate gathering place in complicity with two of his comrades women sergeant degree, that invented a way out to dinner; the surprise was that the meeting became a meeting to drink alcohol and where the alleged victim sexually abused result. (...) The points out in his accusation was much indignation, the Police woman proceeded to report the matter to Colonel Grover Baldivieso, director Transit Operating Authority, who according to the alleged victim, have ignored the testimony and only receiving intimidation and arguments as if it would be looking for 'ruining' career police man officer.²⁰*

37. Interview with Lieutenant HL says "I am an official intended to the Transit of this city, until July 29 worked as Assistant Director of Traffic Department, when there was a change of authority the new Director (...) started me hints as "a pretty girl, you have to take advantage, achieved a man who made gifts as a house, money." After a few days he began to approach my body physically putting his hands in the back pocket of my pants or leg. My reaction was to remind him that I deserve to be respected me and I'm Tae Kwon Do champion. His reaction was very violent and loudly said "How come you're trying to looks like a good girl, when you're a whore,

¹⁶ Interview with Chief Police

¹⁷ Claudia Escobar declaration, Gender responsible of World Vision on July 29th, 2009. Radio Pio XII. En <http://www.fmbolivia.com.bo/noticia14284-mas-de-la-mitad-de-mujeres-policias-sufren-acoso-sexual.html>, Última visita 10 de agosto de 2014.

¹⁸ Ibid.

¹⁹ Policía Nacional y Seguridad Ciudadana. PNUD. Año 2005.pag.59. en [www. idh.pnud.bo](http://www.idh.pnud.bo). Last view August 10th, 2014.

²⁰ <http://elpaisonline.com/index.php/2013-01-15-14-16-26/cronica/item/54801-denuncian-a-teniente-por-presunta-violacion-a-una-policia>. Last view August 9, 2014

still like this and you'll see what you get." I was immediately changed back to the South zone and workplace harassment became unbearable. What he seeks is to make me leave my career.

38. Most of the acts of domestic violence and sexual harassment are forgotten because victims do not trust the actions of its domestic courts. "(...) The hierarchical superiority in the National Police tends, quite often, to be associated with perceived as taxation and abuse of power practices. This is strongly influenced by the low levels of exposure "causing dissatisfaction on the implementation of rules and regulations for reasons linked to favoritism or corruption that is common practice in the institution, as stated by 75% of police officers interviewed for the report on Public Safety and National Police.

39. Sexual harassment, in many cases means a punishment to the "transgressive" who "dared" to enter this space traditionally considered masculine and others serves the purpose of disqualifying labor and intellectual capacities..²¹

40. What is worrying is that the large majority of women believe that there is no legislation to protect victims, known labor law and ignore the existence of an area that protects human rights and an area that receives complaints discrimination and violence within the institution..²²

8.5 Materials Working Conditions (Art. 11 of the CEDAW)

41. Working conditions in Bolivian Police are characterized by large gaps, a high level of discomfort among the police by low pay, poor equipment, and social benefits (...) 80% of the police feel that the institution they are not respected his right to a fair remuneration according to their seniority and hierarchy in a complete lack of correspondence between the work performed and the income they earn..²³

42. In this general atmosphere of deficiencies of the police, the conditions for the development of women's work in the police are much worse. In many units that are designed women, there are no bathrooms or bedrooms equipped for them, being forced to share with their male colleagues.

43. A clear example of the precarious conditions in which women police work is the Task Force to Combat Violence (FELCV) whose units are not minimally equipped to rest during long shifts that meet exposed to situations spaces risk by abusers of women.

44. The institution ignores the vulnerability of women because of their gender situation, at conclusion of the night operations which they must attend, they are not provided with vehicle to return to their homes,

This situation has been placed them as a victims of sexual rape or armed robbery. In this regard the MR Police said: *"When we participate in operating as Chachapuma Plan or emergency actions, they usually end in the early morning, our superiors leave us at the door of the barracks and our peril that we have to look back our homes, most of us live in places far from the center and despite the costs we must take taxi"*. This situation has resulted in recent years in Cochabamba grade two women officers were raped by criminals who were even more enraged with them to be policemen. The two cases went unpunished because victims shame not insist on research and our leaders did not put any effort to find authors..²⁴

²¹ Woman Chief Police interview. October, 2014.

²² Inside the police units exist Gender and Human Rights

²³ Policía Nacional y Seguridad Ciudadana. PNUD. Año 2005.pag.54. en [www. idh.pnud.bo](http://www.idh.pnud.bo). Last view August 10, 2014.

²⁴ Testimony of Sargent MR in personel interview on Auguts 20, 2014.

8.6 Status of Police Task Force intended to Violence (FELCV)

45. According to Law 348 the FELCV is the specialized agency of Police in charge of prevention and research assistance, identification and apprehension of suspected perpetrators of violence against women, under the direction of prosecutors. Although the rule does not indicate that the charge is exclusive for women, almost all of the units whose personnel assigned to women.

46. Sometimes when there's no remedy bring their children to work, but the bosses are upset because they say it is not kindergarten. The same officials say it is not the right place for children because they are witnessing the problems that arise quarrels or fights talks with criminals who usually make use of foul language. There is also the fear and distrust of what might happen with children / as they do not know all his comrades.²⁵

47. As a unit in which the majority staff are women, officials, media and society, based on gender stereotypes saddled with the responsibility of dealing with lost children or abandoned, homeless and others who do not should only give attention but provide food.

48. *A woman told about police: "when I had my baby in my work many times I was forced to breastfeed abandoned children because we have no budget to buy milk, bottles or diapers".*

8.7 Lack of Social Rights

49. The distortion of the concept of equality that prevails in the police to equate women with men without taking into account the specificities of gender results in the failure of some social rights such as feeding schedule at least one hour day, the provision of childcare or minimum for the performance of their duties conditions

50. For nursing mothers by denying them permission breastfeeding involves additional economic cost for the purchase of substitutes and the child, deprivation of adequate food.

51. 77% of women police notes that the institution nursing hours provided for by law is not respected. (...) Be pregnant at the national police is like being sick.²⁶

52. The police women who are mothers do not have a place to leave their children / as, the institution does not perform any action to have a nursery to facilitate the work of police, which at instances they happen to attend live with the anguish of thinking what might happen to his family. Worse when family and friends are non-existent for many shipments of department, province or district that are subject networks.

9. CEDAW RECOMMENDATIONS MADE TO STATE THE YEAR 2008 REFERRING TO THIS REPORT.

Recommendation 21

53. *The Committee recommends that policies be developed and programs targeting women and men in both rural and urban areas, to help ensure the elimination of stereotypes associated with traditional roles in the family, which are revealed to be implemented in education, employment, politics and society. It also recommends that caters to the media to project a positive image of women and the equal status of shared roles and responsibilities of women and men in both private and public spheres.*

Recommendation 25

²⁵ Expressions in the focus group held in the city of Tarija.

²⁶ Policía Nacional y Seguridad Ciudadana. PNUD. Año 2005.pag.59. en www.idh.pnud.bo. Última visita 10 de agosto de 2014.

54. *The Committee urges the State party to ensure the proper formulation and implementation and enforcement of existing legislation to combat violence against women and girls, including domestic violence and sexual violence and higher priority to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, in accordance with recommendation 19 to prevent violence, punish perpetrators and provide support services and protection of victims. This strategy should also include measures of awareness and sensitivity, particularly judicial officers, officials law enforcement and prosecutors meet, as well as teachers, staff health services, social workers and the media. The Committee encourages the State party to provide in its next periodic report, detailed statistical data on the incidence of domestic violence, as well as information on measures taken to combat the problem, progress and remaining barriers.*

Recommendation 35

55. *The Committee recommends that necessary to ensure compliance with the provisions of Article 11 of the Convention and the implementation of relevant conventions of the International Labour Organization ratified by Bolivia action. The Committee urges the State party to establish effective mechanisms for monitoring compliance with existing legislation and ensures nondiscrimination in employment and equal pay for equal work.*

9.1 SUGGESTED RECOMMENDATIONS

56. The Bolivian police take action to change androcentric and discriminatory behavior within the institution for the purpose of achieving a cultural transformation to eliminate discrimination and violence based on gender power

57. Incorporate into domestic legislation and everyday practice gender approach to transform the prevailing patriarchal mentality, making visible the presence of women and institutionalizing the actual assessment of their participation in institutional development, since those neutral concepts so far only have reinforced the superiority of one sex over the other, affecting the chances of professional development on equal opportunities for women police

58. Promote a critical analysis seeks to achieve institutional commitment and gender culture in practice.

59. Eliminate all forms of exclusion of women officers in the process of specialized training, promotions to management posts, operational and promotions in degrees.

60. Search and achieving greater symmetry in the relations man - woman police.

61. Incorporate Police Doctrine gender approach to transform the patriarchal mentality of conceiving man as a single universal model of the human and integrate the gender perspective in the use of language and the different systems of police work

62. Give full compliance with existing labor and social security in the country and standards issued by international organizations such as the ILO, particularly those relating to breastfeeding breaks, child care, etc.

63. Ensuring decent living conditions for women police work, adapting infrastructure and ensuring their safety.