



Bolivia: Researched and compiled by the Refugee Documentation Centre of Ireland on 25 May 2010

Information about violence against women and state protection in Bolivia

The US Department of State Country Report states under the heading 'Women':

"The law considers sexual harassment a civil crime. There were no statistics on the incidence of sexual harassment, but it generally was acknowledged to be widespread." (US Department of State (11 March 2010) *Country Reports on Human Rights Practices - Bolivia*)

This report also states under the same heading in relation to women in general:

"Rape was a serious and underreported problem. The law defines two types of criminal cases. In private criminal matters, the victim brings the case against the defendant; in public criminal matters, a state prosecutor files criminal charges. The code of criminal procedures makes rape a public crime. The law criminalizes statutory rape, with prison terms of 15 to 20 years for the rape of a child under the age of 14. In cases involving consensual sex with an adolescent 14 to 18 years of age, the penalty is two to six years' imprisonment. Forcible rape of an adult is punishable by sentences ranging from four to 10 years' imprisonment. Sexual crimes against minors automatically are considered public crimes. Spousal rape is not a crime.

Violence against women was also a pervasive and underreported problem. According to the NGO Center for the Information and Development of Women (CIDEM), 70 percent of women suffered some form of abuse. CIDEM noted that the statistics "did not reflect the full magnitude of the problem of violence against women" and that "a great number of women" did not report the aggression they faced on a daily basis.

Family laws prohibiting mental, physical, and sexual violence provide for fines or up to four days in jail, unless the case becomes a public crime subject to the penal code; however, these laws were enforced irregularly. The government took few meaningful or concrete steps to combat domestic violence.

Through November, the police Family Protection Brigade handled 19,182 cases nationally, including 5,037 cases of repeat offenders. However, the police brigade lacked financial support, structural support, and personnel to follow up and pursue all reported cases. Most cases of domestic violence went unreported." (Ibid)

A document from the UN Committee on the Elimination of Discrimination Against Women (CEDAW) states:

“While the Committee takes note of various legislative and political initiatives to reduce violence against women, including domestic and sexual violence, it remains gravely concerned about the extent, intensity and prevalence of such violence in the State party, which borders on femicide, and about the lack of statistical data thereon. The Committee is particularly concerned about the shortcomings of Law No. 1674 on Family and Domestic Violence and Law No. 2033 on the Protection of Victims of Crimes against Sexual Freedom, in particular the priority given to reconciliation and family integrity, as well as about the fact that judicial personnel persuade women victims not to claim their rights before the judicial system.

The Committee calls upon the State party to ensure that existing legislation to combat violence against women and girls, especially domestic and sexual violence, is appropriately formulated and enforced, and give priority attention to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, in conformity with general recommendation 19, to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. The Committee encourages the State party to provide statistical data on the incidence of domestic violence, and information on steps taken to deal with the problem, progress achieved and remaining obstacles in its next periodic report.” (UN Committee on the Elimination of Discrimination Against Women (CEDAW) (8 April 2008) *Concluding comments of the Committee on the Elimination of Discrimination against Women : Bolivia, CEDAW/C/BOL/CO/4*, paragraphs 24-25)

Another document from UN Committee on the Elimination of Discrimination Against Women (CEDAW) states:

“One area where there are policy measures, and work has been started but is not yet sufficient, is that of violence against women. There is a specific law on this, namely the Family and Domestic Violence Act, No. 1674, which has been widely applied, and a revision of it has recently been completed in order to reinforce it. Nine out of every ten Bolivian women suffer some kind of violence (physical, psychological or sexual), by contrast with one man in every ten. The existing rules and policies have made it possible for women to report cases of violence. At the present time there are 128 municipal integral legal services and 28 Family Protection Units.” (UN Committee on the Elimination of Discrimination Against Women (CEDAW) (27 March 2006) *Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women - Combined second, third and fourth periodic reports of States parties – Bolivia*, paragraph 17)

This report also states:

“Bolivia does have some laws that discriminate against women:

– The Penal Code, which is currently under revision, especially in the areas of

penalties and punishments for offences such as rape and gender-based political harassment, and the criminalization of offences of crimes of trafficking and trading in women and children.

[...]

– Law on the Need for Reforms to the Political Constitution of the State, No. 2610, and specifically article 6 prohibiting all forms of discrimination against women, article 12 providing for penalties applicable to family and sexual violence, and article 38 on citizenship and nationality with regard to marriage to foreigners. These proposals were made by the Department for Women's Affairs. They were not incorporated into the reform of the Political Constitution, and consequently are being examined again.

[...]

The Sexual Harassment Act and the Family Code, currently being revised and redrafted." (Ibid, paragraph 41)

This report also states:

"The issue of discrimination and violence (psychological, sexual and physical) against women has received serious consideration by the Government of Bolivia, which has passed a specific law intended to deal with this group of problems. This is the Family and Domestic Violence Act, No. 1674 and its implementing decree, since the most widespread manifestation of violence is that occurring in the home or in the family, although recently extremely serious forms of sexual aggression by outsiders against women and girls have occurred, concluding in many cases in femicide." (Ibid, paragraph 50)

This report also states:

"Important progress has been made. By 2004, there were 128 municipal integral legal services and 18 Family Protection Units, as well as 53 prevention and care networks operating in the country as a whole. In addition the non-governmental organizations have services providing social, psychological and legal counselling to victims of violence.

Additionally, the Department for Women's Affairs, in conjunction with sectors involved in the handling of the problems of violence (such as the Ministry of Health, Office of the Attorney General, National Forensic Institute and the Department for Youth, Children and Older People, as well as municipal governments) has drawn up a model for prevention of sexual violence and care to its victims." (Ibid, paragraphs 60 - 61)

This report also states:

"The Penal Code, in its Section XI, articles 308 to 325, criminalizes offences against sexual freedom. The offences defined here are: rape, child rape, impersonation, indecent assault, abduction, statutory abduction, abduction for purposes of marriage, corruption of minors, aggravated corruption, corruption of adults, procuring, obscene acts and publications and obscene spectacles.

Some of these offences are considered as aggravated where the victims are children or adolescents.” (Ibid, paragraph 97)

A UN Human Rights Council report states:

“The Ministry of Justice, together with the municipal legal services and women’s organizations, had harmonized, organized and standardized statistics on domestic violence. Bolivia intended to work with the judiciary to expand the coverage of State services providing attention and protection to crime victims. The Ministry of Justice had also developed a proposal to adapt and enrich norms, protocols and procedures concerning attention to victims of sexual violence, as well as a communication strategy for the prevention of gender violence, entitled ‘No to Violence against Women’. Bolivia planned to reach rural areas, in coordination with municipal governments.” (UN Human Rights Council (15 March 2010) *Report of the Working Group on the Universal Periodic Review - Bolivia (Plurinational State of)*, A/HRC/14/7, paragraph 54)

This report also states:

“The United Kingdom of Great Britain and Northern Ireland expressed concern that the draft law against assault and gender-based political violence had not been approved and that the constitutional article stating that media must respect the principles of truth and responsibility was open to broad interpretation. It asked about steps to alleviate that concern. It noted that women suffered inequalities, especially in the workplace, and faced domestic violence. It asked about the protection of vulnerable groups and about combating discrimination on the grounds of sexual orientation. It made recommendations.” (Ibid, paragraph 42)

Freedom House report:

“Violence against women is pervasive, and the justice system is ineffective at safeguarding women’s broader legal rights.” (Freedom House (2010) *Freedom in the World 2010 - Bolivia*)

A document from IPAS states:

“In Bolivia, sexual violence is an open secret. It’s estimated that four of 10 women have suffered some form of sexual violence — including rape or incest — from a partner, peer, family member or unknown assailant.

But for every 100 Bolivian women who report sexual violence, only two try their cases in court. Many more are silenced by fear of stigma, their attackers or even the authorities.

Eliana Del Pozo, Ipas Bolivia Director, said: ‘Bolivia is one of the countries where there’s a high rate of sexual violence. Sexual violence is a crime, but it’s not reported and it occurs with impunity. It is frequently hidden under the category of domestic violence, and the aggressors are family members or people close to the family.’” (IPAS (8 December 2006) *Public awareness campaign takes aim at sexual violence in Bolivia*)

Xinhua News Agency reports:

"The United Nations Children's Fund (UNICEF) urged Bolivia on Monday to fight against sexual abuses against children, as recent reports show the problem is worsening in the country.

Gordon Jonathan Lewis, UNICEF representative in Bolivia, said UNICEF was greatly concerned about the increasing cases of sexual abuse against children. He stressed that most of the perpetrators were not brought to justice.

"We invite the whole Bolivian society to evaluate and be self-critics on this problem," he said, "if this is the future you want to give to your children and adolescents in the country."

The UNICEF official suggested the South American country revise existing laws to guarantee children's rights and strengthen the judicial system to protect them.

Lewis said sexual abuse against children was a long-term problem in Bolivia. He therefore urged the Bolivian people to make greater efforts to create an efficient alarm mechanism to protect all the social spheres of the country. " (Xinhua General News Service (16 November 2009) *UNICEF urges Bolivia to fight against sexual abuse of children*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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UNHCR Refworld
United Kingdom Home Office
United States Department of State