



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Item 4 of the provisional agenda*

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

List of issues and questions in relation to the combined fifth and sixth periodic reports of the Plurinational State of Bolivia

Constitutional, legislative and institutional framework

1. It is indicated that, in 2009, the Plurinational State of Bolivia adopted a new constitution that contains provisions that are very relevant to the implementation of the Convention and enshrines the principles of equality, non-discrimination and gender equity. It is also indicated that important legislation has been adopted for the implementation of the Convention in the State party. Please inform the Committee which articles of the Constitution and items of national legislation are specifically related to discrimination, as defined in article 1 of the Convention, and provide a copy of them. Please specify how the Convention has been incorporated into national law and applied to public policies and judicial decisions. Please also provide information on measures taken to disseminate the Convention in the State party.

2. It is indicated that Comprehensive Act No. 348 to Guarantee Women a Life Free of Violence criminalizes sexual harassment and femicide (CEDAW/C/BOL/5-6, para. 82).¹ Please indicate whether it explicitly criminalizes all acts of domestic violence, including marital rape. Please state whether regulations or other measures have been adopted and budgetary resources allocated to ensure the implementation of the legislation at the national, departmental and municipal levels.

3. It is indicated that the State party has begun to revise the Family Code and the Civil Code to modify or abolish articles that contravene the rights of women. Reference is made to a proposal to amend the Criminal Code to tackle issues

* CEDAW/C/61/1.

¹ Unless otherwise indicated, paragraph numbers refer to the combined fifth and sixth periodic reports of the Plurinational State of Bolivia.



relating to the criminalization of domestic violence, crimes against sexual freedom and trafficking in persons, and the inclusion of the legal concept of femicide (para. 57). Please provide information on the articles of the Civil Code that are under review. Please also indicate whether the State party envisages repealing article 317 of the Criminal Code which provides that there should be no punishment in cases of rape and other offences when the perpetrators marry their victims. Please provide information on the status of the review process and whether a timetable for its completion has been established.

4. Reference is made to a proposal by the Office of the Deputy Minister for Equal Opportunity for the minimum age of marriage for both women and men to be set at 18 years in the new Family Code (para. 422). Please indicate the status of the proposal and the timetable for the adoption of the Code.

National machinery for the advancement of women

5. The State party highlights the fragility of the national machinery for the advancement of women as a result of the low status of the Office of the Deputy Minister for Equal Opportunity (the leading agency for the advancement of women) in the State apparatus and the lack of human and financial resources allocated to it (paras. 24 and 25). Please provide information on the measures taken to strengthen the national machinery by vesting it with authority to make decisions and providing it with sufficient human and financial resources to mainstream gender equality and non-discrimination against women in all policies, strategies and programmes and effectively implement the National Equal Opportunity Plan: Women Building a New Bolivia for Living Well developed jointly by the Government and women. Please also provide updated information on the monitoring and evaluation framework, the reporting system, the implementation of the Plan and the results achieved.

Access to justice

6. Information received by the Committee indicates that women continue to have limited access to justice owing to the high rate of illiteracy, a lack of information on their rights, a lack of legal assistance tailored to their needs, a lack of trust in the official judicial system, the length of legal proceedings and the related costs, the long distances involved and the insufficient understanding of the Convention by the judiciary. Please provide information on the measures taken to create the conditions necessary for women, especially rural, Afro-Bolivian and indigenous women, to have access to justice and enhance, in the relevant languages, women's legal literacy and awareness of and capacity to claim their rights. Please also provide information on the design and implementation of training programmes for prosecutors, judges and lawyers that cover all relevant aspects of the Convention.

Violence against women

7. It is stated that the period 2007-2011 saw the number of complaints reported under Act No. 1674 of 1995 (Family and Domestic Violence Act) increase by 30 per cent (para. 103). Please provide updated information and data reflecting the progress of reported cases of gender-based violence, in particular femicide, and on the number of cases processed by the courts and of sentences pronounced since the adoption of Comprehensive Act No. 348 in March 2013. Please also indicate whether any steps have been taken to provide training to police officers and justice

professionals, as well as medical personnel, including forensic doctors and other health-care providers, on the application of Comprehensive Act No. 348.

8. It is indicated that specialized courts should be created to deal with offences committed under Comprehensive Act No. 348. Please indicate whether such courts have been established and allocated sufficient human, material and financial resources to perform their functions. Please also indicate whether prosecutors and forensic doctors have been appointed exclusively to treat crimes of violence against women. Moreover, information received by the Committee indicates that a special police force against violence has been created. Please provide information on the measures taken to enhance its technical, human and financial capacities and on its position within the national police. Please also provide information and data on cases of gender-based violence that it has handled.

Trafficking and exploitation of prostitution

9. It is indicated that the incidence of trafficking in persons in the State party has increased by 92.2 per cent in the past 10 years and that 70 per cent of the victims are children, adolescents and young women between 12 and 22 years of age (para. 156). Please provide information on the measures taken to intensify efforts to prevent and combat trafficking and sexual exploitation, such as deploying human trafficking units in all border areas and promoting regional and international cooperation. It is also mentioned that some victims of trafficking have been imprisoned or convicted of unlawful acts committed as a direct result of their status as trafficking victims (para. 164). Please provide information on the measures taken to prevent such situations by establishing effective procedures for identifying victims of trafficking, including girls, adolescents, young women and migrants, and to provide them with adequate protection.

10. Please provide information on the prevalence of prostitution in the State party, the relevant legal framework and programmes to assist women wishing to leave prostitution. Please also indicate whether measures are in place to tackle violence against women in prostitution, including to support those wishing to seek remedies, such as free legal aid, and provide data on the number of complaints, investigations, prosecutions and convictions on grounds of exploitation of and violence against women in prostitution.

Participation in political and public life

11. It is indicated that the State party achieved an average of 49 per cent representation of women in both houses of its legislature in the elections of October 2014 and adopted Act No. 243 on Political Harassment and Violence against Women on 28 May 2012. Please provide a copy of the articles relating to parity, alternation and affirmative action that resulted in the achievement of parity in the legislature. Please indicate whether the rules are in force at the local and departmental levels and provide sex-disaggregated data on governors, mayors, municipal and departmental councillors and members of departmental legislative assemblies. Please also provide information on the implementation of the Act and clarify the status of the 249 complaints of gender-based political violence and harassment and the investigation into the murder of a councillor, Juana Quispe, that was committed in March 2012.

Education

12. Mention is made of the enactment in 2010 of the Avelino Siñani-Elizardo Pérez Education Act, which is the central legislative instrument for achieving progress in the area of sociocultural patterns that discriminate against women and indigenous peoples (paras. 215), and the Strategic Institutional Plan of the Ministry of Education for 2010-2014, which is intended to promote equitable and high-quality education by prioritizing coverage in rural and peri-urban areas to facilitate access by and retention of women, young adults and indigenous people (para. 217). Please provide indicators showing the impact of those efforts and indicate what other measures, such as targeted scholarship programmes and literacy training in indigenous languages, have been taken to eliminate stereotypes and cultural patterns that discriminate against indigenous women and girls.

13. It is indicated that the Ministry of Education developed regulations on teacher misconduct and punishments under which complaints filed by pupils are categorized as minor, serious or very serious. Very serious complaints, such as those concerning the use of corporal or psychological punishment, warrant disciplinary measures (para. 258). Please provide information on procedures to refer serious or very serious complaints to criminal justice mechanisms in order to ensure the proper investigation and prosecution of perpetrators. Please also indicate any protection measures provided for victims of such acts of violence, especially girls.

Employment

14. It is indicated that the Constitution promotes women's employment and guarantees women the same remuneration as men for work of equal value in both the public and the private sectors. It is also stated that the Ministry of Labour is responsible for establishing effective mechanisms to monitor compliance with existing legislation and ensure non-discrimination in employment (para. 261). However, the table entitled "Earned income of the employed population, disaggregated by sex and branch of economic activity — 2007" shows significant inequalities between men and women in the labour market, in particular limited employment opportunities for women and the existence of a wide wage gap in almost all economic sectors. Please provide information on steps taken to tackle those inequalities and ensure non-discrimination in employment and equal pay for work of equal value in both the public and private sectors.

15. It is highlighted that domestic work is recognized by the Constitution and national legislation as a source of wealth that should be quantified in public accounts (paras. 286 and 288). In this respect, several activities have been undertaken, including the 2010 household time-use survey. Please provide information on the outcome of the survey and indicate whether it contributed to the development of basic indicators for setting a monetary value for unpaid work. Please also provide information on measures taken to ensure the enforcement of the Act on Regulation of Remunerated Domestic Work and compliance by employers.

16. According to information received by the Committee, Act No. 548 on the Children's Code, adopted in July 2014, authorizes children to work from 10 years of age under certain conditions. This is in violation of two International Labour Organization instruments: the Minimum Age Convention, 1973 (No. 138), which sets 14 years as the minimum age, and the Worst Forms of Child Labour Convention, 1999 (No. 182). Please provide updated data, disaggregated by sex, on the number of

children under 14 years of age who are engaged in labour activities and on measures planned or taken to review the legislation in order to comply with the State party's international obligations.

Health

17. It is indicated that the Office of the Deputy Minister for Equal Opportunity is working with women's organizations and the Ministry of Health on a draft bill on sexual and reproductive rights (para. 119). Please provide information on its content, the timetable for its adoption and the framework for evaluating its implementation.

18. It is stated that, while both the number of mothers receiving prenatal care and the number of births attended by a doctor have increased, there remain significant discrepancies between urban and rural areas (paras. 344-347). It is indicated that similar disparities can be observed for the maternal mortality ratio, which remains considerably higher in rural areas (para. 350). Please provide information on measures taken to improve access to high-quality health care and medical assistance throughout the country, in particular in rural areas, and guarantee that, in order to reduce the maternal mortality ratio, all women, especially indigenous and rural women, enjoy adequate prenatal, natal and postnatal care.

19. It is indicated that a bill on the regulation of therapeutic abortions for women has been drafted and submitted to the Plurinational Legislative Assembly. It is intended to regulate legal abortion within the framework of the fundamental rights to life, health and security (para. 359). Information received by the Committee indicates that the right to abortion remains legally restricted to cases of rape, incest or when the woman's health is at risk, leading to unsafe clandestine abortions in cases of unwanted pregnancy, which account for 9.1 per cent of maternal deaths. Moreover, in 2013, the Human Rights Committee expressed concern about the alarming number of criminal investigations of women suspected of having had illegal abortions (CCPR/C/BOL/CO/3, para. 9). Such criminalization of abortion has a detrimental and disproportionate effect on rural and indigenous women. Information has been conveyed to the Committee indicating that the State party does not protect the confidentiality of women seeking treatment for post-abortion complications and that they are often reported to the authorities by health-care providers. Moreover, the Constitutional Court decided in February 2014 to remove from the Criminal Code the requirement of judicial authorization for gaining access to legal abortion, replacing it with an obligation to file a criminal complaint in cases of rape or incest. Please provide information on measures taken to ensure that adequate and effective procedures are in place to provide all women, in particular rural and indigenous women, with access to legal and safe abortion, as well as to post-abortion care, without fear of prosecution. Please provide further information on the specific application of the decision of the Court and on its impact on access to safe and legal abortion for victims of rape.

Indigenous and rural women

20. It is indicated that, the significant progress made with regard to recognition of land ownership by rural women notwithstanding, there are a number of problems with the implementation of the regulations, including the lack of personal identification papers that prevents women's registration as landowners, the exclusion of women from the reorganization process, resistance to change from men

and from women themselves on account of traditions and customs and the lack of knowledge of the regulations and procedures for obtaining title (para. 393). Please provide information on the measures taken to remove such obstacles.

Amendment to article 20 (1) of the Convention

21. Please indicate what progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.
