

BOLIVIA

Contributions from the Coalition of Human Rights Organizations of Women of Civil Society for the elaboration of the List of Questions regarding the fifth and sixth periodical state report, for adoption by the Committee for the Elimination of Discrimination Against Women (CEDAW)

October 2014

PREVIOUS CONSIDERATION.- The Coalition of Human Rights Organizations of Women of Civil Society remitted the document “report of the Committee for the Elimination of Discrimination Against Women (CEDAW)” dated November 20th 2013, the current document titled “Contributions from the Coalition of Human Rights Organizations of Women of Civil Society for the elaboration of the List of Questions regarding the fifth and sixth periodical state report, for adoption by the

Committee for the Elimination of Discrimination Against Women (CEDAW)” constitutes a complement and update to the first document.

Presentation

The Coalition of Human Rights Organizations of Women of Civil Society was able to articulate the efforts of 135 important women’s organizations and institutions to elaborate the present report developed in six different parts: (1) The work of NGOs with ample experience in the promotion of rights recognized by CEDAW, that provided specialized information, of a rigorous and objective nature with statistical data and bibliographic revisions; (2) the gathering of information and perceptions of social and women’s organizations by means of 9 departmental workshops with the participation 550 persons; (3) the systemization of the specialized contributions gathered from the workshops and the drafting of the preliminary report; (4) the socialization of this report in the departments by means of 9 workshops with the participation of 387 persons; (5) the complementation and editing of the final version of the first report officially remitted to the CEDAW Committee on November 11, 2013; (6) the updating and delegation of the final version through two national events. The present alternate report is the result of that process.

Context

The constitutionalization of women’s rights (2009), and the general development of the new legal system that has incorporated a focus on gender and a greater presence of women in public office are amongst the principal achievements reached by Bolivian women in recent years. However, there are institutional weaknesses, limited scope of public policies and patriarchal structures in the State, society and the family in force today that makes difficult a greater achievement in compliance with CEDAW.

Detailed information in this regard is explained in the present report, that from our role as civil society visualizes the situations that required greater attention on the part of the State and to be taken into consideration by the Committee for the Elimination of Discrimination Against Women during the review of Bolivia as a contribution to the identification of steps that may be taken to reach full attainment of human rights for women.

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EQUALITY BEFORE THE LAW, NON-DISCRIMINATION AND MEASURES, MECHANISMS FOR ADVANCEMENT, AFRO-BOLIVIAN WOMEN

RECOMMENDATION N° 8. The Committee urges the State Party to take the necessary measures to ensure the effective compliance with current legislation as related to gender equality. The Committee urges the State Party to expedite the revision process of compatibility of said Laws with the Convention, abolish without delay all laws that discriminate against women, particularly discriminatory dispositions of penal and civil legislation, and ensure the application of laws against the discrimination of women.

The Bolivian State has made significant progress in the Legislative sphere starting with the enactment of the Political Constitutional of the State on February 7, 2009; where women's rights are recognized in more than 30 articles.

In the 2009 – 2014 period, several laws have been enacted that incorporate dispositions to protect the rights of women, such as gender equity and equal opportunities, parity and alternation, non-discrimination, the right to a life free from violence, as well as a de-patriarchalization, amongst others.

Another significant advance has been the enactment of Law N° 031, Framework Law of Autonomy and Decentralization, which includes the “Principle of Gender Parity” (Art. 5), assigns sufficient resources for the elimination of social and gender inequalities, and the eradication of poverty Art. 102, N° 5) and that Autonomous Statutes and Organic Charters must include in their content a regime for gender, generational and impairment equality (Art. 62, N° 11), although in practice such entitlements are not yet complied with, strengthening the mechanisms for women's advancement are not a priority.

Also to be mentioned is the approval of Law N° 243, Law against Harassment and Political Violence against Women (2012), a regulation that was expected for more than 12 years, that introduces into the Penal Code the crimes of political harassment and violence against women, imposing penalties between 5 and 8 years of incarceration, respectively.

The Law of the Plurinational Electoral Organ (2010) establishes mechanisms of affirmative action for women as representatives of indigenous peasant origin with the purpose of guaranteeing their presence as members of the Supreme Electoral Court and the Departmental Electoral Courts.

The State has enacted Law N° 045, Law Against Racism and All Forms of Discrimination (2010) in which measures of prevention and sanction of acts of discrimination and racism are established. The National Committee Against Racism and All Forms of Discrimination, a meeting of the State and Civil Society. The Policy of the Plurinational State of Bolivia against racism and all forms of discrimination 2012 – 2015 was drafted, which to this date has not been approved by the Executive, obstructing its application and the allocation of resources.

In regards to access, whether to operators or administrators of justice, there is a lack of awareness of the laws in favor of women's rights, which hinders the processing of complaints. Notwithstanding, there are emblematic cases that have been resolved in light of this regulation and achieved a restoration of rights.¹

Nonetheless, other acts of violence remain in impunity, particularly, the State does not adequately protect persons living with HIV – AIDS, LGBT, the disabled, sex workers from stigma and discrimination, especially in health centers and the denial of their labor rights. In the case of Women Sex Workers it has been proven that the UNAIDS² guidelines on HIV and sex work are not being applied, in particular to its being criminalized and the lack of confidentiality on their condition.³

Regarding the Family Code, there is a draft law that has not been amply agreed upon, in which the recognition of same sex families is not considered, or of sexual diversity, which constitutes an act of discrimination and an infringement of civil rights.

With respect to the elimination of discriminating regulatory dispositions, amendments to the Penal Code have been carried out, by means of Law N° 348, Fundamental Law to Guarantee Women a Life Free from Violence, eliminating discriminatory aspects that attenuated honor crimes against women, violent states of emotion, entering into marriage with the victim, etc., which is very positive. Nonetheless, there are penal types that must be reviewed.

The progress Bolivia has made in regards to the new regulatory framework is undeniable; however, they are Laws and regulations that do not constitute policies of protection of women's rights, due to the lack of regulations and adequate budgets for their implementation.

PROPOSED RECOMMENDATIONS.-

1. Allocate the human, administrative and financial resources necessary to guarantee the effective application of the new regulations in favor of women's rights.
2. The Bureau of the Fight against Racism and all forms of Discrimination, and the Equal Rights Vice Ministry must have sufficient resources to guarantee compliance with their functions.
3. Greater social integration of the new regulations amongst the most vulnerable sector such as women in peri-urban and rural areas, disabled women, women with HIV are required.
4. Sensitize judges, prosecutors and police for the adequate application of the new regulations.

¹ The case of ten adolescent women in the city of Cochabamba who were prevented in their enrollment in a public school that traditionally only catered to male students.

² Review: "UNAIDS orientation notes on HIV and sex work" UNAIDS, 2009

³ Case reported by ONAEM (Organización Nacional de Activistas para la Emancipación de la Mujer) on a sex worker in Sucre diagnosed with HIV

5. Establish a regulation that recognizes same sex and sexually diverse families, that guarantees their rights of inheritance, social security, patrimony, family assistance and other rights recognized by law for heterosexual couples.

LIST OF QUESTIONS:

1. **What is the procedure of the State for social integration and consensus with civil society for drafting of laws and other regulations?**
2. **Explain if the new laws have agreed upon with civil society and especially with the direct beneficiaries of these regulations?**
3. **What is the progress of compliance with Law N° 045, (Law against Racism and all forms of Discrimination) in favor of women and what annual budget allocated to guarantee its compliance?**
4. **Do these new laws have the technical, financial and human resources for their compliance?**
5. **Why does the new Family Code project not include same sex families and the recognition of equal rights for same sex couples?**

RECOMMENDATION N° 29.- The Committee urges the State Party to establish a legislative base for the adoption of special measures of a temporary nature, in conformity with Paragraph 1 of Article 4 of the Convention and with General Recommendation 25 of the Committee, and to adopt said measures when necessary to accelerate the achievement of a substantive equality for women in all spheres covered by the Convention.

With respect to a legal base to adopt affirmative measures Law N° 045, Law against Racism and all forms of Discrimination, and its regulation favorably recognize that positive or affirmative actions are mechanisms of reparation of inequalities and signal that their adoption does not imply acts of discrimination, but rather that they are tools for the construction of equality.

The National Plan for Equal Opportunities, “Women Constructing the New Bolivia to Live Well” in force since 2008 has not shown great progress in its implementation due to the lack of allocated resources.

PROPOSED RECOMMENDATIONS.-

1. Evaluate the implementation of the National Plan for Equal Opportunities, “Women Constructing the New Bolivia to Live Well”, and identify the difficulties for its implementation.
2. Updated data and statistics that allow for visibility on the situation of Women Rights and the implementation of policies and plans of a more effective impact.

LIST OF QUESTIONS:

1. **What special measures of a temporary nature has the State adopted in favor of women and how do you evaluate its impact?**
2. **Mention how great and what was the impact of the implementation of the budget allocated to compliance with the special measures adopted?**

NON-DISCRIMINATION

RECOMMENDATION N° 21.- The Committee recommends the development of policies and the implementation of programs aimed at women and men, both in rural and urban areas, that contribute to the elimination of stereotypes associated with traditional family roles, manifested in education, employment, politics and society. The Committee also recommends encouraging the media to project a positive image of women and the equality of condition as well as the roles and responsibilities jointly shared by men and women, both in private and public spheres.

There has been important regulatory progress in the fight against racism and discrimination, as an effort of the State and civil society, that guarantees a respect of dignity for all and particularly for the indigenous peoples and peasants, amongst them the ratification of the Declaration of Rights of Indigenous Peoples (2006), and the enactment of Law N° 045 Against Racism and all forms of Discrimination of October 8, 2009, that forbids and sanctions gender discrimination as also stated by the CPE.

This Law establishes that the State, in the educational sphere, will implement formative processes in education in human rights and values, to modify attitudes and behaviors founded on racism and discrimination; promote respect for diversity; and counteract sexism, prejudice, stereotypes and all practice of racism and/or discrimination. Furthermore, mandates that the media must eliminate from their programming, languages, expressions and racist, xenophobic and discriminatory manifestations, as well as disseminate the Law, messages and content against discrimination, a measure not yet complied to by all the media, although it has been conformed to by the media of broadest scope, that develop very positive campaigns.

On the other hand, Law N° 164, General Law of Telecommunications, Information Technologies and Communication, emphasizes that the Telecommunications and Transport Regulation and Supervisory Authority coordinates “the implementation of preventive policies in the spheres of communication, information and dissemination against racism and all forms of discrimination” and puts into effect sanctioning processes.

Some social communications media in application of Law N° 045, broadcast spots, slots and information in favor of equality and against discrimination, however, in contradiction, the content of their programs and publicity continue reproducing traditional roles, stereotypes and prejudices that objectify the female image and are overlooked by those that oversee the Law. The same happens with commercials and beauty contests that are legitimized even by State agencies. Even though misogyny is taken into account in Law N° 045, sexism is not considered to be unstitching this type of infringement, therefore, the subordination of one sex by another is considered a natural condition.

As per data from the National Directorate of the Fight Against Racism (DGLCR) between October 8, 2010 and December 31, 2013, there were 552 complaints registered for racism and/or discrimination of which 56% come from the public sphere and 44% occur in the private sphere. The most frequent motives are sexual orientation, the level of education, cultural identity and origin. The Ombudsman received 1652 complaints between October 2010 and October 2013, and these cases are related to adult persons, disabled, peasants, coca growers, penal inmates,

immigrants, young men and pregnant women, amongst others, where it stands out that less than 1.5% have been brought for prosecution.⁴

The approval of public policy against racism and discrimination should be a priority for the Government. The State must take responsibility for the investigation and sanction of crimes of racism and discrimination that have not been cleared and sanctioned to date.⁵ It is necessary that the role of the media and sexist content in their programming be addressed.

The absence of regulations hinders control on the part of regulatory entities, such as the Telecommunications and Transport Authority (ATT) may duly sanction the broadcast of discriminatory and sexist acts, despite the fact that Law N° 348 considers Media Violence to be an offense.

There is no evidence of programs aimed at modifying roles traditionally assigned to both men and women in rural areas, where the cultural norms accentuate the differentiation of gender roles, adding to this situation the stigmatization of disabilities as a tragedy, curse or punishment.

PROPOSED RECOMMENDATIONS.-

1. The Telecommunications and Transport Authority must carry out efficient oversight of the broadcast of programming in the media of discriminatory and sexist content that reinforce the traditional roles of men and women, and establish sanctions in keeping with current laws.
2. The Prosecutor's Office should initiate proceedings against authorities and public officers that issue messages and opinions with chauvinistic, misogynist, discriminatory and homophobic content.
3. Establish sanctions for the broadcast of messages with chauvinistic content that mock and injure the dignity of women of all age groups.
4. Adopt a preventive public policy in social communication in issues of discrimination, misogyny and homophobia.

LIST OF QUESTIONS:

1. **What actions have been implemented to comply with the mechanisms available to the State to prevent and sanction the issuance, broadcast, socialization and education of sexist, homophobic and discriminatory content against women?**
2. **With what legal procedures have the media been sanctioned for the broadcast of media violence?**
3. **What legal and administrative measures have been taken against authorities and public officers that have issued discriminatory message against women and what type of sanctions have been imposed?**

⁴ <http://www.comunidad.org.bo/index.php/indicadores/listar/grupo/2>

⁵ A case of aggression against transsexual workers in May 2013 in the city of Cochabamba, that were discriminated against, insulted, harassed and beaten by local taxi drivers without any progress of the investigations.

MECHANISMS FOR PROGRESS

Recommendation N° 10.- The Committee requests that the State Party ensure the institutional stability of national mechanisms for the progress women and grant them the facility to adopt decisions and sufficient financial and human resources, in the sphere of central as well as regional and municipal administration, to promote and efficiently coordinate the application of a substantive strategy to incorporate a gender perspective for the application of the Convention in all spheres of policies and in all levels of Government. The Committee encourages the State Party to formulate, adopt and apply an integral and ample national plan of action with the purpose of achieving gender equality and progress for women.

Public gender institutions, concretely the Equal Rights Vice Ministry, a dependent of the Ministry of Justice, has experimented with a de-hierarchization, which reduced its decision making capacity, to define public policies and to influence other entities of the governmental and State sphere. It has scarce human resources and a reduced budget that does not allow compliance with scheduled objectives, with the exception of a few cases that have international assistance. Has not been able to implement to date all lines of action contemplated in the National Plan for Equal Opportunities, “Women Constructing the New Bolivia to Live Well” that proposed the recovery of the concept of gender and its decolonization. Civil Society organizations throughout the country in their different agencies are urging the State for the creation of a Ministry of Women.

At the Departmental and Municipal level there also exist mechanisms of gender with similar limitations. The need to prioritize these agencies and allocate resources for the implementation of policies favorable to women is a necessary condition so that progress achieved by the adoption of laws and plans are not left on the shelf.

There is evidence of a scarce propagation and slow application of adopted regulations in favorable to women, for different reasons, amongst them the fragile institutionality of the agencies responsible for their application, or lack thereof, and the non-allocation of resources for their implementation. In 2013 the budget for the Equal Rights Vice Ministry was Bs. 341,750⁶ equivalent to U\$ 50,000 an amount insufficient to guarantee the implementation of the plans and efforts of the State when taking into account the dimension of the problem.

PROPOSED RECOMMENDATIONS.-

1. To have hierarchical agency at the level of the Executive to guarantee the implementation of laws, plans and programs, and the adequate allocation of resources favorable to women, this agency must be the Ministry of Women.
2. At the time of issuing a policy or law, sufficient resources, institutional and legal mechanisms must be guaranteed for their implementation.
3. Guarantee the participation and effective social control of civil society in all its expressions without discrimination, particularly regarding women of all age groups.

⁶ http://www.comunidad.org.bo/index.php/indicadores/listar/gestion/2013:2012:2009:2011/cod_derecho/41/cod_dimension/65/grupo/1/top

LIST OF QUESTIONS:

1. Which are the human, administrative and financial resources allocated by the State to guarantee the effective application of the National Plan for Equal Opportunities, “Women Constructing the New Bolivia to Live Well”?
2. What are the hierarchical agencies for women at the executive level to guarantee the implementation of laws, plans and programs and adequate allocation of resources favorable to women?
3. Taking into account the demands of civil society is the State considering the creation of the Ministry of Women?

AFRO-BOLIVIAN WOMEN

RECOMMENDATION N° 15.- The Committee urges the State Party to take the necessary measures to allow men and women of the Afro-Bolivian Community access to all basic social services, by means of their inclusion in national statistics, to address the special vulnerability of Afro-Bolivian Women and in its report give account of measures adopted in this respect.

In speaking of the fight against all forms of discrimination, it has to be taken into account that Afro-Bolivian women, the same as indigenous women, are also affected because they are women, by the color of their skin and by their poverty. Aside from racial discrimination and ethnicity which limits their employment opportunities, conditions of poverty oblige them to take jobs with lower remuneration; high rates of illiteracy are obstacles for access to better working conditions, generally accepting employment as home workers, some merchants, sales women, few are able to access better working conditions.

The contribution of Afro-Bolivian women to the economy is important; they are involved in productive activities as regards the cultivation, sowing, harvesting of produce and in some cases its commercialization.

Unfortunately, access to land by Afro-Bolivian women is no different than the case of indigenous women, parents have not endowed them with parcels of land as the custom is for men to inherit land. “At the time of the Agrarian Reform in 1953 land was given to farm workers, but in the course of time the sons formed their own families and land was parceled off; many people have to migrate due to the lack of workable land, the lack of ownership of land is one of the major problems of Afro-Bolivian populations, worse than is the case for women”.

In the National Population and Housing Census of 2012, Question 29 incorporated the possibility of specific auto-identification as a nation, indigenous peasant peoples or as an Afro-Bolivian.

In regard to their culture, Afro-Bolivian organizations claim that dances practiced at different folkloric events in Bolivia, named “Negritos” or “Tundiquis” promote the stereotype of the Afro peoples as slaves, injuring their dignity. Pointing out that attitudes of discrimination, such as chains, ridicule or the recreation of slavery must be eliminated from the “Tundiqui” or “Negritos” dances. As established by Resolution 001/14 of the National Committee Against Racism and all forms of Discrimination that recommends to the folkloric dance associations and institutions that promote folk dances to elaborate their internal regulations adapting them to Law N° 045 Against

Racism and all forms of Discrimination. Urges dancers to no longer paint their faces black or sing refrains that are “offensive” to the Afro-Bolivian peoples.

PROPOSED RECOMMENDATIONS.-

1. Prohibit all cultural events that promote offensive stereotypes or that attempt against the dignity of the Afro-Bolivian peoples and in particularly of Afro-Bolivian women.
2. Guarantee compliance with the policies, plans and programs included in Resolution 001/14 of the National Committee Against Racism and All Forms of Discrimination, prohibiting the performance of the Negritos/Tundiquis dance.
3. Disaggregated statistics that reflect of Afro-Bolivian people and in particular of Afro-Bolivian women.
4. Generate integral public policies for Afro-Bolivian women.

LIST OF QUESTIONS:

1. **What specific activities has the State performed favorable to Afro-Bolivian women?**
2. **What mechanisms and what budget have been allocated to these activities?**
3. **Has the impact of these policies, favorable to Afro-Bolivian women, been measured?**
4. **What actions have been taken to comply with Resolution 001/14 of the National Committee Against Racism and All Forms of Discrimination, prohibiting the performance of the Negritos/Tundiquis dance?**

DEVELOPMENT AND FIGHT AGAINST POVERTY

RECOMMENDATION N° 13.- The Committee urges the State Party to attempt to incorporate a gender perspective in all programs and policies for the eradication of poverty and explicitly address the structural nature of the different dimensions of poverty faced by women, in particular by those who live in rural areas, indigenous women, senior and disabled women. Recommends that the State Party intensify its efforts to implement efficient educational programs throughout the country, particularly in the sphere of functional literacy, professions and training for income generation, including the availability of micro finance plans, as a means to attenuate poverty, and adopt measures to insure equality of access to land, housing, health care and basic social services for women.

The National Development Plan (PND) of the Plurinational State proposes, “improve the living conditions of the urban and rural populations in extreme poverty strengthening their capacity for community organization and generating, in an integral, participative and self-managed manner, an environment that guarantees access to better opportunities and skills for individual and community development”. According to data provided by the Ministry of Economy the Bolivian population that benefits from direct conditional transfers, such as bonuses, reaches 29%. The *Juancito Pinto* Bonus reaches 16% of which 50% are girls; the *Renta Dignidad* 8%, 55% are women; the *Juana Azurduy* Bonus 5% is aimed at the mother-child binomial. In general 61% of bonuses are aimed at women that use public services and education for their sons and daughters, but that are also recognized as reproductive age mothers.

According to preliminary information from UDAPE, the application of the aforementioned policies has achieved significant progress in the reduction of moderate poverty of 56.6% in the year 2008, of 51% in 2009, which implies that of every 100 persons living in Bolivia 51 are moderately poor; the greater percentage of these live in rural areas (69%) and more than 50% are women.

One of the States most important achievements was the reduction of the rate of extreme poverty to 38% the year 2005, in the year 2013 this has been reduced to 20%, in gross figures this means that 2 million people have left a situation of extreme poverty. Nonetheless, around 2.7 million remain in extreme poverty and 5.2 million live in conditions of moderate poverty, this makes for a total 7.9 million poor; extreme poverty is accentuated in the rural areas, reaching 48%, in relation to the urban area which reaches 15%; it must noted that the majority of poor people live in the cities.

In spite of all efforts Bolivia is one of the countries with major inequality and with high rates of poverty in the region.

An integral focus on poverty is a determinant factor for the development of a people and the impact on women must be identified in labor, environment (contamination), internal and external migration, health, education, housing and employment, amongst others. To measure the rate of poverty, with a focus on gender and equity, it is necessary for the State to have its own indicators. In developing countries such as Bolivia, the disabled are still discriminated against and excluded from the main development initiatives, hindering access to education, health, housing and other spheres of life; a situation that in spite of progress in regulations, these same have not changed the reality in which disabled people live, which should be taken into account in policies for the reduction of poverty.

PROPOSED RECOMMENDATIONS.-

1. To have a policy of development and of struggle against poverty, with a focus on gender.
2. Plan gender sensitive budgets to guarantee the adequate allocation of resources to promote equal development.
3. The establishment of specific plans and policies to guarantee access to conditions that allow disabled women to leave poverty.
4. Establish means of information and updated statistical data incorporating other criteria, information and indicators to measure the level of poverty.

LIST OF QUESTIONS:

1. **Does the State have updated and permanent systems of information to identify the impact of poverty on Bolivian women?**
2. **Has the impact of State policies on the subject of development for women been measured?**
3. **What specific programs favorable to women have been applied and what is their impact on poverty reduction?**

EDUCATION

RECOMMENDATION N° 29.- The Committee urges the State Party to establish a legislative base for the adoption of special measures of a temporary nature, in conformity with Paragraph 1 of Article 4 of the Convention and with the Committee's general recommendation 25, and to adopt said measures when necessary to accelerate the achievement of a substantive equality for women in all spheres covered by the Convention.

The regulatory framework in regard to education has shown progress, in as much as the Political Constitution of the State (2009) recognizes that "all persons have the right to receive an education at all levels..." (Art. 17), likewise in social and economic rights in regard to education, it makes reference to gender equity (Art. 79), it also recognizes the right to free public education in all its levels up to the highest (Art. 81), it also mentions that "the State will guarantee access to education and the permanence of all citizens in conditions of full equality" (Art. 82).

Law N° 045, Law Against Racism and All Forms of Discrimination (2010), in the educational sphere, points to the implementation of institutional policies of prevention and struggle against discrimination, promoting education in human rights to modify racist or discriminatory attitudes and behaviors (Art. 6).

Law N° 070 Educational Law Avelino Siñani, Elizardo Pérez (ASEP, 2010) was approved in 2010, which indicates that "all persons have a right to education at all levels in a universal, productive, free, integral and intercultural manner, without discrimination" (Art. 1 Inc. 1), in turn promotes a non-patriarchal society, founded on gender equity (Art. 4 Inc. 6).

PROPOSED RECOMMENDATIONS.-

1. Guarantee national coverage in all education systems with special focus on rural and peri-urban areas.
2. Carry out major efforts to guarantee an improvement in the quality of education bridging the gap between urban and rural education.
3. Implement a policy that promotes, incentivizes and guarantees access and a diploma to women in the higher levels of education.

LIST OF QUESTIONS:

1. **What is the effect of the enforcement of Law N° 045 and Law N° 348 on education?**
2. **What affirmative measures have been adopted to reduce the gap in education between men and women?**

RECOMMENDATION N° 33.- The Committee urges the State Party to adopt all necessary measures, including special measures of a temporary measure, in keeping with paragraph 1 of Article 4 of the Convention and Committee's general recommendation 25 regarding special measures of a temporary nature, with the aim of reducing the rate of illiteracy and school dropout of girls, especially in rural and indigenous areas, and provide education, both Regular and Alternative Education in the pertinent languages, to women and girls.

Regarding the quality of education and the consolidation of progress in literacy programs, the Plurinational State of Bolivia has allocated for the year 2013, the sum of the Bs. 14 billion, this amount covers the salary increase, the creation of items, the expansion of the *Juancito Pinto* Bonus to high school level, the Program “One computer per teacher” and the professionalization of male and female teachers. Nonetheless, the majority of policies promoted do not specifically point to the gender problem, maintaining the development of a sexist education.

According to data from the 2012 Census⁷ the total Literacy Rate is 94.98% of this 92.54% corresponds to women and 97.49% to men, this shows a clear difference since the total rate of Illiteracy is 5.02%, of this percentage 7.46% are women and 2.51% are men. This situation is concentrated in seniors of 65 years of age or higher, which represents 24.82%, leaving women with 34.71%.

Likewise, a level that remains postponed is the Elementary Level, what stands out is that out of a total of 406,573 of boys and girls from 4 to 5 years of age, 240,666 do not attend pre-school and of students that do assist, girls have a lower number of 81,996 relative to boys that reach 83,911 (INE, 2012).

In the education sector there is Ministerial Resolution 001/2013, prohibiting the rejection or expulsion of pregnant students. In the same way, Decrees N° 1302 and N° 1320 to prevent, eliminate and sanction gender and generational violence in the educational sphere. These policies aimed at overcoming exclusion and discrimination expose the patriarchal legacy which makes it imperative to continue progress in mechanisms that eliminate existing attitudinal, cultural and symbolic barriers.

Coverage of the enrolled population of 5 to 39 years of age is concentrated at the grade school level, for 2001 with 60.13% and for 2008 reaching 58.43%, showing a decrease in enrollment. The female sex has a lower percentage of 57.88% for this year, as opposed to the male sex which reaches 59.00%. Both in the rural and urban areas women maintain a degree of inequality. In 2008, the high school level has increased its percentages relative to 2001; however, the situation for women remains fragile. Enrollment in tertiary level education increases percentages in favor of women (bachelor's degree 3.05% and preparatory 11.35%), concentrated, primarily, in the urban area (bachelor's degree 10.90% and preparatory 0.61%), which demonstrates that the country-city asymmetry in education has not been overcome (INE).

The last Census (INE, 2012) limits information relative to the disabled population by Municipality, types of difficulties encountered and population by sexes. There is no other information, such as how many children would be attending special centers or regular education, for example. The lack of statistical information is surely a barrier that does not allow for the formulation of policies in keeping with reality; the absence of information does not show the real fallacies existing in the education ambit and the inclusion of girls with disabilities in the education system.

⁷ INE: Bolivia Population and Housing characteristics.

As long as education is not prioritized as essential to avoid poverty in the future, the disadvantageous social situation for many people will surely increase. However, children with disabilities, excluded from education, have a higher probability of poverty throughout their lives.

From the point of view of institutions and organization of civil society there are good practices (somewhat isolated) insofar as the inclusion of children with disabilities in regular schools, the process implies facing a series of barriers, amongst which may be mentioned: families do not prioritize education for girls and less so if they present a disability (double discrimination), the lack of necessary and adequate adaptations; educated and trained personnel to effectively support children with disabilities. In rural areas geographical distances add to, or represent, another great obstacle to access to education for children with disabilities. Parent testimony shows that fear of a violation is much more present when the female child has a disability.

Likewise, the first Country Report, on the Convention of the Rights of Persons with Disabilities, points out: “Over the age of 5 years, 54% of persons with disabilities surveyed claimed to know how to read and write, as opposed to 46% that cannot, which represents a high rate of illiteracy. Now, if we take this 46% of illiterate persons, 42% are men and 58% women” (INE: 2001 Census). There is no recent data related to the situation of persons with disabilities in the education system. On the other hand, results show incoherence between the data and the reality manifested by organizations of families of disabled children. That in practice it is evident that children, and mainly girls, continue to be relegated to the private school system.

A majority of the problems with adolescent pregnancy are related to the lack of opportune and adequate information regarding sexual and reproductive health in education centers, especially in rural areas.

The National Plan for Human Rights Education has been elaborated and to date it has not been enforced.

PROPOSED RECOMMENDATIONS.-

1. Apply the dispositions in education law in regard to developing an “de-patriarchalized” education, which must be translated into educational policies as a fundamental element to overcome gender inequalities, as well as the discrimination and exclusion of women.
2. The Statistics and Education Indicators of the Ministry of Education should include data related to the education of persons with disabilities and on literacy programs, cross referencing between sex and geographic area, allowing for identification of the most vulnerable areas.
3. Implement programs in establishments of public and private education to promote non-discrimination amongst students, and to prevent school violence.
4. Diminish the gap in quality of education between rural and urban areas and implement measures to guarantee assistance to students in remote populations.

5. Effectively promote inclusive education.
6. Implement The National Plan for Human Rights Education, as a matter of urgency, as a mechanism for the promotion and defense of human rights.
7. There must be a greater investment in, and a guarantee of, the quality of sexual and reproductive education.

LIST OF QUESTIONS:

1. **Why has The National Plan for Human Rights Education not been put in force to date? Is there a question of an ideological nature that is incompatible with the vision of the Government?**
2. **How is the quality of education being strengthened?**
3. **Relative to other matters what percentage of the budget is allocated to education?**
4. **How much is invested per student and what is the comparison with other countries in the region?**
5. **What specific policy favorable to women is found in the education system?**
6. **How many persons with disabilities are in the regular education system and what percentage is excluded?**
7. **What mechanisms must be reviewed to guarantee an inclusive education?**

EMPLOYMENT AND SOCIAL SECURITY

RECOMMENDATION N° 35. - The Committee recommends that the necessary measures be taken to guarantee compliance with the dispositions of Article 11 of the Convention and the implementation of the pertinent conventions of the International Labor Organization (ILO), as ratified by Bolivia. The Committee urges the State Party to establish efficient mechanisms to oversee compliance with current legislation and to guarantee non-discrimination in employment and equal pay for equal work.

In employment matters, the Political Constitution of the State (CPE) recognizes the right to work for all persons. It mandates that workers of small productive urban and rural units, self-employed, union workers in general shall enjoy, on the part of the State, a program of especial protection by means of a policy of equitable commercial exchange and fair prices for their products, as well as a preferential assignment of economic-financial resources to incentivize their production.

It is affirmed that: “the State shall promote the incorporation of women to the labor force and shall guarantee equal pay to men for equal work, in public and private sectors. In Article 48 V and VI it is mandated that women may not be discriminated against or terminated because of their civil status, pregnancy, age, physical features or number of children and the labor irremovability of pregnant women and the progenitor is guaranteed, until the progeny reaches a year of age. Likewise, it recognizes that economic value of house work as a source of wealth that must be quantified in public accounts (Art. 338).

The Government has adopted a series of measures in labor matters, amongst which can be found: an increase in the national minimum wage, that in 2008 was Bs. 577.5 and in 2014 is Bs. 1.440,

experiencing a historic increase of almost 300%.⁸ Decree 0012 on the irremovability of pregnant women; D.S. 0015 that guarantees all women, during the period of breast feeding, small periods of rest during the day, of no less than a total of one hour, to breast feed children less than six months of age, and prolonged, for at least two years. Public and private institutions must promote in their human resource practices a culture of support and recognition of maternal breast feeding.

Amongst active employment policies is the “My first decent job” Program that includes training, internship and job placement with the objective of improving conditions of employability and granting new employment and human proficiency techniques to young women and men of scarce economic resources throughout the country, with a subsidy for women of Bs. 50 per child during the training and development phase. This benefited approximately 6,000 young persons of which 51% were women, between 2009 and 2014.

The program of support for employment is accomplished with three components with the objective of facilitating decent employment, in a free and integral manner, offering services of labor intermediation and occupational profile improvement, with additional training and job orientation, through the Plurinational Employment Service Office.

After an advocacy process by salaried house workers the 189th Accord of the OIT (2012) was ratified whose challenge, after more than a year, is its implementation.

The rate of labor participation⁹, a relative measure of labor force, (PEA/P Employment Age) is always lower amongst women, relative to men. In 2011 the rate of female employment was 51% while that of men reached 69.5%. The same occurs when the rate of employment that measures the effective labor force (P Occupied/P Employment Age) is analyzed. In 2011, the rate of employment of women reached 48.5% while that of men was 69.5%.

The trend in the rate of employment relative to the life cycle (worker’s average age) in 2011 reflect that there are less inactive women at the two extremes of the life cycle. In other words, there are more “young” women entering the job market (probably combining their studies with employment) and more “adult” women that continue working rather than in retirement. Regarding open unemployment, despite observing a decrease in the rate of open unemployment, (in 2011 it reached 3.8% compared to 8.5% in 2001), the gap between men and women remains the same. In other words, in the last ten years there have always been more unemployed women than men.¹⁰

The trend towards informal employment has not undergone significant change. In 2000 informality reached 65.10% of employment, while in 2011 it reached 61.38%. In terms of gender, women are always better represented in the informal sector, such as in 2011 where 68.62% of women’s employment was informal vs. 55.79% for men.

Women are still concentrated in the service sector and men in production and extractive industries. In 2011, 65% of employment amongst women was in “sales” while only 35% of men participated in that sector. Nonetheless, in the last 10 years there are more women in manufacturing, construction, health and education, and women seem to predominate in the health and education sectors more and more. The last estimates (2009) reveal that in the last 10

⁸ OFFICIAL GAZETTE OF BOLIVIA, NATIONAL INSTITUTE OF STATISTICS, National Budget Law.

⁹ Data utilized corresponds to the Evolution of Quality Employment report, 1999-2011, Elaborated by Elizabeth Jiménez, REMTE Bolivia, 2014.

¹⁰ In 2011 open unemployment amongst women reached 4.74% whereas amongst men the rate is 3.13%.

years the participation of women in the education sector has increased significantly while that of men has been reduced. So, in 2009 women represent 58% of workers in this sector with an increase of almost 10%, whereas their participation was 49% in 1999. The share of women in the public sector has also been increased.¹¹

Another significant change during this period is, in general, the continued reduction of employment in the primary sector of the economy, (agriculture, livestock, fishing and mining), for both men and women and the, also continued, increase of employment in the tertiary sector, (services, commerce and transportation). This reflects the trend towards job insecurity in the last 10 years.

On average, nominal incomes have increased. In 2011, monthly income for a worker in the urban sector reached up to Bs. 2,093.00 per month, while in 2009 average income was Bs. 1,053.00. Nonetheless, the gap in income between men and women has been maintained. In 2011, the average income for women was 60% of a man's salary while in 2009 this difference reached 62%. The reduction in the gap is still small, which leads to the conclusion that we are facing a decrease in the income gap between men and women.

In the last few years it can be observed that, despite the increase in coverage of long term security to 13.54% (retirement) as an indicator of employment quality, in 2011 more than 70%¹² of the employed population was not affiliated to a pension fund. An indicator that demonstrates job insecurity and a majority of women workers without the benefit of labor rights.

Of the total affiliated employee population 94% are dependents and 5.53% are independent, precisely the informal space where women are located.

All this demonstrates that, despite progress, gender focus remain absent in labor legislation, women are still at a disadvantage and in every labor indicator they face open and covert discrimination. Reasons for which the State must endeavor to generate decent employment for women.

In the case of women with disabilities, activity at the employment level is restricted to mostly, and even "compulsorily", to domestic work. The presence of a disability still limits possible opportunities. For example, data from the Jach'auru Association indicates that of every 5 women of reproductive age, (registered in their database), 4 carry out domestic work with no remuneration of any kind, (in their own homes), and 1 eventually finds some type of employment. It is not unknown that the presence of persons with disabilities in remunerated job markets is almost null, even more so the presence of women. The lack of opportunities for education is precarious. Conditions are much more negative in rural areas.

On the other hand, Art. 5 of Decree N°27477 indicates "the preferential and compulsory hiring of persons with disabilities in National Public Institutions, such as the Executive, decentralized Institutions, decentralized autonomous, departmental autonomous governments, municipal autonomous governments are to hire, preferentially, a minimum average of four percent (4%), of the total workforce within their institution", which is not being complied with, added to which

¹¹ In 2009 women represent 29% of employees in the Public Administration, Defense and Social Security sectors, whereas ten years ago their participation reached 23%.

¹² Wanderley, Fernanda. What happened with the process of change? CIDES UMSA, 2013

those that are able to access a labor source are mainly men; leaving unclear the responsibility of the private sector.

Sex workers are in a situation of vulnerability as they do not have access to mechanisms that permit them to demand labor rights, which means that, as a result of the clandestine nature of their job, social benefits, social security, retirement and other benefits are not deemed applicable to their situation. Moreover, they are victims of aggression and a lack of protection. Cases of murdered sex workers remain in impunity. The lack of recognition and protection of their labor rights, as sex work is not recognized, makes them victims of discrimination and violations of their rights.

Pending, are public policies, favorable to unremunerated housework and its quantification in public accounts.

PROPOSED RECOMMENDATIONS.-

1. Guarantee that the new General Labor Law or General Labor Code will guarantee equality of conditions and equity between men and women.
2. Guarantee a Public Productivity Policy that allows for the generation of decent jobs for women.
3. Activate mechanisms for effective compliance with Decree N° 27477 that calls for the preferential and compulsory hiring of persons with disabilities in equality of conditions for between men and women, in both the public and private sectors.
4. Guarantee that self-employed women and female consultants hired by the State and the public sector have access to long and short term social security.
5. Regulate sex work in order to guarantee the life, dignity and job conditions for sex workers.
6. Guarantee public policies in favor of unremunerated housework and the execution of the time-use survey for its quantification.
7. Lay down rules for claim procedures and sanctions of job harassment.

LIST OF QUESTIONS:

1. **What information systems does the state count with to guarantee a correct application of labor policies favorable to the most vulnerable sectors for women, amongst them those that work in the informal sector, home workers, sex workers, women with disabilities and child workers?**
2. **What course of actions are being taken by the State to guarantee that women are receiving equal pay for equal work, as related to men, in the public and private sectors?**

RECOMMENDATION N° 37. - The Committee recommends the adoption of a gender sensitive employment policy aimed at women in the non-structured sector, especially those that work in agriculture and home workers. The Committee also recommends the systematic compilation of statistical data broken down by gender, age, rural and urban areas and ethnic origin relative to women in the structured and non-structured sectors of the economy.

Decrees have been enacted that link salaried and housework, such as D.S. 1212 License for Paternity of three (3) work days of 2012; D.S. 1496 Papanicolaou and/or Mammogram of 2013; D.S. 1455 "Special License" of three days per year so workers may attend to children with serious illnesses, or that have suffered an accident, of 2013. Also approved was D.S. 0522 Procedure for mandatory payment of the quinquennium in the private sector, as required by the worker, 2012; D.S. 1754 social enterprises, 2013; D.S. 1802 Double bonus, 2013; if complied with, as in the latter case, it only benefits a segment of formal workers when women are mostly in the informal sector and in small to medium enterprises that enjoy no worker's rights.

What must be positively underscored is that on November 20, 2012, the Law Ratifying Agreement N° 189 of the International Labor Organization (ILO) on Decent Work for Domestic Workers, that promotes the right to daily work shifts of 8 hours and weekly time off of at least 24 consecutive hours; the right to receive clear information concerning employment conditions, basic coverage of health insurance and social security; the respect for their fundamental labor rights, to gender equality and the protection of female migrant workers.

Women, who represent 45% of the working population in Bolivia, are the most exploited in the labor market, as they receive lower salaries than men and perform their duties in vulnerable conditions, especially in the informal market. Paradoxically, the rate of employment is greater in women of less than 34 years of age and with a higher level of education¹³, 44% of the salaried worker communities are women. They also represent 53% of independent workers in the main cities of the country. However, the inequality they find themselves in, as opposed to the "patriarchate" is still very severe.

PROPOSED RECOMMENDATIONS.-

1. Have available updated official, data broken down by gender, which allow for visibility on gaps in employment and to apply efficient policies in that regard.

LIST OF QUESTIONS:

1. **What specific program does the State have to guarantee decent jobs for the informal sectors, of small and medium industry, where women are the major and most vulnerable?**

RECOMMENDATION N° 39. - The Committee requests the State Party to address the question of child labor in general and especially the vulnerable situation of girls, that they remedy the weaknesses in the draft of the National Program for the Progressive Eradication of the Worst forms of Child Labor (2000-2010) and in the allocation of financial resources to said Program and, in conformity with its policies and their legislation, to the obligations it had assumed in accordance with Accords N° 138 and N° 182 of the International Labor Organization (ILO), as related, respectively, to the minimum age necessary for admission to the job market (14 years) and the prohibition of the worst forms of child labor, and its immediate elimination.

¹³ Center of Studies for Labor and Agrarian Development (CEDLA)

The Political Constitution of the State forbids forced labor and child exploitation; nonetheless, there are a significant number of children that are submitted to conditions of exploitation in mining, agriculture and domestic service.

Although there is the Boy, Girl and Adolescent Code, the State must intensify its efforts in the implementation of the law against forced labor of boys, girls and adolescents, as the Code does not take into account job labor and in recent years it has greatly increased.

Bolivia has ratified the Agreement of the International Labor Organization (ILO) that sets minimum labor age at 14 years of age, amongst other international regulation that obligate the eradication of the worst forms of exploitation, amongst the harvest and mining, in spite of this on 17 July, 2014 Law N° 548 of the Boy, Girl and Adolescent Code that allows for child labor as of age 10, even though, it grants to the minors themselves the option to freely decide if they wish to engage in certain labor activities.

The efforts in the regulatory sphere are important, however, according to the Child Labor Survey carried by the National Statistics Institute (INE) in 2008 it was established that there were 850 thousand Bolivian boys, girls and adolescents that work, which means that 28% of the population between 5 and 17 years carries out various labor activities, and more than 87% is involved in the forms of labor. Dangerous child labor puts their health, integrity and education at risk and exposes them to physical, psychological and moral abuse, which may damage them for the rest of their lives.

PROPOSED RECOMMENDATIONS.-

1. Promote policies of income improvement for poor families.
2. Promote the eradication of determinant factors or causes of child labor, providing the necessary protection to those in need of work.
3. The norms must establish and regulate the differences between work, employment and exploitation and worse forms of work with greater clarity, taking into account the criteria and recommendations of organizations for boys, girls and adolescents.
4. Initiate public policies to eradicate dangerous child labor that puts at risk the health, integrity and the education of boys, girls and adolescents and exposes them to different forms of violence.

LIST OF QUESTIONS:

1. **What actions is the State undertaking to eradicate the worst forms of child labor?**
2. **Is the State respecting the agreement of the International Labor Organization (ILO) that establishes the minimum age for work at 14 years of age?**

HOUSING AND BASIC SERVICES

RECOMMENDATION N° 13.- The Committee urges that State Party to assure that all programs and policies for the eradication of poverty incorporate a gender perspective and explicitly address the structural nature of the different dimensions of poverty faced by women, particularly those that live in rural areas, indigenous women, senior women

and women with disabilities. Recommends to the State Party that it intensify its efforts in the implementation of efficient educational programs throughout the country, particularly in the areas of functional literacy, the professions and training for the generation of income, including plans for micro-financing, as a means of attenuating poverty, and adopt measures to ensure equal access for women to land, housing, health care and basic social services.

An important achievement is that the current constitutional text (2009) recognizes the “Human Right to Habitat and Adequate Housing” as a fundamental right and defines the basic guarantees for its implementation (Cap. 2, Art. 19); on the other hand, there are other articles that, in a complementary and binding manner, recognize the components of this right. The National Development Plan as a pillar of Productive Bolivia recognizes that access to housing is a human right and underscores some binding principles to the democratic stewardship of land, access to basic services, technical assistance systems, amongst others. Other norms generated are as follows:

- a. Decree N° 28794 of 12 July, 2006, creates the Social and Solidary Housing that was constituted as the sole governmental offer in regards to housing (2006 – 2011). Considered as an instrument of the new housing policy to attend to the necessary housing requirements of the lower income sectors of the population, ensuring equity, transparency and efficiency in the administration of contributions for housing and public resources. This does not propose discriminatory requisites towards women, but in practice limits them by virtue of being an offer of subsidized housing and not linked to other fundamental components for the production of social housing. Of housing granted by the PVSS, 67% did not have with basic services such as electricity, drinking water and sanitary sewage, which violates the right to adequate housing. This program finds itself (2012) in bankruptcy without official notice as to the reasons for its failure. However, from the small amount of public information gathered it can deduced that there were problems of vision and administration, the program focused its efforts towards the qualitative deficit of housing (estimated at 290,000) inasmuch as for the qualitative problem which is of the greatest magnitude (over a million deficient housing units), the necessary resources were not allocated. On the other hand, the question of corruption, the impossibility of a recovery of loans granted and the lack of reach into the impoverished peri-urban population were elements that caused the bankruptcy of the program, which must bring its operations to a close by December 2013.
- b. Decree N° 0986 of 21 September 2011, for the creation of State Housing Agency, as the agency in charge of providing housing and habitat solutions to the population, under the principles of integrity, participation, productivity and health, preservation of areas of agricultural production and solidarity, in accordance with the guidelines established in the Pluri-annual Plans for the Reduction of Housing Deficit. Article 4 establishes as the end purpose of AEVIVIENDA the design and implementation of all State housing and habitat programs and/or projects at the central level of the State, as well as those where it participates with autonomous territorial entities. In Article 5 it states, amongst others, that... shall define objectives towards a reduction of the housing deficit by municipality, prioritizing equity criteria, attention to low income sectors, women head of household and beneficiary population in possession of their own land.
- c. Ministerial Resolution N° 163 of 8 June, 2012, approves the Pluri-annual Plans for the Reduction of Housing Deficit (2012- 2017). This plan defines national, departmental and municipal targets for the reduction of housing deficits with the construction and

improvement of 100 thousand housing units in the country's 337 municipalities, until 2017. To carry the Plan forward 4 strategic axis have been established, access to urbanized and developable land for the construction of adequate housing; access to adequate housing; access to habitat; and financing systems. These axis are part of the proposals made in April 2009 by the Permanent Housing Forum (FOPEVI) in view of a persistent absence of a State Housing Policy in Bolivia, however, there are still gaps relative to the perspective and conceptual framework of the right to housing and the social production on housing and habitat that requires appropriate instruments for its strengthening from the State, since it is the form of production that provides the greatest contributions to the Housing Park (close to 60,000 units per year, whereas the State by means of PVS – 2006 to 2011 – was only able to produce an annual average of 5,240 housing units). It is necessary to highlight that organized groups of women were the fundamental protagonist of this complex procedure of drafting a collective public policy driven by FOPEVI.

- d. Law N° 247 of 5 June 2012, Law Standardization of Proprietary Rights on Urban Real Estate Properties Marked for Housing, is the only secondary norm approved for the partial implementation of the Human Right to Housing with the purpose is to resolve the serious problem of juridical insecurity of tenancy in private property brought on by squatters and the lack of State intervention to regulate the urban land market. It is not a norm that resolves in a structural manner the access to secure housing, since it intervenes when insecurity is generated, as it is a palliative measure. However, the spirit of safe-keeping the interests of women, to guarantee ownership of their property with the respective title (Art. 4 Inc. F) which defines the equity of gender and the 3rd Additional Disposition of Chapter II, that establishes the mandate to include women in titling of property, must be rescued.
- e. The Draft Law Project for Housing and Habitat, in process of elaboration (Dec/2012) by the Vice Ministry of Housing and Urbanism, that seeks to establish the national housing policy, programs, plans and projects so that the entire Bolivian family has access to adequate housing and habitat. The content of the aforementioned Draft Law Project covers the subjects of housing and habitat, leasing, horizontal property and condominium.

The question of violence against women is closely linked to housing and habitat. Homelessness exposes women to the risk of violence and harassment. Living in over-crowded conditions increases the risk of suffering physical, sexual and psychological violence. When women do not have the legal right to family housing through titling, women often endure domestic violence due to the fear of losing access to their home. When the habitat lacks public lighting and citizen security, women are exposed to attacks and crimes and their freedom of movement is limited.

In recent years “homeless” movements have arisen that promote squatting and invasions of urban lands, for the purpose of housing, of public or private property that are the object of forced evictions and in some instances with ingredients of violence, exercised by officials of public order, with its major impact on women and children.

The effects of climate change in cities that translate into flooding, land-slides or other phenomena are not effectively attended to in the reconstruction phase, there being cases of families forced to

accept temporary housing that do not comply with minimum living conditions, that affects women in a differentiated manner since their reproductive roles must be met in inadequate conditions, which makes more difficult this role, socially assigned to women.

In the few cases in which the Government has attended to a repositioning of urban housing for the victims of natural disasters these have been situated in places that break their life, education, work, income generation and urbanization strategies that guarantee the right to housing but to an adequate habitat as established by the Constitution (Art. 19).

The problem of housing in the country is, fundamentally, of a qualitative nature; nonetheless, state programs have a clear orientation towards the production of new housing. For women, which represent 51% of the population, and head 31% of households, overcoming bad housing conditions, precariousness in construction and physical and environmental risks represents an increased physical and psychological effort, from the perspective of a guarantee of better material living conditions for their families.

Juridical insecurity for the collective property of land as a foundation of urban community living, that in fact constitutes an alternative to life in the cities, where solidary values prevail. There have been cases where initiatives driven by women in defense of human rights to housing and adequate habitat that promote collective property to avoid the merchandising of land and housing, have been criminalized.

A significant advance is that the New Constitution recognizes Basic Services as a Human Right (Art. 20), likewise, water is human right with constitutional foundations of ample guarantee. However, in spite of several actions of public policy to improve access, more than two and a half million persons do not have access to drinking water and more than five million three hundred thousand lack sanitary services. The main problems are the low coverage of water and sanitary services in rural areas and of sanitary services in the cities. Insufficient and inefficient services. Technical difficulties and institutional weaknesses in the planning, implementation and execution of projects. Lack of institutional capacity in the administration, operation and maintenance of systems. Incomplete institutional framework, inconsistent with political changes in the country. Ambiguities in social participation schemes. Diminishment in the quantity and quality of available water, due to Climate Change, contamination phenomena and the lack of integrated water management. Inexistent Policies and Programs of Waste Water Treatment. Between the years 2001 and 2007 1.3 million persons, between urban and rural areas, have benefitted from access to drinking water and one million with access to sanitation. As to rural areas, access to water was increased by 286 million persons and access to sanitation by 221 thousand.

Increases in coverage were rather modest. Our attention is called to the gap between water and sanitation services but also between urban and rural areas. Insofar as the coverage in the treatment of waste water, it is estimated that only 30% of water collected in sewage systems receives some type of treatment before its final disposition.

It is estimated that 1.2 million persons live in the peri-urban areas of the principal cities, of which more than 320 thousand receive water and 96 thousand sanitary sewage services, from small water service companies, the majority of these organizations are OTB or Water Committees; they have problems with quality control and face some problems in administration, therefore, there is an accentuated demand for training in those entities; rates are low (more than 40% charge less

than Bs. 10 per month); 61% of these entities cover their Operations, Maintenance and Administrative Costs.

According to population growth estimates by category (as per population data for the year 2001 and growth rates applied to growth rate projections for 2001 – 2007), until the year 2015, the sector must carry out a very important effort to expand, by approximately 2 million inhabitants, access to drinking water service through the My Water Program, and by 3 million inhabitants access to sanitation, to reach the targets set by the Plan, which were defined taking into account the Millennium Development Goals, MDM. Water coverage will reach 63% and sanitation 61% in rural areas, 91% in water and 67% in sanitation in urban areas.

Notwithstanding, poverty, social exclusion and obstacles to access to land, housing and basic services, especially by women with scarce economic resources, as well as vulnerable women (indigenous, Afro-Bolivian, from rural areas, of advanced age, with different capacities) and women head of households, remain unresolved problems that infringe on the right of women to adequate housing and habitat. To date, the State does not have policies or programs for housing and basic services that prioritize women in general, nor women in vulnerable situations.

On the other hand, the lack of documentation hinders women's access to land and housing titles; the lack of titling impedes access to financing and basic services. Credit for construction or home improvement without property documents is unobtainable, and companies that provide basic services generally request the regularization of land tenure before installing water, sewage or home gas services.

The lack of statistical data, disaggregated by sex, is serious in the housing sphere. When the housing needs of women are unknown policies focused on them cannot be formulated

The Plan for Social and Solidary Housing (PVSS) was shut down in December 2013 with no explanation as to cause, putting in motion the Pluri-annual Plan where the Housing Agency (AEVI) is entrusted with the construction of housing starting with the closing of the PVSS. According to official information the program has constructed 52,804 new housing units in 6 years with a focus in rural areas, this focus is not coincidental with the urbanization process since 70% of the population is urban¹⁴. On the other hand, our attention is called to the lack of implementation of the qualitative sub-programs (healthy housing, productive housing, housing expand and housing improvement) which would answered the deficient housing conditions confronted by close to a million homes in the country, generally located in peri-urban neighborhoods which visibly impairs the right to adequate housing, for the women of those homes, with the consequences linked to health, physical and environmental risk, juridical insecurity, lack of elemental basic services, amongst many other limitations.

The Government has driven housing regulation¹⁵, nonetheless the level of participation, to include specific needs of women, is restricted.

¹⁴ Population and housing census (2012)

¹⁵ Law of Regularization of Proprietary Rights (2012), in draft the General Law of Housing and Habitat and the Tenancy Law.

Architectural barriers are visible in the social environment; established regulations, that set the rights to access for the disabled, are not complied with; sanctions that lead to compliance should be contemplated. "The territorial autonomous Units (Autonomous Municipal Governments), in compliance with their attributions do not contemplate amongst their procedures the approval of plans that include mechanisms of accessibility, for persons with disabilities, in new construction projects whether public or private. Therefore, constructions underway do not contemplate inclusive mechanisms for persons with disabilities. Problems that are intertwined with the lack of training and knowledge on the subject of accessibility, in construction professionals, whether engineers, architects, etc..." (Advanced Alternative Equity Network Report).

PROPOSED RECOMMENDATIONS.-

1. Generate the space for the drafting of norms and policies with a gender focus that is participative, democratic and without any form of discrimination towards social and civil organizations, especially women's organizations, to guarantee access to housing and basic services.
2. Guarantee that public and private spaces are constructed and adapted for free transit and access for persons with disabilities.
3. Give priority access to social housing to women heads of household who are in moderate or extreme poverty.

LIST OF QUESTIONS:

1. **How much has investment in housing matters influenced, and guaranteed, the development of women?**
2. **Is there a gender focused housing policy?**
3. **What is the State mechanism to guarantee that public and private buildings are accessible and negotiable for persons with disabilities?**

CULTURAL PRACTICES AND RESPECT FOR THE RIGHTS OF WOMEN

RECOMMENDATION N° 23.-The Committee urges the State Party to ensure conformity of traditional concepts and indigenous practices with the juridical framework of the Convention and to create the conditions for an ample intercultural dialogue that, with respect for diversity, guarantees the full force of the principles, values and norms of international protection of human rights, especially that of women.

The CPE reaffirms Interculturalism as the basis of the Plurinational State, so that indigenous nations and peasant populations enjoy the right to apply their own norms and procedures that bring with them their wisdom, knowledge, values, spirituality and world-view (Art. 30, Art. 98 Inc. II). However, from the perspective of the achievement of gender equality, there are limitations, taking into account that the cultures of the indigenous nations and peasant populations maintain, in various aspects, a patriarchal order that enfranchises gender relation inequalities.

The Law of jurisdictional Demarcation, Law N° 073, ratified 29 December, 2010, recognizes juridical equality between: ordinary, Agro-environmental and the indigenous peasant jurisdiction

(Art. 3). It also recognizes gender equity and equal opportunity amongst its values: “All constitutionally recognized jurisdictions, respect, promote, protect and guarantee equality between men and women, in access to justice, positions and duties, in decision making, in the development of legal proceedings and the application of sanctions” (Art 4, Inc. h).

Amongst other dispositions the law establishes the prohibition and sanction of all forms of violence against girls, boys, adolescents and women, establishing the prohibition against any form of conciliation in the matter (Art. 5, IV). Nonetheless, in practice, situations show different outcomes, serious cases of violence such as crimes against sexual freedom, such as rape, are not sanctioned or are “repaired” by the union or marriage between offender and victim.

On the other hand, patriarchal culture favors the men of the family and local male authorities, at the time of decision making, and cultural factors in respect to the mode of access to land, centered on “usage and customs”, exercises cultural conditioning so that the demand of women to land is not seen as socially legitimate, also based as well in power structures since in many peasant and indigenous communities, the exclusive faculty of men to decide on the forms of distribution and re-distribution of land prevails, frequently excluding women from inheriting land. Notwithstanding, that laws have established their equal rights, it is the case of the Community Renewal Act of the Agrarian Reform (Law N° 3545) of 2006 that guarantees rights of access, distribution and ownership of land under the vision of gender equity and prioritizes the participation of women in the process of sanitation and distribution of land, this regulation gives the possibility of ownership to women of the land they cultivate, these principles are also found in the CPE (2009). However, previous laws such as The Law of jurisdictional Demarcation (2010) and Agrarian Community Productive Revolution (2011) do not refer to women’s access to land.

From 2006 to 2010 women had access to only 272,142 has. of land as opposed to 950,395 has. granted to men; in the case of land titling favorable to women in rural areas there are only 36,186 ownership titles as compared to the female population, in this area, of 1,670,457 women (INE, projected population 2010).

There is already a significant number of women holding title to their lands, although not equitable in relation to the number granted to men, since women have limited mechanisms of access to land, made worse when bereft for the following reasons:

- Non-compliance with service to the community, although there is no difference between men and women; as per community norms,
- Widowhood: in some communities the widow’s condition is respected, but not in others and family bereave them,
- Lack of children: or to not marry, the argument being that they would not comply with the economic social function,
- Divorce: despite the fact that the children remain with the mother,
- Family conflicts: those most affected by bereavement,
- Death of the parents: orphaned girls may be bereaved before they reach majority of age,
- “Immoral acts” such as adultery, affects not only women, but also men, however, there is greater vigilance and control of women, more so if alone; these acts may result in expulsion from the community, denying them their rights to land.

The cultural practice of devaluation of women generates discrimination and violence that in many cases culminates in femicide.

Patriarchal culture prevails in all strata of Bolivian society, despite recognition in the Political Constitution of the State, the criteria of religious fundamentalism linked to ancestral practices constitute a serious obstacle to the guarantees of respect and of effective compliance with the rights of women.

In the city of Santa Cruz, Bolivia on 30 May, 2014, the final resolution of the International Summit of Women, designated "Proposals from women for the new world order", was made known, held prior to the International G-77 + China Forum in June, which points to de-patriarchalization. According to the document, the new agenda post 2015 must address de-patriarchalization as a strategic proposal, which means a break with systems of domination. "We shall fight so that the United Nations position de-patriarchalization as a strategic objective", stresses the document approved by over a thousand women of various countries.

Spite the position of leadership of Bolivian women in the aforementioned event, reality reflects that a patriarchal culture prevails in daily practice.

In regards to women with disabilities, if able to overcome adverse circumstances in infancy and childhood, if family and community, at the time of birth or infancy, become aware of characteristics of no cultural value, they are faced with situations of rejection based on prejudice that unleash practices that attempt against their physical, intellectual and social development, in other words against their life. The Center for Investigation of Socio-economic Development (CEINDES) found out that a deaf woman was forced to live in isolation from the community because it was said that they were not able to communicate with her. Data on the life of women with disabilities are scares.

PROPOSED RECOMMENDATIONS.-

1. Implement programs of sensitization in all geographic areas of Bolivia on the value of life and dignity of persons with disabilities. At present it is of concern that some public officials have issued negative opinions concerning persons with disabilities.
2. Identify and promote the eradication of cultural practices that violate the rights of women with special emphasis in the promotion of the rights of girls and persons with disabilities.
3. Implement effective acts to promote de-patriarchalization, to make this an act of public policy rather than just a speech.
4. Guarantee the right of women to ownership of land, in an effective manner, eliminating cultural practices that could restrict that right.

LIST OF QUESTIONS:

1. **What are the policies, programs and actions undertaken by the Government to guarantee the promotion of gender equity and the rights of women, in the sphere of the rural indigenous peasant, in the framework of international rights?**

VIOLENCE

RECOMMENDATION N° 25.- The Committee exhorts the State Party to ensure the adequate formulation, application and effective compliance with current legislation in regard to the fight against violence against women and girls, particularly domestic and sexual violence, and to a greater prioritization towards the conception and application of an integral strategy to combat and eradicate all forms of violence against women, in accordance with general recommendation 19, to prevent violence, punish perpetrators and assist and protect victims. This strategy should also include measures to raise awareness and of sensitization, in particular of justice officials, officials in charge of compliance with the law and prosecutors, as well as teachers, health service personnel, social workers and the media. The Committee encourages the State Party to, in its next periodical report, include statistical data detailing the incidents of domestic violence, as well as information on measures adopted to combat the problem, progress achieved and obstacles that remain.

Violence against women in Bolivia continues to be one of the most serious offenses against their rights. The Pan-American Health Organization (2013) indicates that Bolivia occupies the first place in physical violence of 13 countries in the continent, and second place in sexual violence. And that only 17% of women in violent situations report the occurrence.

The Political Constitution of the Country (2009) introduces as a Fundamental Right that “All persons, in particular women, have the right to not be subjected to physical, sexual or psychological violence, both in the family as well as in society (Art. 15, II) and that the State shall adopt the necessary measures to prevent, eliminate and sanction gender and generational violence, as well as any act or omission that has as object the degradation of the human condition, to cause death, pain and physical, sexual or psychological suffering, whether in the public or private sphere (Art. 15, III)”. A Constitution that is in agreement with the Inter-American Convention to Prevent, Sanction and Eradicate Violence Against Women (Belém do Pará).

The index of complaints registered by women in situations of violence have increased in our country. Official data indicates that 7 of 10 women suffer some type of violence in their homes and that 75% of women in a situation of re-incident violence do not register a complaint. Of the total number of women that reported an act of domestic violence, 83% took no action and only 17% registered a claim.

In the report presented by the INE – Equal Rights Vice Ministry (2010) it is indicated that of 10 violent acts registered, 9 correspond to claims reported by women and that of every 10 violent acts in Bolivia only 3 are reported.

Faced with these facts the State has promoted Law N° 348 of 9 March, 2013, “Fundamental Law to Guarantee Women a Life Free from Violence”, considered an important achievement as it addresses gender violence in a different public and private sphere, not just domestic violence as was the case with the previous regulation. Likewise, it presents an integral approach to the problem of violence against women and declares its eradication to be a national priority.

As of yet, there is no official national registry that centralizes information on violence. During the period 2009 – 2013 an increase in the seriousness of violent acts against women was noticed, having registered 766 violent deaths of women. Of these, 492 were femicide and 274 homicides of women due to citizen insecurity.¹⁶ On the other hand, out of 10,759¹⁷ cases of violence against women attended to by the Prosecutor’s Office in 2013, only 186 (1.72%) were indicted and only 30, in other words 0.28% received a sentence, an indication that impunity still reigns in these crimes. Violence against women is manifested in an increasingly cruel and brutal manner, ending in the femicide of a woman every three days.

¹⁶ CIDEM

¹⁷ http://www.comunidad.org.bo/index.php/indicadoeres/listar/gestion/2013/cod_derecho/27/cod_dimension/33/grupo/3#top System for the Monitoring of Achievements in Human Rights 2013, CDH.

According to the Violence, Femicide and Women at Risk Observatory “Manuela” of the Center for Information and Development of Women – CIDEM, 53 crimes against women have been registered in the first quarter of 2014; of this number 31 are femicide (58.49%) and 22 homicides due to citizen insecurity and other motives, amongst which can be found violent deaths, with little information and no identification (41.51%).

In the 9 capital cities, as well as the city of El Alto, there were 109,062 complaints registered at the Prosecutor’s Office the year 2011, of which 70,287 correspond to women.

The Home Survey carried out by the International Plan – 2011, in 51 rural municipalities in 6 departments, clearly indicates that women suffer violence from a young age and in different living environments, it is then that 23% of girls from 0 to 5 years of age show signs of psychological violence, 31% present changes in behavior that correspond to acts of violence. The school is another place of risk where girls, ages 6 to 14, of which 40% report violent acts and 12% in the community, the home does not offer security, as 43% reports mistreatment. Amongst young females and adolescents, 18% suffer from violence in the community, 5% on the job and 31% claim violence in the home. Violence is present throughout the life cycle of women. The major rates are in the homes, in municipalities with an indigenous presence, in areas predominantly Quechuas and peasant localities.

This situation is worrisome, more so due to the lack of protection protocols in rural areas as the Childhood and Adolescent Ombudsman have a greater presence in urban areas.

The naturalization and normalization of violence against women of all age groups and the lack of access to justice are the principal factors in femicide. Violence against women is institutionalized because operators and administrators of justice apply juridical regulations with a gender bias, discriminating against and ignoring the constitutional rights of women. In this sense, the implementation of concrete State strategies and policies that have an influence on a change of attitude of the population as a whole, aimed at the de-naturalization of violence against women/girls/adolescents/the young, as well as for the prevention and the sensitized and opportune attention for the victims of these crimes. Likewise, the State must emplace systems and mechanism for community protection.

In conclusion the lack of sensitized and specialized human resources, infrastructure and equipping for the adequate function of the pertinent agencies that attend to women in situations of physical, psychological and sexual violence, amongst them Municipal Integral Legal Services that exist in only 150 of 339 municipalities in the country.

It is imperative to strengthen and create all the agencies set forth in Law N° 348 to guarantee the attention, protection and reparation for women, as well sanction against the offenders. A National Registry, and a networked system, of all responsible agencies is a priority.

The strengthening and creation of a Municipal Integral Legal Services Office, to which the Law grants greater functions, must be complied with. To which Municipal Governments must allocate a “sufficient” budget for their operations.

The Special Forces in the Fight Against Violence requires infrastructure and the necessary means for effective attention and investigation, in the same manner a greater number of forensic doctors is indispensable, as the present number does not allow for immediate attention, especially in rural areas. The creation of Victim Shelters, as stated in the law, and programs for access to employment for women victims

of violence to guarantee their autonomous economy and prevent that dependency become a factor that induces them not to report a claim or to conciliation.

The Law requires regulation to guarantee its operability, as well to regulate procedural gaps presented in the new Penal System Code, a project that should take into account proposals from public and private agencies that are applying the regulation and have identified these gaps which makes it imperative to regulate the procedure for acts of violence against women that require greater celerity.

In regards to violence in rural areas there is the necessity to articulate and strengthen the indigenous peasant justice in the treatment of violence, with a focus in human rights as well to improve its coordination with ordinary jurisdiction, taking into account the gap that exist between rural and urban areas in the prevention, attention and treatment of violence against women, particularly indigenous women.

Violence against women with disabilities is invisible, survey-forms in agencies such as child Ombudsman, or the Municipal Integral Legal Services Office take into account the condition of the disabled. As a result of actions taken by CEINDES, the Municipality of La Paz now includes in the survey-forms, of the two aforementioned agencies, the condition of the disabled. All Community Care Services should take into account the reality of the disabled, in conformity with Article 19 of the Convention on the Rights of Persons with Disabilities.

Sexual violence in boys, girls, adolescents and women are criminal acts often present in our society. There is still no specific data on complaints of sexual violence against girls and young disable women, a situation intertwined with the lack of government programs that promote sexual and reproductive health for persons with disabilities, inasmuch as this aspect of life is a societal taboo, a fact that continuous to place persons with disabilities at risk.

Via the mass media it has become known that a female “sex worker”, with a degree of intellectual disability, was raped in UTOP facilities, Dependent Unit of the Bolivian Police.¹⁸ The Prosecutor’s Office and the Police Force are investigating five agents of the Tactical Police Operations Unit (UTOP) in Cochabamba, accused of raping an intellectually disabled woman, inside their barracks, to date this deed has not been cleared up and it is feared that it will remain in impunity.

PROPOSED RECOMMENDATIONS.-

1. Elaborate and implement a communications strategy to promote women’s rights that monitors and tracks the media, and to guarantee the elimination of sexist, chauvinistic and misogynous messages and only serve to naturalize violence and subordinate women.
2. Allocate budgets and human resources for the enforcement of Law N° 348, “Fundamental Law to Guarantee Women a Life Free from Violence” and Law N° 243, “Law against Harassment and Political Violence against Women” in all autonomous territorial units.
3. Propose policies and programs for the prevention of violence in the educational sphere that contributes to the building of a renewed institutionality and educational culture of full coexistence free of gender violence.

¹⁸ La Razón (Press Edition)/Angelica Melgarejo/Cochabamba; 02:43/25 July, 2014

4. Carry out sustained educational and communication campaigns against violence that contribute to reverse the power relationships that promote violent behavior against women.
5. Apply from Law N° 348: the creation of specialized courts, appoint prosecutors and forensic doctors exclusively for the treatment of crimes of violence against women, that guarantee celerity in the proceedings, the sanction of the offenders and reparations to the victims.
6. The specialization of personnel of the institutions responsible for the attention and protection of women in situations of violence, from a gender perspective, of human rights and multiculturalism to prevent re-victimization and mistreatment.
7. Act with due diligence in the investigation of facts and identification of material and intellectual authors in cases of crimes of violence that are in impunity, this is inexplicably the case of the femicide of Counsel Woman Juana Quispe, which occurred more than two years ago.
8. Guarantee the elimination of sexist, chauvinistic and misogynous messages and only serve to naturalize violence and subordinate women.
9. Provide the Special Forces in the Fight Against Violence (FELCV) infrastructure, equipment and human resources sensitized and trained in the attention of women in situations of violence.
10. Allocate to Departmental and Municipal Governments budgets for the construction and operation of shelters and community housing for women.
11. Guarantee and creation and strengthening of Municipal Integral Legal Services offices with institutionalized, specialized and multi-disciplinary personnel to prevent, attend to and protect the right of a life free from violence for women, in all municipalities.
12. Cease to play down violence against women, making them responsible for the aggression and mold their behavior to submissively accept the asymmetries that persist in our societies, one of the factors that strengthen patriarchal practices.
13. Guarantee to all victims of sexual violence respect to their dignity in the attention, taking of statements, forensic assessment and investigation of the facts, as well as prophylactic treatment to prevent sexually transmitted infections and HIV/AIDS; emergency anti-conception in the light of possible pregnancies and if necessary an abortion in conformity to the Plurinational Constitutional Sentence, SCP 0206/14.

LIST OF QUESTIONS:

- 1. Does the institutionality and budget necessary exist in the Judicial, the Prosecutor's Office and the Bolivian Police to guarantee to women their access to justice and protection from violence?**
- 2. Is there a budget allocated for the enforcement of Law N° 348, especially in the subject of prevention?**
- 3. How are the Municipal Legal Services being strengthened?**
- 4. What actions are being taken by the State in the matter of impunity in cases of violence against women?**

5. How many courts, prosecutors and forensic experts specialized in Law N° 348 exist to date? How many cases in their case load and is due diligence guaranteed?
6. Does the State have an updated database on violence against women?
7. Are there protocols in place for the attention of women (for girls and adolescents, seniors and persons with disabilities) in situations of violence?

TRAFFICKING AND ILLEGAL SMUGGLING

RECOMMENDATION N° 27.- The Committee exhorts the State Party to safeguard the enactment and full implementation of legislation related to trafficking and illegal smuggling and the sexual exploitation of persons, as well as national plans of action and other measures in the fight against all forms of trafficking and sexual exploitation of women. The Committee encourages the State Party to encourage, inasmuch as possible, regional accords on the subject in the area of the Southern Common Market. Also, recommends that the State Party attack the fundamental cause of trafficking and sexual exploitation, intensifying its efforts to improve the economic situation of women, to eliminate in this manner their vulnerability to exploitation and traffickers, and adopt measures for the rehabilitation and social integration of women and girls victims of trafficking and sexual exploitation, as well as effective punitive measures for those responsible for these crimes.

The Political Constitution of the State (2009) establishes the prohibition against human trafficking, opening the way for the creation of laws and policies regarding the subject, amongst which stand out the enactment, this year, of the Fundamental Law Against the Trafficking and Illegal Smuggling of Persons.

On 31 July, 2012, Law N° 263 Fundamental Law Against the Trafficking and Illegal Smuggling of Persons was enacted, this is an important achievement in the fight against these crimes in Bolivia, establishing measures of protection and prevention, modifying as well the Penal Code and the Penal Procedure Code.

On December 10, 2008 the National Plan of Action for Human Rights, effective from 2009 to 2013, was approved. One of the rights addressed by the Plan is related to persons victims of human trafficking, identifying 14 problems and proposing 19 courses of action; to date the Plan has not had the desired effect, the majority of the courses of action have not been implemented and its fulfillment is still awaited.

Legislation related to human trafficking extends to the Nation, although Municipalities and now Departments have the legislative faculties, they have not taken the necessary measures to prevent this crime, despite being the agency closest to the population.

Another achievement to be considered is the opening of divisions of trafficking and illegal smuggling during the year 2010, specially in border areas, to date there are 12 divisions of human trafficking, although this effort is insufficient.

Human trafficking in Bolivia has become a social problem and affects childhood and adolescence, especially of the female sex, thousands of persons are being exploited in labor, or sexually, it is probable that this fact occurs in all cities without the knowledge of society, due to covert manner

in which these so called networks operate, attempting against the fundamental rights of persons. The State has carried out a series of actions to prevent and attend to cases of trafficking and illegal smuggling of persons, amongst which the enactment of Law N° 263 Fundamental Law Against the Trafficking and Illegal Smuggling of Persons, although there are still problems with its implementation and allocated resources remain insufficient. At the present time, progress has been made in the formulation of the Plurinational Plan in the Fight Against Trafficking and Illegal Smuggling of Persons 2013 – 2017, however it has not yet been approved by Decree. The creation of the National Council Against Trafficking and the Illegal Smuggling of Migrants, as well as Departmental Councils must be recognized.

Nonetheless, the rate of trafficking and human smuggling in Bolivia has increased by 92.2% in the last 10 years¹⁹, 70% of the victims are boys, girls, adolescents and young women from 12 to 22 years of age. A situation that has hardly changed with the Law, as the actions taken by the State against trafficking and human smuggling are centered around the penal persecution, leaving as a secondary aspect the prevention, protection and assistance to the victims. The response from the Police and Judicial systems has not been effective either, with the results that few are the cases that arrive at a sanction or sentence.

In 2005 there were 35 claims, in 2013 these reached to 363, according to a report from the Vice Ministry of Citizen Security, with data provided by the Bolivian Police.²⁰ In 2012 456 cases were opened, a figure that decreased to 263 in 2013, this implies a reduction of 20.3%. A fact that calls attention is that up to date there are very few sentences handed down for these crimes.

Police reports indicate that the age of the majority of the victims oscillates between ages 12 and 24. Men are exploited through labor and women sexually. The main countries where these traffickers and smugglers take their victims are Spain, Mexico, Argentina and Brazil.

There are difficulties within the system to identify cases of trafficking and smuggling associated with the lack of training and sensitization of public officials, a situation that hinders not only the correct identification of the victims, but also the facility to guarantee and protect their rights, encouraging a situation of constant vulnerability and re-victimization. In the country there is national registry of victims of trafficking and human smuggling of a public nature. There no specific and unified data that allow for an approximation of the characteristics of trafficking and human smuggling in the country. Undoubtedly, another worrisome situation is the lack integral attention for the victims, which is expected to be overcome with the enactment of Law N° 263.

PROPOSED RECOMMENDATIONS.-

1. Intensify the work of prevention, the implementation of public policies for family assistance is required, for employment as well as information and self-care. The protection, attention and assistance to victims are being carried out mainly by institutions

¹⁹ Report of the Committee on Human Rights of the Plurinational Legislative Assembly

²⁰ La Razón Newspaper.

of civil society with limited resources, it is necessary to strengthen the agencies charged with this service and create specialized shelters for the victims as a means of reparation.

2. Strengthen the control mechanisms for the transit of boys, girls and adolescents at a national level and abroad. Create and apply specific programs for the fight against sexual exploitation and the trafficking of boys, girls and adolescents guaranteeing investigations and sanctions for the persons that commit the offense, avoiding impunity. The enactment of public policies with the allocation of adequate resources to prevent the trafficking and smuggling of boys, girls and adolescents.
3. Create a system of information and statistics on rights of childhood differentiated by gender in relation to cases of exploitation and violence against children; trafficking and human smuggling; boys, girls and adolescents with disabilities; homeless boys, girls and adolescents and other situations that create greater vulnerability.

LIST OF QUESTIONS:

1. **What actions has the State taken to intensify its effort for an effective fight for the prevention and attention to trafficking and human smuggling? What is the budget invested on the subject?**
2. **What actions is the State taking to strengthen border controls to prevent trafficking and human smuggling with special focus on girls, boys and adolescents and persons with disabilities?**
3. **Has the State requested support for international action with border countries and the implementation of joint actions to prevent and sanction trafficking and human smuggling?**

POLITICAL PARTICIPATION

RECOMMENDATION N° 31.- The committee recommends the adoption of dynamic and effective policies to increase the participation of women at all levels of professional and public life, including the adoption of special measures of a temporary nature, and due sanctions for non-compliance with the existing dispositions aimed at establishing a minimum and maximum percentage of each sex and the establishment of other efficient and dynamic measures to support compliance. The Committee urges the State party to approve as soon as possible the draft law against political harassment in order to fight and eradicate this type of violence and ensure that women victims of political harassment have access to means of protection and sufficient resources, that the authors of such acts be prosecuted and punished appropriately and that women be effectively protected against reprisals.

An achievement in the report period is the enactment of the Political Constitution of the State (2009) that contains various specific and intersecting articles regarding guarantees to the right of women in processes of participation and political representation, in equivalence (parity) and equality of conditions between men and women in organs of the State (Art. 11 and 172, num. 22) (Art. 278).

The approval of the Law of Transitory Electoral Regime (LRET), including a mechanism of affirmative action, the inclusion of parity and rotation for the presentation of candidate lists (Art. 9).

The results obtained by the implementation of the LRET, in the National Elections of December 2009 and Municipal and Departmental authorities in April 2010, have allowed an important increase in the presence of women in organs of power; do not yet parity.

The Legislative Assembly registers an average female participation of 33%, 44% women in the Upper House (16 female/35 male senators); and 23% in the Lower House (30 women of a total of 130 assemblymen).

At Departmental level, there not female Governors, and in the Departmental Assemblies, the presence of assemblywomen barely reaches 19%. At the Municipal level only 22 women mayors were elected from a total of 339 municipalities; the Municipal Councils have maintained import percentages of female participation and representation, reaching in the April Elections 43% of female Assemblywomen.

The enactment of the Law of Transitory Electoral Regime that should have guaranteed, the equivalence of men and women in the political participation in all the agencies of representation, evidenced that the main obstacle to the inclusion of parity in participation has to do with the lack of guarantees in the application of the constitutional norm that demands a parity representation, which again limits the effective participation of women in the spaces of decision taking.

The Government has shown samples of its commitment with its drive towards the political participation of women, forming in two opportunities parity cabinets with a 50% presence of women (10 of 20 Ministries were headed by women). In February 2012 this percentage was reduced to 35% women ministers. However, the presence of women that headed vice ministries barely reached 13.8% (8 of 58 vice ministries), which reflects the persistence of gender barriers for access to strategic decision spheres.

Likewise, other achievements in the elaboration of judicial instructions includes the enactment of the so called 5 Organic Laws: Law for the Electoral Regime, Law of the Electoral Organ, Law of the Judicial Organ, the Law of Constitutional Court and the Framework Law of Autonomies and Decentralization, that have incorporated various measures of an affirmative action for the conformation of the organs of power. In particular, the Law for the Electoral Regime includes parity and rotation in uninominal and plurinominal candidacies, increasing the real possibilities for the election of women to the Legislative and proposing solutions to the obstacles for the election of women in uninominal constituencies.

The enactment of the Framework Law of Autonomies and Decentralization has generated new opportunities for the participation of women in the formulation of public policies, the drafting of laws and development plans at the different national levels: Municipal, Departmental and Indigenous peasant autonomies.

In the new political context in Bolivia, organizations and social movements, amongst which can be found women's organizations, have assumed a clear role undertaking representation and performing the role of mediator between the State and civil society. These new roles have

capitalized the achievements of measures of a permanent action, inserting themselves in decision making spheres, as in the case of indigenous women.

The participation of the organizations of women in civil society is very active, and in particular they have positioned themselves with the capacity of making proposals in relation to central themes of the public agenda. Nonetheless, chauvinism persists in its structure and organizational culture, limiting greater progress in its internal democratization, especially as related to the democratic opening towards women, and emergence of female leadership.

For the election process of authorities of the Judicial Organ and the Constitutional Court (October 2011), mechanisms of affirmative action included in the Law of the Judicial Organ were enacted, and that were only referred to in the pre-selection process of the Constitutional Court, with no guarantee as to the final result. In spite of this, the population vote generated a participation of 43% of women amongst the highest authorities of the Judicial Organ.

In spite of reiterated postponements in its process, for over twelve years, the Law against Harassment and Political Violence Against Women was enacted in May 2012, as a measure of protection for this form of violence against women incorporated in the public sphere. The law includes the recognition of the crimes of harassment and political violence, as well as the sanctions and procedures in the penal, administrative and constitutional processes. The competencies and attributions of authorities and public agencies in the prevention and investigation of these crimes have been determined. This important regulatory achievement, points out the need to guarantee the necessary mechanism for its implementation, and to avoid impunity for these crimes.

In the period 2000 to 2009, 249 female authorities registered instances of harassment and political violence by reason of gender, which amounts to approximately 28 cases per year. Its analysis indicates that the main acts of violence against women are: i) pressure to resign from their positions as councilwomen, from politics and their political organizations (36%); ii) acts of violence (sexual, physical and psychological) and excess of authority (21%); iii) obstruction in the exercise of their functions and illegal rotation of the Council (21%); iv) illegal freezing of their salary and reimbursement of administrative expenditures (9%); v) discrimination (7%); as well as, vi) slander and calumny (6%).

In the municipal arena the claims received by the Association of Female Mayors and Councilwomen of Bolivia (ACOBOL) for harassment and political violence in the year 2012 amount to 40 cases, and in the year 2013 increase to 104 cases. These claims were presented in 129 Municipalities, representing 38% of a total of 339 Municipalities in Bolivia. 78% of claims of harassment and political violence reported in the first 3 years originated by the task of administration and control of corruption at Municipal level, undertaken by the Councilwomen, and starting with the second half of the year 2012 65% of claims were motivated by acts of pressure, harassment and threats suffered by Councilwomen on the part of alternate Councilmen to leave their posts with the argument of "the shared administration" that detracts from the constitutional

rule of rotation, this figure is associated with agreements often signed under pressure, so the alternate may undertake the position in mid-term.

“Harassment and political violence” have always been restricting the voice, participation and stability in the positions of elected women. Due to the femicide of councilwoman Juana Quispe Apaza of the Municipality of Ancoraimes under circumstances not yet established, after having been subject to repeated instances of harassment and political violence, Law N° 243 “Law against Harassment and Political Violence Against Women” was enacted on 28 May, 2012, after 12 years. This regulation sets down that the Justice Ministry is responsible for adopting the policies, strategies and mechanisms for the prevention, attention and sanction of harassment and political violence against women which to date has had small progress.

In Bolivia, in October 2014, National Elections are to be held, where the authorities of the Executive and the Legislative shall be elected, the Supreme Electoral Court (TSE) has issued a manual for the application of the principle of parity and gender rotation in candidacies for the Upper and Lower Houses and representatives of supranational organisms. The TSE manual includes an affirmative action measure. In the case of plurinominal candidacies of the departments of Santa Cruz, Cochabamba, Chuquisaca and Beni the lists must have a woman as titular head. In the case of uninominal candidacies for the departments of Cochabamba, Potosi, and Chuquisaca, the lists must also have a woman as titular head. In the case of candidacies for supra national representations, at least five women must be incorporated in the leadership posts.

Up to this time, 753 women are candidates for a post in the Legislative Assembly. For the first time in the history of the country, three out of five political parties have presented women as candidates for Vice President. Of the total number of registered candidates, in electoral lists, 52% are women.

In regard to electoral processes there is no statistical data that reflect the real participation of persons with disabilities and specifically of women that participate in the exercise of their right. On the other hand, if a woman with disability attends the voting precinct, accompanied by another person, a “secret vote” is not guaranteed, therefore the respective agencies must find other means, advanced technology, that permit the vote to be truly secret and independent. Likewise, there are no reports or registries that record how many disabled women occupy relevant political posts.

The main political participation of women, as a greater proportion of seats in the Plurinational Assembly, has not resulted in a substantial change for the reality of women of Bolivia, becoming more acute as related to women with disabilities.

Councilwomen Albertina Mejía Mara, Romaldina Torrez Colque and Councilmen, Jaime Nestor Magne Choqueticlla and Claudio Choque Condori, in the year 2013, were forced to resign at the end of a whip and locked in a dark room in the Municipality of Caracollo, of the Department of Oruro, but the Constitutional Court declared those resignations to be illegal as it considered them to be made under duress. In the Municipal Council of the City of La Paz, councilwomen Denise

Osterman, Silvia Tamayo and Gabriela Niño de Guzman denounced the infringement of gender equity in the election of the Board of the Municipal Council, that according to Law N° 482, Art. 16, Paragraph II, in regard to gender parity, establishes that the Board, in accordance to General Regulations and respecting the principles of equity and equality between men and women, was composed only by men, in spite of, and with no respect for, the above regulation.

Councilwoman Juana Quispe was a victim of political harassment and murdered on 12 March, 2012, she was 43 years of age, was democratically elected in 2012, as councilwoman for the Municipality of Ancoraimes, 150 km. from La Paz, but the Mayor and a group of councilmen for that Town hindered her in the exercise of her post. The crime remains in impunity to this date.

PROPOSED RECOMMENDATIONS.-

1. Strengthen the national mechanisms for the enactment of public policies that allow the application of Law N° 243 “Law against Harassment and Political Violence Against Women” there is need for its ample dissemination and regulation at all levels of the State, as well as the training of judicial officers. The next electoral processes must guarantee parity and rotation.
2. Provide measures and adequate technology that truly allow for the vote of persons with disabilities to be secret and independent.
3. Install the necessary mechanisms to guarantee that women can access, not subject to any forms of exclusion, hierarchical posts in the political arena.
4. Introduce a Ministry of Women in order to guarantee specific treatment of emerging themes of gender inequity in the hierarchical power structure.
5. Evaluate the effect of only seven women as Ministers, of a total of 21 Ministries, on the implementation of equity policies at the national level.
6. Regulate Law N° 243, Law against Harassment and Political Violence against Women.

LIST OF QUESTIONS:

1. **Report on the reasons why cases of violence, such as that of Juana Quispe, remain in impunity?**
2. **What are the actions the State is taking to avoid harassment and political violence, as a guarantee of compliance with the law?**
3. **What is the State doing to guarantee compliance with Law N° 243?**
4. **Does it have an official database on cases of harassment and political violence?**
5. **Is there a system in place for the lodging of claims and the attention, restitution and protection of victims of political harassment?**

ACCESS TO JUSTICE

RECOMMENDATION N° 17.- The Committee urges the Party State to create the necessary conditions for women, in particular women in poverty and rural and indigenous women, to access justice, and to promote, as it proceeds, a basic knowledge of legislation amongst women, and of their rights in the pertinent languages, as well as, the

capacitation to reaffirm them efficiently, Also, it urges the Party State to adopt additional measures for the dissemination, in the most convenient manner, information about the Convention, the procedures applied in respect to the Optional Protocol and the general recommendations of the Committee and to carry out training programs aimed at the Prosecutors, Judges and Lawyers that address all aspects of the Convention and the Optional Protocol.

The Bolivian judicial system does not incorporate gender justice as a fundamental part of its conception and content of its administration. This fact accounts for its derivation into different forms of discrimination towards women that impedes their access to justice and the exercise of their rights.

Neither the Prosecutor's Office, nor the Judicial, have data registries on resolution of cases, number, or type of sentencing. Some institutions have sponsored studies, tracking of specific processes and startup of Observatories that allow for the gathering of basic information.

The Political Constitution of the State (CPE) and Law N° 025, Law of the Judicial (2010) indicate that the judicial function is unique throughout the territory of the Plurinational State and is put into practice through the Judicial by means of: 1) Ordinary Jurisdiction; 2) The Agri-environmental Jurisdiction by the Agri-environmental Court; 3) The special jurisdictions regulated by law; 4) the Indigenous Peasant Jurisdiction by their own authorities in accordance with their own regulations and procedures. Also, it considers the exercise of Constitutional Justice and grants equal hierarchy to the ordinary and indigenous peasant jurisdictions (Art. 4).

However, the systems of justice recognized by the CPE, are structured under a patriarchal order. The challenges are centered on the articulation of both systems, which are the basis of the administration of justice that includes gender justice in each system, and how to proceed in processes of inter-legality, above all in cases of violence against women.

Despite the adoption of Law N° 348, Fundamental Law to Guarantee Women a Life Free from Violence. Women remain without the exercise of a fundamental right which is the access to justice, since this right is infringed upon by officials and administrators of justice that apply the regulation with prejudice, gender bias and discrimination, they re-victimize women in situations of domestic violence, women at risk of femicide or relatives of murdered women (femicide). It is of note that cases of violence against women in the administration of justice continue to be seen as simple "domestic fights" and therefore, must be resolved in that arena, ignoring, by action or omission, the risks of homicide (femicide) run by women in situations of extreme violence, when returned to their homes with their mates.

The use of conciliation between parties or the signing of guarantees prevails in agencies that register claims, without measuring the risk of death, in the resolution by these means, of cases of domestic violence. It can be established that when women are victims of any type of violence, especially by their mates, it is considered as natural, continuing in the social construct, and for the administrators of justice, that the mate has the right to "punish" the woman if she does not comply with gender mandates, as defined by the patriarchal system, culturally justified.

It must be noted that this prejudice influences the processes of investigation and collection of evidence, establishing that even in cases of sexual violence against girls they are influenced by socio-cultural patterns of discrimination that assign blame to, and re-victimize, the same. These are applied with greater force when dealing with adolescent, young and adult women.

It is necessary, in this sense, actions such as training for administrators of justice, and the tracking of cases presented and resolved by international agencies. Amongst them the amicable agreement of the MZ case before the Inter-American Human Rights Commission, in which case the State committed to assume a series of measures as a guarantee to not repeat the infringements to the right of judicial protection amongst others, especially in investigations of crimes against sexual freedom. Nonetheless, compliance to date is minimal.

On the other hand, the Convention on the Rights of Persons with Disabilities recognizes the access to justice of persons with disabilities in equality of conditions for all, as well the right to free assistance as a “fundamental” instrument currently regulated by law. In this respect, and according to a study carried out by the *Fundación Ser Familia*, persons with disabilities indicated a lack of knowledge of existing law, therefore, access to justice is less probable, to this fact is added the existence of communicational and attitudinal barriers maintained by public servants. Here, as in other areas, women are subject to more exclusion.

As regards to the situation in jails, of 14,441 persons deprived of freedom (2013), 12,749 are men (88.2%) and 1,692 women (11.8%). The State has issued pardons to counteract the levels of overcrowding, but those efforts have been insufficient as a palliative for jail over-population. Of 100% of women deprived of freedom (2012) 75% are in preventive detention.

Another worrisome aspect is the situation of children that live with them in jails. The Law of Criminal Enforcement prescribes the existence of nurseries in penal establishments, of 10 centers for women, only four have nurseries, that do not themselves comply with the necessary conditions.

Some other problems are the detention in mixed penal centers and the consequent insecurity, of particular concern are cases of sexual abuse, most especially that of girls and boys.

There are limitations on conjugal visits, insufficient service of public defenders, lack of specialized medical care, medical instruments and medications, most especially for gynecological diseases, poor nourishment and hygiene, lack of efficient and sustained training programs, schooling and work, that in addition do not perpetuate the traditional role of women.

According to the report of June 2013, from the Office of the United Nations High Commissioner for Human Rights, in Bolivia there are 2,104 children accompanying their parents in incarceration. The conditions in which the children live are of concern as various cases of sexual violence are known, aside from being exposed to other types of crimes.

PROPOSED RECOMMENDATIONS.-

1. Train administrators of justice on the human rights of women.
2. Sensitize community authorities and adequately inform on the limits of the competencies of indigenous justice to guarantee and adequate interpretation of the Law of Jurisdictional Demarcation.

3. Authorities and public servants that work in penal centers must be sensitized on the situation of children living in penal centers whose care and protection should be a priority and, until alternatives to this situation are defined, their security must be guaranteed.
4. Penal centers in Bolivia should not be of a mixed nature to prevent sexual harassment and violations to the human rights of women deprived of freedom.
5. Women in jail should have psycho-social support through multidisciplinary teams in conjunction with occupational therapy, with a guarantee of access to formal and informal studies, with the objective of rehabilitation for social insertion.
6. Guarantee the allocation of economic resources for the strengthening of capacities for administrators and operators of justice, around an effective and quality care of women victims of violence.

LIST OF QUESTIONS:

1. **What actions are being implemented by the State to add depth to efforts to socialize norms favorable to women, both in the population in general and with administrators of justice?**
2. **What is information available to the State on the number of cases processed in accordance with Law N° 348 since its implementation and what is its impact in the indexes of violence?**
3. **What is the State policy to safeguard the integrity of children in the company of their parents in a situation of deprivation of freedom and what are the results?**
4. **Is there a penal policy in the country, does it incorporate gender focus? What form does it take?**

IDENTITY

RECOMMENDATION N° 19.- The Committee requests that the State Party continue to expedite and facilitate the process of inscription of women, in particular indigenous women in rural areas, senior and women with disabilities, and to issue birth certificates and the necessary identification documents. The Committee urges the State Party to establish goals and precise timetables for that process and that in its next report it detail the progress achieved.

The achievements in respect to right to identification of the population in general, and of women in particular, may be focused in regulatory recognition of this right, in particular for children, as is the in Article 59 numeral IV and Article 65 of the CPE that in accordance with Decree 0011 of 19 February 2009 and Resolution N° 94/09 of May 12, 2009 of the then National Electoral Court, that establish the mechanisms of coordination with the competent public organs to safeguard the right to filiation by presumption of children and adolescents with the paternal and maternal surnames of their progenitors.

As to this regulation, Article 65 of the Constitution is more specific in regards to filiation by presumption and therefore closer bound to the higher interests of the children it is safeguarding in a special form.

At the same time, campaigns have been developed tending to the free issuance of the first birth certificate, a requisite for the *Bono Juancito Pinto*. These initiatives arise from the national and departmental levels.

On July 27, 2011 the General Service for Personal Identification (SEGIP) was created as an agency responsible for issuing Identification Cards, a task that until time was being fulfilled by the Bolivian Police and that was characterized as being bureaucratic, slow and subject to corruption, it is undeniable that the change has meant a simplification and streamlining of the process of acquiring an identification card.

As of 2006 to date there have been six registered cases of transsexual and transgender persons that achieved through a judicial process a change of identity (name and sex information in the State Registry), five of them referred to a change of gender identity from male to female, and one, from female to male, according to data from the organization Training and Citizens' Rights (CDC). The process is very slow and demands a series of actions that prevent a larger number of persons to benefit from identity registration in a way that respects their rights.

PROPOSED RECOMMENDATIONS.-

1. To adopt a specific policy that includes foster families to guarantee the rights of children and adolescents whose parents are in a situation of deprivation of freedom and to guarantee their safety in penal centers.
2. If the mother is single, the travel authorization of children and adolescents should be granted by sole request of the mother if she is head of household.
3. Guarantee that birth certificates and identification cards are issued to women in situations of high risk, such as seniors, migrants, persons with disabilities and the sexually diverse, abbreviating procedures, making requisites flexible, and guaranteeing that they remain free.

LIST OF QUESTIONS:

1. **What actions are being taken by the State to guarantee the expediting of procedures so persons may benefit with greater celerity of the change in registry of name and sex in their identity documents to exercise their right to an identity?**
2. **What are the updated and official data in Identification Registries?**
3. **What actions have been implemented so that persons with disabilities may access identification services?**

HEALTH, SEXUAL AND REPRODUCTIVE RIGHTS

RECOMMENDATION N° 41.- The Committee exhorts the State Party to take the necessary measures to resolve the impasse of Law N° 810 (Framework Law of Sexual and Reproductive Rights – 2004) and enact it as soon as possible. Likewise, the Committee urges the Government to strengthen the implementation of programs and policies of family planning and reproductive health aimed at offering effective access to women and adolescents, especially in rural areas, to information related to care and health services, particularly in matters of reproductive health and available anti-conceptive methods, in accordance with General Recommendation 24 of the Committee on access to health care

and the Beijing Declaration and Action Platform. The Committee also recommends that the State Party intensify its efforts to incorporate sex education in function of age in study plans and organize information campaigns to prevent pregnancy in adolescents.

In the framework of sexual and reproductive rights, there are some significant achievements in respect to reproductive health programs and policies, amongst them, the constitutionalization of Sexual and Reproductive Rights (Art. 66 of the Political Constitution of the State or CPE), expansion of benefits of the Mother-Child Universal Insurance (Papanicolaou test, allocation methods for planning, for voluntary regulation of fertility to include oral and emergency anti-conception); the different plans elaborated by the Ministry of Health (2009 - 2015), (strategic Plan for Maternal and Neonatal Health, Strategic Plan for Sexual and Reproductive Health, Strategic Plan for Uterine and Breast Cancer and Strategic Plan for the Adolescent), *Bono Juana Azurduy*, promoting pre-natal control, in exchange for a percentage of money; and Ministerial Resolution 268/11 that establishes one working day per year for all women to submit to a medical test for Papanicolaou and a breast examination.

On the other hand in Decree N° 29894 of 7 September, 2009, “Protocols and Technical Procedures for the Uses of Misoprostol in Gynecology and Obstetrics”, the inclusion of Misoprostol in the list of basic medical supplies of the Mother-Child Universal Insurance.

The State has given impetus to the creation of Health Plans to promote the exercise of Sexual And Reproductive Rights (Art. 66 of the CPE); amongst them: Strategic Multi-sector National Plan HIV-AIDS; Strategic National Plan for Sexual and Reproductive Health 2009 – 2015; Sector Development Plan “Towards Universal Health” 2010 – 2020; National Plan for the Integral Health of Bolivian Adolescents and Youth 2009 – 2013; National Plan for the Prevention, Control and Tracking of Uterine Cancer 2009 – 2015; National Plan for the Prevention, Control and Tracking of Breast Cancer 2009 – 2015; Strategic National Plan for the Improvement of Maternal, Perinatal and Neonatal Health 2009 – 2015. Law N° 3729 on HIV and AIDS and Decree 451. Law 342 for Youth.

Despite the existence of Plans and Policies on the subject, there are insufficient resources their effective application. There are laws, regulations, programs and protocols that are not fulfilled and it is necessary to insist on the concern for the infringement of human rights in general and specifically on Sexual and Reproductive Rights.

At this time, these policies have an incipient implementation, not only for a lack of conditions, but for the existence of conservative society of a patriarchal order that cannot achieve the political will to comply with the norm and public policies. To this is added the lack of diffusion that does not allow for the appropriation on the part of women and the young on the enforceability of these rights.

Other obstacles are, on one hand, the lack of information for the access of anti-conceptive methods and the difficult access to these due to low levels of instruction and income, as well as factors of discrimination by reason of gender, ethnicity, sexual orientation, gender identification, civil status, diverse disabilities, occupation, thereby causing that indigenous and poor women be the least likely to exercise these rights. Equally, the asymmetry in the offer of health services between urban and rural and the precarious nature of public services, reinforces this situation.

Linked to this, the absence of a Law On Sexual and Reproductive Rights, that was halted in 2004 (Framework Law 810), after its approval by Parliament and its later devolution by the then President of the State, does not permit forward movement in the exercise of Sexual and Reproductive Rights, since that time (10 years later) there is no regulation that guarantees the exercise of these rights.

The responsibilities of health, justice and education staff are not established, perpetuating the absence of a public policy that informs and sensitizes these staff on the existing regulations and sexual and reproductive rights as human rights. Some figures that reflect the situation of sexual and reproductive rights are: 50% of women in this country are of reproductive age (25% of the Bolivian population according to INE 2002 – 2010); the global rate of fertility decreased from 3.8 to 3.5 children per woman, (urban areas 2.8 children and rural areas 4.9 children); however, 6 of 10 births occurring between 2003 and 2008 were not expected; and almost two thirds of women, that form of a couple, considered that the ideal number of children is 2 or less.

In regards to maternal mortality, Bolivian still has the second highest rate of the region (229 deaths for every 100,000 children born alive). According to the Ministry of Health, 627 women die every year for complications during pregnancy, delivery and puerperium.

In Bolivia, of over one half million women between 15 and 19 years of age, 18% are mothers already or are pregnant. Adolescents in the rural area achieve a higher number of children than in the urban areas.

Between 2010 and 2011 pregnancy increased from 18% to 25% for ages between 12 and 18. Between 7% and 17% of pregnancies in adolescents younger than 15 are a result of sexual violence (CIDES – UMSA 30 April 2014, results of the research “Pregnancy in Adolescents: Diagnostic on the access of pregnant adolescents to public services of sexual and reproductive health in the City of El Alto, La Paz – Bolivia”).

The *Juana Azurduy Bonus* is insufficient, does not reach the most needy women for lack of identification, aside from which bureaucratic procedures hinder women from the rural area to benefit from this program, which does not only have a direct economic effect but also in access to health services in pregnancy and post-partum and as an infringement of their rights.

The maternal subsidy is only given to women that are formally employed and not to consultants or informal workers.

There is greater vulnerability of sexual and reproductive rights of women (girls, adolescents, the young and the adult) with disabilities.

PROPOSED RECOMMENDATIONS.-

1. Provide health services particularly in questions of sexual and reproductive health and available anti-conceptive methods (anti-conception, emergency anti-conception and post-abortion anti-conception).
2. Guarantee access to a safe abortion.
3. Guarantee that women that give birth with mid-wives have access to the *Juan Azurduy Bonus*.

4. Health service staff must be better trained and sensitized on sexual and reproductive health, as a right, on the part of the Central, Departmental and Municipal Governments.
5. Define the competencies and responsibilities of sexual and reproductive health services in the national, departmental, municipal and indigenous peasant ambits.
6. Implement in an effective manner the previous diagnosis, the informed decision, improvement of the quality of information and the offer of different methods of anti-conception and the guarantee of medical supplies in centers of public health, without discrimination and gender, generational and cultural prejudice.
7. Implement Sex Education in the national education system.
8. Strengthen education with a Sex Education Curriculum from grade school without gender or generational discrimination. With ample information for sexual and reproductive health and accessibility to health services with quality and warmth.
9. The Health System must have an adequate budget for the effective application of policies on sexual and reproductive health.
10. The Health System must have youth specific and integral care, guaranteeing its adequate implementation without discrimination in urban and rural areas. With special attention to cases of sexual violence.
11. Enact a Law on Sexual and Reproductive Rights in conformity with the Political Constitution of the State and international treaties with agencies and mechanisms of implementation with a budgetary allocation that guarantees their effective application.
12. The Legislation, adoption of policies and restriction of rights of women on the basis of religious criteria or assumptions of morality must not be allowed, as Bolivia is a State independent of Religion, to guarantee compliance with the Political Constitution of the State.
13. Guarantee compliance with Law N° 3934 of 18, September, 2008 that determinates free access to DNA tests and implement the service in all the Departments of the country, facilitating this service with priority in the rural areas of the country.
14. Carry out a National Demographic and Health Survey (ENDSA) that allows for an update on information on the sexual and reproductive health situation.
15. Guarantee access to anti-retroviral drugs for persons that live with HIV.
16. Guarantee specific policies for the exercise of sexual and reproductive rights of persons with disabilities.

LIST OF QUESTIONS:

1. **Why does the State, to this date, not have a Law on sexual and reproductive rights in the framework of international human rights, with the adequate allocation of resources to promote the full exercise of these rights for the entire population, with special focus on boys, girls, adolescents and persons with disabilities?**
2. **Is the national health system guaranteeing the opportune provision of voluntary methods for the regulation of fertility?**

3. **What action is the State taking for the implementation of a national policy throughout the educational system on health and sexual reproductive rights, as a mechanism for the prevention of adolescent pregnancy?**
4. **How the State guarantee women access to legal and safe abortions, to prevent maternal mortality due to abortions performed in risky conditions?**
5. **Does the State have an allocation of public resources that guarantee the provision of anti-retroviral drugs for persons that live with HIV?**

RECOMMENDATION N° 43.- the Committee recommends to the State Party the integration of a gender perspective in its national health policy, in agreement with General Recommendation 24 and to improve access to health services for the most vulnerable groups of women, especially those in rural and indigenous areas. The Committee urges the State Party to act without delay and to adopt efficient methods to resolve the problem of high rates of maternal mortality guaranteeing adequate medical care during pregnancy, delivery and post-partum and to secure access to health service facilities and to medical assistance rendered by trained personnel in all areas of the country, particularly in rural areas. The Committee urges the State Party with the enforcement of current legal dispositions, related to the right of therapeutic abortions for Bolivian women. Likewise, the Committee urges the State Party to permit women access to quality services for the care of complications derived from abortions performed in risky conditions with the aim of reducing maternal mortality rates.

Annually, from the 250 thousand to 300 thousand pregnancies registered in the country, 60,000 are of adolescents between the ages of 15 and 19, according to the 2013 report from the United Nations Population Fund (UNFPA). Bolivia has a rate of adolescent pregnancy of 21% that is higher than 18.2% for Latin America.

In Bolivia risky abortions are the third cause of maternal mortality. Approximately 185 abortions are performed in our country every day, for an approximate result of 70,000 abortions in 2010.²¹ There is no data as to the number of women pregnant as a result of rape, but it can be said that many of them, and of adolescent pregnancies, are in the need of resorting to risky abortions in conditions of poor hygiene and untrained personnel placing their life and health at risk.

It is clear that to maintain current dispositions that criminalize women for the voluntary interruption of pregnancy directly affects the Human Rights of women and this penalization will not decrease abortions, much less end them, they only restrict the rights of women to health and life driving them to recur to risky abortions placing their life and health at risk.

The Constitutional Court issued a judgment by means of which judicial barriers for access to a safe and legal abortion were eliminated, when said pregnancy is the product of the crime of rape or when the life and health of the woman are in danger.

In the process of implementation of this judgment, which has as its only requisite to present a copy of the claim of a crime of rape, the doctors at health services refuse to apply the judgment because they assert that women falsely claim a crime of rape in order to access an abortion.

Prosecutors have also negatively expressed themselves on the subject, and affirm that they will reject the claim so that women will not be able to access an abortion.

In both situations, the infringement on the human rights of women, who are not able to access a legal and safe abortion, is confirmed.

²¹ Figures speak. Ipas-Bolivia, 2011

The Constitutional Judgment exhorts the Plurinational Legislative Assembly to agree with the interpretation that the Constitutional Court handed down on the subject of abortion, in the sphere of its competencies and the recommendations of international organizations in the progressive framework of the rights of women, to draft regulations that guarantee the exercise of sexual and reproductive rights established in Art. 66 of the Political Constitution of the State and that the same assist in the resolution of clandestine abortions. The State must comply with this exhortation because this judgment is binding and of mandatory compliance.

PROPOSED RECOMMENDATIONS.-

1. Guarantee the adequate, opportune and scientific information in centers of sexual and reproductive health education, as a mechanism of prevention against sexual violence.
2. The review of the penalty for abortion recommended by the Committee, for the elimination of discrimination against women, should be complied with by the State.
3. The legislation, adoption of policies and, less so, the restriction of the rights of women on the basis of religious criteria or assumptions of morality should not be permitted, as Bolivia is secular State.
4. Eliminate from its public actions all types of sexual prejudice as part of cultural values that place women at a disadvantage for access to health services, and the making of decisions that involve their sexual and reproductive rights.
5. Promote the full exercise of sexual and reproductive health, preferably in women of rural areas and peri-urban sectors.

LIST OF QUESTIONS:

1. **What actions is the State implementing in rural areas and peri-urban sectors to guarantee the provision of sexual and reproductive health services, with adequate procedures, of quality and warmth?**
2. **Has the State have specific plans for the care of girls, adolescents and persons with disabilities?**
3. **What actions is the State taking with respect to cases of sexual violence, regarding the care of victims? Is there a budget to provide health centers with the necessary supplies to prevent unwanted pregnancies?**
4. **Are care protocols for victims of sexual violence being complied with in health service centers?**
5. **How will the State guarantee the correct implementation and application of the Plurinational Constitutional Judgment 0206/2014 to guarantee the access to a legal and safe abortion?**
6. **What strategies is the State using to ensure the legal interruption of pregnancies in victims of sexual violence, in health service centers, as of the Plurinational Constitutional Judgment 0206/2014?**

- 7. How is the State going to prevent health services and justice officials from raising new legal barriers for the access to legal and safe abortions, considering that it already eliminated those legal barriers?**
- 8. How does the State guarantee women access to legal and safe abortions, to prevent maternal mortality due to risky abortions?**
- 9. Why continue to criminalize women by penalizing abortion?**
- 10. What measures is the State taking to protect the right of women to equality and non-discrimination in health care through the elimination of barriers, and to ensure access for women to legal abortion, and for young women and adolescent victims of sexual violence that have been denied access to legal abortion?**