



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention**

**Fifth and sixth periodic reports of States parties due in 2011**

**Plurinational State of Bolivia\***

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\* The present document is being issued without formal editing.



## Executive summary

The Bolivian State has been implementing a process of significant change, which has been informed by the participation and world view of indigenous and campesino peoples and the involvement of women and their organizations. All these contributions have culminated in the new Constitution of Bolivia. This is the basic law that calls for the construction of a plurinational State with the participation of women and respect for their fundamental rights, in a system of social services and protection that is based on the principles of the Plurinational State and public policies on “living well”, and is being implemented, in the context of the Convention, as part of the public policies that have been introduced to combat discrimination and violence against women worldwide.

This report is submitted pursuant to the international commitments undertaken by the Plurinational State of Bolivia under the Convention on the Elimination of All Forms of Discrimination against Women and international law on indigenous peoples’ rights as human rights.

It should be emphasized that the effective implementation of human rights, based on the principles of “living well” and a “culture of life”, has made it possible to build a stronger and more democratic State based on dialogue and consensus among various social sectors, using the perspective of the country’s indigenous people as a foundation for addressing the situation of women in general and indigenous women in particular, as the group whose rights have been most subject to violation. It is with an awareness of the limits and the potential of the cultural patterns of indigenous peoples that Bolivia is meeting the challenges of building a country that respects both women and the systems of indigenous peoples, including indigenous women; a State that integrates and includes women’s political participation and addresses their economic, social, cultural and labour needs and demands, while rediscovering the ancestral knowledge and science of the country’s foremothers and of the various nations that make up Bolivia.

This report is based on the Constitution and on a review of laws and decrees from a comprehensive women’s-rights perspective. This comprehensive view requires that the demands of indigenous women be consistently met, as Bolivia has a majority indigenous population. For historical and structural reasons, indigenous people are more vulnerable than other groups to violations of their rights; this is especially true of indigenous women, who suffer from dual discrimination by reason of their gender and their ethnic identity. Accordingly, State policies are based on the experience of indigenous women and on their approach to “living well” in harmony with the environment and Mother Earth. This report reflects the current context in which the historic development of fundamental rights and of the Plurinational State is taking place under the paradigm of “living well” in harmonious coexistence with Mother Nature. This innovation and interlinkage has facilitated the exercise of fundamental human rights, creating a culture of non-violence towards women.

The report consists of two parts. The first part contains an analysis of the national context, the Constitution and the construction of the Plurinational State, which since 2006 has strengthened public policies and regulations beneficial to women. The second part concerns the implementation and analysis of the articles of the Convention on the Elimination of All Forms of Discrimination against Women. That part describes the entire legislative framework and the implementation of

public policies pursuant to the commitments made by all signatories to the Convention. Updated statistical information has also been provided. Finally, it should be noted that this report was endorsed at workshops held at the national level with institutions of the executive, legislative, judicial and electoral branches, civil society and social movements, as well as departmental and municipal bodies.

The report took into account the general recommendations made in 2008 by the Committee on the Elimination of Discrimination against Women (CEDAW/C/BOL/CO/4).

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## I. Introduction

1. The Plurinational State of Bolivia signed the Convention on the Elimination of All Forms of Discrimination against Women on 30 May 1980 and ratified it on 8 June 1990 (date of deposit) by Act No. 1100 of 15 September 1989. In addition, Bolivia signed the Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 10 December 1999 and ratified it on 27 September 2000 (date of deposit) by Act No. 2103 of 20 June 2000.

2. The purpose of the system of reporting to the Committee on the Elimination of Discrimination against Women is to provide information on the progress made in implementing the mandates established by the Convention, in accordance with the obligation contained in article 18 of this legal instrument, under which States parties undertake to report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention, in terms of the advancement of women.

3. Pursuant to article 18 of the Convention, the Bolivian State submitted an initial report to the Committee in 1991, at the Committee's fourteenth session,<sup>1</sup> and a combined second, third and fourth periodic report in 2008, at the Committee's fortieth session.<sup>2</sup> The Committee's concluding comments,<sup>3</sup> the 2009 Constitution and the construction of a plurinational State have been the driving forces behind the country's policies to overcome discrimination against women. In this context, the present report covers the fifth and sixth periods, corresponding to the interval between January 2008 and December 2012, on the recommendations of the Committee.

4. There is a need to clarify the context of institutional change under the new Constitution, which was approved by referendum on 25 January 2009 and promulgated on 9 February 2009. This framework of transformation is facilitating substantial progress in the protection of women's rights and the prevention of all forms of discrimination and violence. Thus, the present report highlights the contributions made towards the historic challenge of collectively building a united plurinational communitarian social State governed by the rule of law and progressing towards a productive and democratic Bolivia committed to integrated development and the self-determination of peoples. In this context, it should be noted that women's rights have been enshrined in the Constitution and are advancing towards full realization, under the principles of a plurinational State.

5. This report was prepared by the Office of the Deputy Minister for Equal Opportunity, which reports to the Ministry of Justice, with the participation of entities of the executive, legislative, judicial and electoral branches and civil society organizations. As part of the central State administration, the Office of the Deputy Minister performs functions aimed at ensuring equal opportunity irrespective of gender, age or disability. This report takes into consideration the Committee's concluding comments on the country's previous report, as well as the Committee's general recommendations.

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<sup>1</sup> CEDAW/C/BOL/1 (9 October 1991).

<sup>2</sup> CEDAW/C/BOL/2-4 (27 March 2006).

<sup>3</sup> CEDAW/C/BOL/CO/4 (8 April 2008).

6. The report is structured as follows: chapter II describes the national context, gender equity policies and the status of the national machinery for the advancement of women, while chapter III provides information on the progress made under articles 1 to 16 of the Convention.

## **II. General context**

### **2.1. National context**

7. Bolivia has a majority indigenous population. In 2001,<sup>4</sup> the national population totalled 8,274,325 people, of whom 50.2 per cent were women and 49.8 per cent were men. In addition, 62.4 per cent of the population lives in urban areas and 37.6 per cent in rural areas. The Department of La Paz is the most heavily populated of the country's departments, with 2,350,466 inhabitants, who account for 28.4 per cent of the total. It is followed by Santa Cruz, with 2,029,471 inhabitants (24.5 per cent), and Cochabamba, with 1,455,711 inhabitants (17.6 per cent).

8. Of these 8,274,325 people, 63 per cent reported that they were members of an indigenous group, and 71 per cent of the indigenous migrant population was concentrated in three departments: La Paz (34 per cent), Cochabamba (15 per cent) and Potosí (21 per cent). In recent years there has been a reconfiguration of the territorial distribution of individuals who self-identify as indigenous. In La Paz, where a high proportion of migration takes place within the Department, 62 per cent of migrants self-identified as Aymara and 14 per cent as Quechua. In Santa Cruz, as a result of migration from all parts of the country, the migrant population self-identified as belonging to a variety of peoples: 26 per cent as Quechua, 7 per cent as Aymara, 6 per cent as Chiquitano, 4 per cent as Guaraní and 2 per cent as Moxeño. Beni was also found to encompass a complex web of ethnic identities. Of the migrants living in that Department in 2001, 7 per cent were Quechua, 8 per cent were Aymara, 11 per cent were Moxeño and 11 per cent belonged to other native peoples. In sum, data based on self-identification show that the Quechua and Aymara peoples account for the largest share of the indigenous population of the country as a whole. Nevertheless, a plurality of ethnic identities can be found in all parts of Bolivia.

9. In 2007, 3.6 million Bolivians were in the middle-income bracket, 82 per cent of the population lived in urban areas and 4 out of every 10 people were indigenous. Most of the employed population in this group (65 per cent) was working in the tertiary sector (services and commerce), and a significant percentage was engaged in secondary activities (manufacturing and extractive industries). This has given rise to new inequalities that are generating discrimination and social tensions, and this inequality, in turn, is reflected in levels of social power. The 2.8 million workers who make up this group are engaged primarily in agricultural activities (53 per cent), while

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<sup>4</sup> The most recent national census was conducted on 23 November 2012. According to preliminary data from the 2012 census, published by the National Statistical Institute, Bolivia has 10,389,913 inhabitants, of whom 50.07 per cent are women and 49.93 per cent are men. Santa Cruz has 2,776,244 inhabitants, of whom 50.72 per cent are men and 49.28 per cent are women. As to the other two most heavily populated areas, the Department of La Paz has 2,741,554 inhabitants, with women accounting for 50.50 per cent and men for 49.50 per cent, and Cochabamba has 1,938,401 inhabitants, with men accounting for 50.56 per cent and women for 49.44 per cent.

sizeable percentages work in the extractive industries (15 per cent) and in services (12 per cent). Some 75 per cent carry out a variety of economic activities within the household economy. At the same time, gaps between different groups in terms of indicators of well-being illustrate the persistence and reproduction of inequalities that represent constraints on capacity-building. These inequalities particularly affect women, the indigenous population, rural communities and the poorest households, and it will be a challenge for the current Government to end poverty by 2025.

10. The reporting period, 2008-2012, was marked by social and political developments that represent milestones for understanding the Bolivian process and the role of the various political actors, including indigenous women, as protagonists in that process. In 2007, the Constituent Assembly adopted the new Political Constitution of the Bolivian State, which establishes a broad spectrum of fundamental rights and collective rights, highlighting the rights of women and defining, for the first time, the concept of violence based on gender or age.

11. In 2009, by means of a constitutional referendum, the new Constitution was democratically approved.<sup>5</sup> This historic event brought the first stage of the process of change to fruition and began the process of constructing the Plurinational State. One of the first measures taken was the drafting of a new transitional electoral system and the creation and consolidation of a biometric voter roll, under Act No. 4021, to register the entire Bolivian population of voting age, thus guaranteeing transparency in the general elections held at the end of 2009.<sup>6</sup> As a result of those elections, Evo Morales was chosen as the first President of the new Plurinational State of Bolivia.

12. In 2010, during his second term, President Evo Morales formed a new Cabinet which, for the first time in the history of Bolivia, complied with the principle of gender equity, as 50 per cent of its members were women; this continued to be the case in 2011. In April of that year, municipal and departmental elections were held. The electoral process represents the completion of another stage, one of consolidation of the democratic revolution, which has been legitimized by the broad participation of the Bolivian population.

13. At the same time, other measures for the construction of the Plurinational State have been implemented, such as:

- Nationalization and recovery of ownership and control of gas resources and the entire hydrocarbon production chain, which has generated more than US\$ 10 billion in patents, taxes and royalties for redistribution. The departmental governments, municipalities and universities are receiving more resources from the direct tax on hydrocarbons.
- Thanks to the nationalization of hydrocarbons, more than 939,276 men and women over the age of 60 receive a “Dignity Pension” of 200 bolivianos per month.
- Recovery and reform of the National Electricity Corporation (ENDE), with a view to ensuring universal access to electric power for all Bolivian families.

<sup>5</sup> The Constitution was promulgated on 7 February 2009.

<sup>6</sup> Act No. 4021 of 14 April 2009 establishes equality of opportunity and the alternation of male and female candidates in the compilation of lists of candidates.

Between 2006 and 2010, rural electrification increased from 33 per cent to 51 per cent, improving the living conditions of 434,414 rural households.

- The nationalization of the National Telecommunication Corporation (ENTEL) brought revenues of US\$ 167,000 to the State between 2008 and 2010. As shown in the table below, this State-owned enterprise increased its contribution to the Dignity Pension by 18 per cent between 2010 and 2011. Telephone charges have been reduced and coverage has been expanded, reaching 85 per cent of Bolivia's municipalities. A "social inclusion rate" is applied under which call times are rounded to the nearest second, benefiting 6.7 million mobile telephone users.

	2010	2011	Percentage change
Revenues (millions of United States dollars)	389	470	+ 21%
Net profit (millions of United States dollars)	74	87	+ 18%
Dignity Pension contribution (millions of United States dollars)	33	39	+ 18%
Investment (millions of United States dollars)	91	93	+ 2%
Millions of subscribers	3.1	3.9	+ 26%
Number of base stations	946	1 533	+ 62%
Market share (revenue)	40.5%	43.4%	+ 3%

- Since 1994, 351,725 household gas connections have been installed. Of this total, 324,134 were installed by the State oil corporation in the period of hydrocarbon nationalization (2006 to August 2012), which attests to the company's efficiency and commitment.<sup>7</sup>
- Between 2006 and July 2010, 245,028 families throughout the country were granted title to 45 million hectares of land. For the period 1996-2012, data on land titling are as follows: public land, 23,276,989 hectares; agribusiness and medium-scale producers, 4,280,490 hectares; campesino and intercultural communities, 13,768,397 hectares; highlands, 8,348,110 hectares; and lowlands, 13,853,065 hectares, out of a total of 63,528,052 hectares. With regard to land access by gender, 66,226 hectares (23 per cent) are owned by women, 106,872 hectares (37 per cent) are owned jointly by women and men and 106,822 hectares (37 per cent) are owned by men.<sup>8</sup>
- The Plurinational State of Bolivia, through the Productive Development Bank, grants individual and collective production loans in all nine of the country's departments at an annual interest rate of 6 per cent. The loans extended thus far total 1.065 billion bolivianos, supporting and generating some 128,000 jobs.
- Revenues from the new tax regime in the mining sector have increased and more resources are available for investment in mineral-producing areas. In 2008, royalties and taxes on business profits amounted to US\$ 128 million.

<sup>7</sup> YPFB news, website: [www.ypfb.gob.bo](http://www.ypfb.gob.bo).

<sup>8</sup> National Agrarian Reform Institute, information on the status of regularization of land titling as of October 2012.



- Gross domestic product (GDP) grew at an average rate of 4.6 per cent in the period 2006-2010, representing an increase over the 3.1-per-cent rate recorded for 2001-2005. In 2009, despite the world financial and economic crisis, the Bolivian economy had the highest growth rate in South America (3.5 per cent).
- Between 2006 and 2010, public investment rose by about US\$ 1.558 billion. Public investment is financed with State funds and the creation of partially State-owned companies.
- As a result of the measures taken in recent years, the proportion of persons living in extreme poverty has declined by 12 percentage points, from 38 per cent of the total population in 2005 to 26 per cent in 2009.
- According to data from the United Nations Development Programme (UNDP), the proportion of GDP transferred to the social sectors is higher in Bolivia than in any other country. This is narrowing the poverty gap and ensuring that the benefits of growth reach the neediest sectors of society.

14. It is against this backdrop that the progress and challenges mentioned in this report should be gauged, as should the significant institutional efforts made to maintain the gains achieved in order to advance further in giving effect to the rights enshrined in the Constitution and recognized in the Convention.

## **2.2. Overview of the situation of women in Bolivia**

15. The Constitution adopted in 2009 was the first to be drafted by a constituent assembly made up of representatives of indigenous campesino peoples, who for over 20 years had pursued various strategies to claim their rights that culminated in the demand for a new constitution. The Constitution was approved in a referendum, making it the first constitution in the country's history to be approved directly by the people. This seventeenth constitution is thus the most legal and valid one the country has ever had.

16. The full implementation of the Constitution will be achieved step by step as the new Plurinational Legislative Assembly, together with civil society and social movements, drafts and passes a whole series of new laws to endow the country with the tools needed to eradicate the internal colonialism, discrimination and inequality that have affected women in particular, and indigenous and campesino women even more.

17. These laws will form the new legal framework for the construction of the Plurinational State, and developing and passing them was therefore one of the priority tasks during the period in question. In 2010 five fundamental laws, already provided for in the Constitution, were drafted and enacted to pave the way for the major reforms planned:

- Act No. 018 on the Plurinational Electoral Body, of 16 June 2010
- Act No. 025 on the Judiciary, of 24 June 2010
- Act No. 026 on the Electoral System, of 30 June 2010
- Act No. 027 on the Plurinational Constitutional Court, of 6 July 2010
- Act No. 031, "Andrés Báñez" Framework Act on Autonomous Entities and Decentralization, of 19 July 2010

18. Gender equity has been incorporated into all five of these laws, and significant progress has thus been made in the protection of women's rights, specifically regarding: (i) the application of the principles of gender equity, gender parity and alternation in the procedures for proposing, preselecting and electing persons for public office; (ii) the recognition of political harassment as an electoral offence; (iii) the prohibition of out-of-court settlements of violence cases and the establishment of special courts to handle intra-family, domestic and public violence; and (iv) the acknowledgement of the need to establish adequate public budgets for the implementation of gender equity policies by the authorities of autonomous territories, as reflected in the requirement that at least 5 per cent of all budgets for plans, projects and programmes at the departmental or municipal level must be allocated to gender equity.

19. The National Development Plan, "A Decent, Sovereign, Productive and Democratic Bolivia for Living Well" (2006-2011) was adopted by means of Supreme Decree No. 29272 and disseminated through workshops with indigenous communities, campesino farmers and business owners. Chapter IV of the Plan states that support for production is essential for the development of State activities and the development of all production and service sectors, such as industry, agriculture, rural development, hydrocarbons, mining, education, health, the economy, culture, the environment and ancestral wisdom, and aims to ensure the cross-cutting nature of that support in a "Decent, Sovereign, Productive and Democratic Bolivia for Living Well".

20. Science, technology and innovation will contribute to the new development model implemented by the Bolivian State by generating, adapting and retrieving knowledge and technology for their application in the processes used by the production and services sectors, with a view to improving their productivity. In addition, ancient wisdom will be retrieved and valued more highly, as will the cultures, local insights and traditional knowledge that have been developed over thousands of years by the indigenous peoples and communities, to ensure that people can exercise their right to "live well".<sup>9</sup>

21. The National Human Rights Action Plan "Dignified Bolivia for Living Well" (2009-2013) makes it possible to exercise the basic rights enshrined in the Constitution and thus consolidate the decolonization of the country on the basis of respect, equality, dignity, complementarity, equity and sovereignty for living well. It promotes the exercise of the individual and collective rights of all persons under the Constitution with a view to combating discrimination against the most vulnerable sectors of the population, as well as their exclusion and relegation, to implement the plurinational and intercultural vision of the country. Supreme Decree No. 29272 of 12 September 2007 made it public policy to promote the full exercise of human rights from a multicultural perspective that is balanced and in harmony with nature and the cosmos and recognizes not only individual rights, but also collective ones.

### **Population**

22. The population statistics of Bolivia are based on the 2001 National Population and Housing Census, according to which the country's total population was then 8,274,325 persons and comprised 4,150,475 women and 4,123,850 men. In 2009,

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<sup>9</sup> *Gaceta Oficial de Bolivia*, Supreme Decree No. 29272, 12 September 2007.

the National Statistical Institute estimated the population to have reached 10,227,299 persons, divided between 5,101,733 (49.9 per cent) men and 5,125,566 (50.1 per cent) women.<sup>10</sup> Of the total population of 8,274,325 estimated for 2001, 5,008,997 were indigenous persons, of whom 49.6 per cent (2,482,481 persons) were men and 50.4 per cent (2,526,516 persons) were women.<sup>11</sup>

23. The eleventh National Population and Housing Census<sup>12</sup> was held on 21, 22 and 23 November 2012.<sup>13</sup> The new set of data it will provide will be used for various purposes at the national level, mainly as a source of information for drafting, adjusting and assessing public human development policies and for targeting investment according to national demographics.

### **Office of the Deputy Minister for Equal Opportunity**

24. The Office of the Deputy Minister for Equal Opportunity is the lead agency for the design and implementation of public policies aimed at eliminating all forms of discrimination against women. The rules and regulations issued by the Office are binding for the whole public sector, including at the departmental level, where they are enforced by the departmental gender directorates or units, and at the municipal level, where they are enforced by municipal integral legal services, victim support services and the local Ombudsman for Children and Youth.

25. The fragility of the gender machinery is apparent in: (i) the financial situation of the Office, since, despite the rules of the Ministry of Economic Affairs and Public Finance stating that the allocation of public funds to gender equity is mandatory, the funds received by the Office from the Treasury have never amounted to more than 25 per cent of the Office's budget; and (ii) the Office's status, which needs to be reviewed, since it is currently at the lowest level of the organizational and structural hierarchy of the Ministry of Justice.

26. Within this framework, the main challenges are related to overcoming the aforementioned constraints and to strengthening, organizing and improving coordination with gender mechanisms and bodies operating at the subnational level in the context of the process to increase the autonomy of local communities.

### **Policies for gender equity and the advancement of women**

27. As the regulatory and governing body for gender and equality policy, the mechanism for the advancement of women, i.e. the Office of the Deputy Minister for Equal Opportunity attached to the Ministry of Justice, drew up the National Equal Opportunity Plan called "Women Building a New Bolivia for Living Well", which was formally adopted by Supreme Decree No. 29850 of 10 December 2008.

28. The adoption of the Plan represented the endorsement of a State policy that had been developed jointly by the Government and women's organizations from all

<sup>10</sup> National Statistical Institute (2007), *Mujeres y Hombres de Bolivia en Cifras*. Published by the National Statistical Institute, La Paz. This document aims to present, statistically and systematically, the socioeconomic situation of women. It was published under the National Equal Opportunity Plan, which recognizes the contribution that women make to the country.

<sup>11</sup> National Statistical Institute (2006), *Bolivia: Características sociodemográficas de la población indígena*. Published by the National Statistical Institute, La Paz.

<sup>12</sup> Supreme Decree No. 1305 (1 August 2012).

<sup>13</sup> Supreme Decree No. 1305 (1 August 2012), article 6.

over the country. The process resulted in the design and promotion of a national policy on gender equality and equity, which was one of the issues of concern to the Committee and the State party.

29. The vision set forth in the Plan is as follows: “In 2020, Bolivia recognizes the contribution made by women to the country’s development. This recognition translates into equal opportunities in access to services, the full participation of women in decision-making bodies and the equitable distribution of economic and technological resources, as well as of the resources that form part of the country’s patrimony, and thus creates the conditions for living a life free from gender-based violence”.

30. The associated strategy is based on:

(i) The principles of “living well”, which are aimed at changing the situations of subordination, discrimination and exploitation that are behind the poverty, unemployment and exclusionary social and cultural practices that hamper women’s advancement, so as to build a non-hierarchical society that is in harmony with nature and where social justice prevails.

(ii) The recognition of the contribution of women to the construction of a society, which must translate into policies that ensure equal opportunities for women and men in terms of access to public services, full participation in decision-making bodies and the equitable distribution of economic and technological resources, as well as of the resources that form part of the country’s patrimony, and the elimination of all forms of gender-based violence. It is a proposal for social and cultural change in association with the achievement of gender equity and equality in the change process.<sup>14</sup>

(iii) The design of a new conceptual framework that takes cultural diversity into account and according to which the implementation of the Plan’s policies, programmes and projects calls for: (i) additional efforts to adapt to each regional and cultural context, (ii) the involvement of all State bodies, under the leadership of the Office of the Deputy Minister for Equal Opportunity as the mechanism for the advancement of women, and (iii) the active participation of women and their organizations.<sup>15</sup>

31. Action under the Plan is organized into six areas: economic affairs, production and labour; education; health; gender-based violence; citizenship and political participation; and institution-building. The Office of the Deputy Minister has undertaken various activities in relation to these areas of action, which are reported in different parts of this document. At this point we will mention the gender mainstreaming strategies implemented as part of the Office’s mandate as the lead agency for the advancement of women.

32. During the reporting period, and within the framework of actions to disseminate and mainstream gender equality policies, the Office developed a strategy to establish ties with different sectors, focusing first on education, health, labour and productive development.

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<sup>14</sup> National Equal Opportunity Plan entitled “Women Building a New Bolivia for Living Well”.

<sup>15</sup> *Idem*.

33. According to the State budget for 2012 and under Act No. 211 of 23 December 2011, article 6 (III) on public and private transfers, the Development Fund for Indigenous Peoples and Campesino Communities may transfer public funds to the country's indigenous campesino peoples and communities and must budget for programmes and activities to identify the economic sectors, geographical locations and organizations that are to receive the funds, as well as the amounts to be transferred to them. The transfers must be authorized by a specific decision to that effect issued by the Ministry responsible for the sector in question.

34. One of the items on the agenda of the Office of the Deputy Minister for Equal Opportunity is the development of mechanisms and tools to increase the consideration of gender equity budgets in sectoral and municipal policies. Consequently, the Office has worked with the National Bureau of Gender-Sensitive Budgets on proposals for the State Finances Act and to mainstream gender considerations in the budget and planning directives and classification guidelines issued by the Ministry of Economic Affairs and Public Finance and the Ministry of Development Planning for the purpose of providing guidance to the public sector on these procedures.

35. This work has gained momentum with the introduction of gender costing as a tool for the planning and budgeting of policies and actions on gender equity. The first costing exercise under the Plan was carried out in the economic affairs, production and labour area of action in 2010 and applied to activities carried out by the Ministry of Productive Development and the Plural Economy. The exercise revealed that 1.3 per cent of the national budget for 2010 would be required to implement the priority actions identified in that area. The costing of the other areas of action at the national and subnational levels has been scheduled to continue during the present fiscal period.

36. Of the total investments budgeted by the municipal government of La Paz for 2010 and 2011, 1.16 per cent corresponded to investments in gender equity in 2010. That proportion rose to 2.12 per cent in 2011; as is always the case in gender equity promotion, this improvement was attributable to the efforts of women's organizations and institutions to ensure that they are given equitable consideration in public budgets.

37. The Framework Act on Autonomous Entities and Decentralization establishes a substantial policy framework for the development of gender-oriented planning and budgeting. It draws on the experience acquired and the processes developed by civil society in its work with the Office of the Deputy Minister for Equal Opportunity, which paved the way for the establishment of gender equity investment categories and indicators. Several articles of the Framework Act stipulate that gender equity considerations must be taken into account in the processes to increase local autonomy and decentralization. Article 114, on the budgets of autonomous territorial entities, states that:

II. The budgeting process in the autonomous territorial entities shall be subject to the legal provisions, directives and budget itemization guidelines issued by the central Government, which shall include gender items to ensure the elimination of gaps and inequalities, as applicable.

38. In that regard, the Planning, Economic Policy and Finance Committee of the Plurinational Legislative Assembly was tasked with drafting proposals and

discussing all aspects of fiscal policy. One outcome of that process was the establishment of an inter-agency committee that brings together the Ministry of Economic Affairs and Public Finance, the Ministry of Development Planning, the Office of the Deputy Minister for Equal Opportunity (as the lead agency for gender affairs), the Planning, Economic Policy and Finance Committee of the Plurinational Legislative Assembly and civil society organizations involved in the subject.

39. The tools designed for mainstreaming gender equality in planning and budgeting have been published by the Ministry of Justice and the Office of the Deputy Minister for Equal Opportunity in a manual entitled *Guía operativa para la transversalización de la igualdad de género en la Planificación Sectorial del Desarrollo* (Guidelines for mainstreaming gender equality in the sectoral planning of development). Technical staff at ministries in key sectors, namely health, education and labour, have received these guidelines and been made aware of their contents.

#### **Office of the Deputy Minister for Decolonization**

40. Decolonization is one of the cornerstones of the transformation that the State and Bolivian society are undergoing. An Office for Decolonization, headed by a Deputy Minister, has therefore been set up in the Ministry of Cultures. This Office has the mandate, among others, to develop policies to prevent and eradicate all forms of discrimination, racism, xenophobia and cultural intolerance. Within the Office there is a General Directorate for Combating Racism, which in turn has a Depatriarchalization Unit, whose mission is to “depatriarchalize the colonial and neo-liberal State, family life, society and religion”. The Unit’s objectives include “exposing and destabilizing patriarchal relationships and making them untenable, as well as transforming existing power relations in the Plurinational State of Bolivia, in order to construct a just and harmonious society”.

41. The establishment of this Unit will make it possible to draft public policies and procedures that effectively promote and coordinate the implementation of a depatriarchalization strategy in all areas and at all levels of the Plurinational State.

42. As shown in the table below, both the Gender Unit and the Depatriarchalization Unit have relatively low status in the State apparatus, which makes fulfilling their mandates and building a society characterized by social justice notably difficult.

### **III. Implementation of the Convention**

#### **Part I**

##### **Article 1**

##### **Comments by the Committee (7, 8, 16, 17, 22)**

43. With regard to discrimination, article 14 of the Constitution prohibits and punishes discrimination based on sex, colour, age, sexual orientation, gender identity or other factors that has the effect of nullifying or impairing the recognition, enjoyment or exercise by every person of his or her rights on a basis of equality.

44. Under article 1 of the Convention, the term “discrimination against women” means any exclusion or restriction of the exercise of fundamental rights on a basis of equality of men and women. This term is incorporated into national legislation by virtue of Act No. 045 of 8 October 2010, the Act against Racism and All Forms of Discrimination, article 5 (a) of which defines discrimination as any distinction, exclusion, restriction or preference based on sex; colour; age; sexual orientation/ gender identity; origin; culture; nationality; citizenship; language; religion; ideology; political or philosophical affiliation; marital status; economic, social or health status; profession, occupation or trade; level of education; physical, intellectual or sensory disability and/or different ability; pregnancy; place of origin; physical appearance; clothing; surname; or other factors which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms recognized by the Political Constitution of the State and international human rights law, in the political, economic, social, cultural or any other field of public and/or private life.

45. Article 6 (c) of Act No. 243 of 28 May 2012, the Political Harassment and Violence against Women Act, emphasizes women’s political participation. “The State shall prohibit and punish all forms of discrimination, which is defined as any distinction, exclusion, denigration, denial and/or restriction which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of the political rights of women in the political and public life of the country.”

46. In accordance with Act No. 139 of 14 June 2011, the Plurinational Assembly has declared 24 May of every year as the “National Day against Racism and All Forms of Discrimination” throughout the territory of the Plurinational State of Bolivia. Under the Act, public and private Bolivian educational institutions and State entities carry out public education, prevention and awareness-raising activities to combat racism and all forms of discrimination.

## **Article 2**

### **Legislative measures**

47. The Constitution, as the product of the demands of social movements in the context of reducing inequalities between men and women, refers to the principles of sovereignty, dignity, complementarity, solidarity, harmony and equity in the distribution and redistribution of the social product in the exercise of the right to live well, ensuring respect for the economic, social, legal, political and cultural plurality of male and female inhabitants.

- It is based on values of unity, equality, inclusion, dignity, reciprocity, balance and equality of opportunity, and social and gender equity in participation, in the exercise of living well (article 8 (II))
- Access to education, health care and work (article 9 (5))
- Equivalent conditions between women and men (article 11 (I))
- Prohibition and punishment of all forms of discrimination (article 14 (II))
- Prevention and punishment of gender and generational violence (article 15 (II and III))
- Inclusion without discrimination (article 18 (II))

- Equal political participation (article 26 (I), article 147 and article 210)
- Right to health care and social security (article 35 (I and II))
- Right to social security and safe motherhood (article 45 (I, II, III, IV and V))
- Equal pay for work of equal value (article 48 (V and VI))
- Rights of children, adolescents and youth (article 61 (I and II))
- Rights of the family (article 63 (II), article 64 (I and II))
- Sexual and reproductive rights (article 66)
- Gender equity in education (article 79)
- In indigenous campesino autonomous communities, reference to capacity-building (article 300 (I) (30))
- With reference to municipal governments (article 302 (I) (30))
- Financial policy with equal opportunity criteria (article 330 (I))
- Recognition of the economic value of domestic work (article 338)
- Non-discrimination with regard to land access, ownership and inheritance (article 395 (I) and article 402 (2))

48. With respect to the rights of the Afro-Bolivian population, article 3 of the Constitution recognizes Afro-Bolivian communities as part of the Bolivian people, a historic achievement that, along with recognition of indigenous campesino peoples and nations, lays the foundation of the Plurinational State. It also explicitly guarantees the right to the allocation of public land and the protection of the knowledge and skills of this population (articles 100 and 395) (Committee comments 14 and 15).

49. The Constitution contains a comprehensive human rights policy concerning individual and collective civil, political, economic, social and cultural rights. It enshrines the right to live free from discrimination and violence and recognizes the value of a new way of addressing problems based on the recognition of the values, principles and practices of indigenous peoples, such as the right to a homeland, indigenous education, autonomous indigenous communities and traditional medicine, where the rights of indigenous peoples, decolonization, dismantling of patriarchy and women's participation are cross-cutting themes.<sup>16</sup>

50. Article 13 provides that:

- I. The rights recognized in this Constitution are inviolable, universal, interdependent, indivisible and progressive. The State has the duty to promote, protect and respect them.

Article 15 states that:

- II. All people, particularly women, have the right not to be subjected to physical, sexual or psychological violence, either in the family or in society.

51. With regard to violence, the Constitution promotes prevention and protection from violence against women through measures set out in various articles that

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<sup>16</sup> Constitution, article 8.



recognize the right of every individual to life and to physical, psychological, moral and sexual integrity, in particular, the right of women to live free from violence in the family and in society.<sup>17</sup>

52. Moreover, Act No. 045 of 8 October 2010 defines gender equity as the “recognition of and due regard for the physical and biological differences between women and men, with a view to achieving social justice and equal opportunity and thereby ensuring the full benefit of their rights regardless of sex in the areas of social, economic, political, cultural and family life”.

53. A breakthrough under the Act against Racism and All Forms of Discrimination is the establishment of the National Committee against Racism and All Forms of Discrimination, which operates under the Ministry of Cultures through the Office of the Deputy Minister for Decolonization and its General Directorate for Combating Racism and All Forms of Discrimination. The main tasks of this Committee are to promote, develop and implement public policies aimed at preventing and combating racism and all forms of discrimination; to ensure respect for equality and non-discrimination in public policy proposals and bills; and to follow up, evaluate and monitor the implementation of public policies and legislation against racism and all forms of discrimination.<sup>18</sup>

54. The “Avelino Siñani-Elizardo Pérez” Education Act, No. 070 of 20 December 2010, reflects constitutional rights and stipulates that education should be “anti-colonial and anti-patriarchal”, thereby establishing the normative framework for developing teacher training processes, curricula and organizational processes along those lines.

55. In addition, changes were made to the criminal justice system under Act No. 007 of 18 May 2010. One of its most important aspects is that it provides for immediate trial of suspects caught in flagrante delicto and stiffens penalties for male and female judges, prosecutors, attorneys and investigators caught committing acts of corruption. This law seeks to enhance the protection of citizens by amending the Code of Penal Procedure, the Penal Code and the Enforcement of Sentences Act.

56. Between 2008 and 2012, a series of provisions and actions were adopted in support of gender equity in the economic, political, social and cultural fields. These measures have been compiled for follow-up purposes and in response to Committee recommendations. Some very specific measures are described in this report in relation to various articles of the Convention.

57. With regard to the repeal of legislation that violates the rights of women, the law on the judiciary, enacted on 24 July 2010, provides that legal codes are to be reformed within two years of its entry into force. The process of revising the Family Code and the Civil Code has thus begun, in order to modify or abolish those articles that contravene the rights of women. Proposed amendments to the Family Code

<sup>17</sup> Constitution, articles 8, 9, 14, 18, 22, 23, 35, 61, 62, 63, 66 and 79.

<sup>18</sup> The Committee against Racism and All Forms of Discrimination is composed of public institutions; social organizations; indigenous campesino organizations; intercultural and Afro-Bolivian communities; human rights organizations defending the rights of women, youth, children and adolescents, persons with disabilities and vulnerable social groups; and other human rights and civil society institutions and/or organizations. The Office of the Ombudsman and the Office of the United Nations High Commissioner for Human Rights (OHCHR) country office in Bolivia are observer bodies that also provide technical assistance.

address issues relating to equal treatment before the law and public and private protection of the family, family assistance, conditions for entering into marriage, dissolution of marriage, de facto unions, filiation, assisted reproduction and surrogate pregnancy. Proposed amendments to the Penal Code address issues relating to the criminalization of domestic violence, crimes against sexual freedom and trafficking in persons, and the inclusion of the legal concept of femicide in the new system of criminal law.

58. Act No. 054 of 8 November 2010 on the legal protection of children and adolescents amended articles 246, 247, 251, 256, 259, 270, 271, 273, 274, 277, 278, 279, 291, 308, 309, 312, 313, 314, 318, 319, 321, 323 and 342 of the Penal Code.<sup>19</sup> These articles pertain mainly to violations of the rights of boy and girl children and adolescents; it is noteworthy that penalties are increased in the event that their safety is endangered and their lives affected, and in cases of sexual violence.

59. Recognition of gender equity, the equality of roles, non-violence and the full observance of human rights as values that should be incorporated at all levels and in particular into the education system — established in article 79 of the Constitution — are cornerstones of the effort to uproot and prevent violence against women.

60. Act No. 073 of 22 December 2011 on jurisdictional demarcation establishes the respective areas of jurisdiction of the indigenous campesino jurisdictions and the other jurisdictions recognized in the Constitution, and defines mechanisms of coordination and cooperation among these jurisdictions within a framework of legal pluralism. Article 5, paragraph IV, of this Act states that “all jurisdictions recognized under the Constitution shall prohibit and punish all forms of violence against children, adolescents and women. Any form of mediation in cases involving violence shall be illegal”.

61. Act No. 065 of 10 December 2010 provides for the administration of the integrated pension system and of the services and benefits that the system grants to Bolivian men and women, subject to the provisions of the Constitution.

62. Act No. 071 of 21 December 2010 acknowledges the rights of Mother Earth and the obligations and duties of the Plurinational State and of society to ensure that those rights are respected.

63. Act No. 101 of 4 April 2011 concerns the internal disciplinary system of the Bolivian police. The first book of this Act is a legal instrument that guarantees the rights of members of the institution at its different levels and hierarchies and their conscious submission to discipline, subordination, morality and institutional ethics. The law indicates the acts considered to constitute disciplinary offences, grouped into various categories, and the corresponding penalties.

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<sup>19</sup> Penal Code: article 246, Abduction of a child, adolescent or legally incompetent person; article 247, Inducement of a child, adolescent or legally incompetent person to run away; article 251, Homicide; article 256, Homicide-suicide; article 259, Homicide during an altercation or as a result of assault; article 270, Grievous bodily harm; article 271, Serious and minor bodily harm; article 273, Bodily harm resulting in death; article 274, Wrongful injury; article 277, Spread of sexually transmitted diseases or HIV/AIDS; article 278, Child abandonment; article 279, Abandonment on account of honour; article 291, Enslavement or subjection to a condition similar to slavery; article 308, Rape; article 309, Statutory rape; article 312, Indecent assault; article 313, Abduction; article 314, Statutory abduction; article 318, Corruption of a minor; article 319, Aggravated corruption; article 321, Procuring; article 323, Lewd acts; article 342, Deception of legally incompetent persons.

64. Act No. 144 of 26 June 2011 on the communitarian agricultural production revolution regulates the revolutionary process of communitarian agricultural production to ensure food sovereignty, establishing the institutional foundations, policies and technical and financial mechanisms for the production, processing and marketing of agricultural and forest products by the various actors in the plural economy. It gives priority to organic production in harmony and balance with the bounties of Mother Earth.

65. Act No. 181 of 25 November 2011 proclaims 30 March of each year as the National Day of Domestic Workers throughout Bolivia. Employers are required to grant workers a day of paid leave on that day, in recognition of their dedicated work.

66. Act No. 214 of 28 December 2011 establishes 2012 as the “Year of Non-Violence against Children and Adolescents in the Plurinational State of Bolivia”; through this framework, awareness-raising actions such as workshops, campaigns, courses and other sensitization policies for eradicating violence have been carried out.

67. Act No. 235 of 20 April 2012 declares it a necessity and national priority to build, equip and operate psychosocial and psychoeducational centres that specialize in medical care, counselling, social work and rehabilitation through technical/professional training, for the social reintegration and rehabilitation of children, adolescents and young people with alcohol abuse problems in the nine departments of the country.

68. Act No. 243 of 28 May 2012, the Political Harassment and Violence against Women Act, aims to eradicate acts, behaviours and individual or collective manifestations of harassment and violence that directly or indirectly affect women in the exercise of their political and public duties.

69. Act No. 263 of 31 July 2012, the Comprehensive Anti-Trafficking in Persons Act, guarantees the fundamental rights of victims by strengthening prevention, protection and care measures and mechanisms, as well as criminal prosecution and penalties for offenders.

70. Act No. 274 of 10 September 2012 declares 1 May of each year as Labour Day, in recognition of and tribute to Bolivian workers, whose hard work is fundamental to the social construction of “living well” in Bolivian society.

71. Act No. 290 of 20 September 2012 declares it a necessity and national priority to install and supply electric energy for rural communities of the Plurinational State of Bolivia. The provision of electric power to rural households will spur various productive and educational activities. This will particularly benefit indigenous campesino women in the valleys of the Department of Cochabamba.

72. Act No. 300 of 15 October 2012, the framework law on Mother Earth and comprehensive development for living well, aims to preserve the regenerative capacity of the components and life systems of Mother Earth by restoring and strengthening local and ancestral knowledge to promote and give effect to comprehensive development in harmony and balance with Mother Earth. Article 28 establishes that State lands are to be allocated, distributed and redistributed equitably, giving priority to women.

### Review and alignment of legislation

73. Under the legislative reform project led by the Vice-President of the Plurinational State as part of a programme conducted in cooperation with the German Agency for Technical Cooperation (GTZ) to strengthen dialogue and the rule of law, the country undertook a process of aligning and harmonizing all of the legal instruments and consolidated texts in force in Bolivian legislation. Through this work, the existing legislation was found to contain provisions that discriminate against women and stem from the patriarchal and colonial foundations of the justice system. The outcome of the programme was a book containing a comparative matrix of the text of the Constitution and the guiding principles for drafting proposals for relevant reforms or amendments.

74. Similarly, in 2008, the lead agency for gender issues carried out a detailed review of the existing legislation,<sup>20</sup> focusing on laws affecting women — including

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<sup>20</sup> Act No. 996 of 4 April 1988, Family Code  
 Act No. 1674 of 15 December 1995, Family and Domestic Violence Act  
 Act No. 1760 of 28 February 1997, Summary Civil Procedure and Family Assistance Act  
 Act No. 2026 of 27 October 1999, Children’s and Young Persons’ Code,  
 Act No. 2426 of 21 November 2002, Universal Maternal and Child Insurance Act,  
 Act No. 3250 of 6 December 2005 extending free Universal Maternal and Child Insurance throughout the national territory  
 Act No. 3460 of 15 August 2006 on the promotion of breastfeeding and the marketing of substitutes  
 Act No. 1716 of 5 November 1996 on organ, cell and tissue donation and transplantation  
 Act No. 1551 of 20 April 1994, People’s Participation Act  
 Act No. 2028 of 28 October 1999 on municipalities  
 Act No. 1984 of 25 June 1999, Electoral Code  
 Act No. 1983 of 25 June 1999, Political Parties Act  
 Act No. 2771 of 7 July 2004, Citizens’ Associations and Indigenous Peoples Act  
 Act No. 1565 of 7 July 1994, Education Reform Act  
 Act No. 3545 of 28 November 2006, Community-based Redirection of Agrarian Reform Act  
 Act No. 1333 of 27 April 1992, Environment Act  
 Act No. 1732 of 29 November 1996, Pensions Act  
 Act No. 3791 of 28 November 2007, Universal Old Age Pension (Dignity Pension) Act  
 Act No. 2450 of 9 April 2003 on domestic work  
 Civil Code of 6 August 1975  
 Act No. 1768 amending the Penal Code  
 Penal Code of 10 March 1997  
 Act No. 2033 of 29 October 1999 on protection for victims of crimes against sexual freedom  
 Act No. 3325 of 18 January 2006 on trafficking in persons and related offences  
 Act No. 2298 of 20 December 2001, Enforcement of Sentences and Supervision Act  
 Act No. 2133 of 6 October 2000, “Jubilee 2000” Amnesty Act  
 Act No. 2085 of 26 April 2000 granting amnesty to detainees under 21 or over 60 years of age  
 Act No. 2155 of 11 December 2000, addendum to the Amnesty Act  
 Act No. 3959 of 7 November 2008 on the construction of shelters for women  
 Act No. 3934 of 18 September 2008 establishing free DNA testing  
 Act No. 054 of 8 November 2010 on legal protection of children and adolescents  
 Act No. 045, Act against Racism and All Forms of Discrimination  
 Act No. 073 of 29 December 2010, Jurisdictional Demarcation Act  
 Act No. 065 of 10 December 2010  
 Act No. 071 of 21 December 2010, Rights of Mother Earth Act  
 Act No. 101 of 4 April 2011 on the internal disciplinary system of the Bolivian police  
 Act No. 144 of 26 June 2011 on the communitarian agricultural production revolution

family, civil, social security, agrarian, criminal, electoral and education law — and taking into account the fact that some laws have been in force for a long time while others are more recent. This review revealed that while some laws used neutral language, almost all of them used sexist language; that is no longer an issue with the new Constitution of the Plurinational State of Bolivia.

75. The analysis of existing legislation is an important step forward, given that Bolivia is engaged in a historic process of broad participation involving consensus-building and legislative proposals from the grass-roots level. These new laws aim to ensure the effective exercise of the rights of all women as enshrined in the new Constitution.

76. At the same time, the Office of the Deputy Minister has organized participatory workshops to assess progress and setbacks in the implementation of laws and, above all, the impact they have had. The workshops were also intended to gather input from civil society and women's organizations in all of the country's departments and to analyse the coexistence of positive and customary law. As a result of this process, proposals on the Penal Code and Family Code have been enriched by civil society organizations such as the Confederación de Pueblos Indígenas de Bolivia, working through its Gender Secretariat.

77. In the implementation of the National Equal Opportunity Plan, ministries and offices of deputy ministers have been developing legislative proposals in line with their sectoral activities that place emphasis on equal opportunities for women.

#### **Proposed adjustments to current legislation**

78. As part of the ongoing process of deepening democracy, and in an effort to mainstream gender in various general laws such as the Civil Code, Children's and Young Persons' Code, Penal Code, Code of Penal Procedure and Code of Civil Procedure, the lead agency has been working on a proposal to mainstream gender in the Organization Act of the Public Prosecution Service and on guidelines to be considered in the drafting of municipal charters and statutes of autonomous entities.

79. A major achievement regarding the implementation of temporary measures is the effort to coordinate the various actors promoting respect for women's rights. A partnership has been formed between the Ministry of Justice through the Office of the Deputy Minister for Equal Opportunity, the Platform of Women Assembly Members (28 representatives), the Comité Impulsor de la Agenda Legislativa desde

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Act No. 181 of 25 October 2011 proclaiming 30 March of each year as the National Day of Domestic Workers

Act No. 214 of 28 December 2011 establishing 2012 as the "Year of Non-Violence against Children and Adolescents in the Plurinational State of Bolivia"

Act No. 235 of 20 April 2012

Act No. 243 of 28 May 2012, Political Harassment and Violence against Women Act

Act No. 263 of 31 July 2012, Comprehensive Anti-Trafficking in Persons Act

Act No. 274 of 10 September 2012 declaring 1 May of each year as Labour Day

Act No. 290 of 20 September 2012 declaring it a necessity and national priority to install and supply electric energy for rural communities of the Plurinational State of Bolivia, providing electric power to rural households to spur productive and educational activities

Act No. 291 of 22 September 2012, 2012 National Budget Amendment Act

Act No. 300 of 15 October 2012, framework law on Mother Earth and comprehensive development for living well.

las Mujeres (Action Committee for a Women's Legislative Agenda, which brings together 28 NGOs and women's organizations) and the Alianza de Organizaciones de Mujeres por la Revolución Cultural y Unidad (Alliance of Women's Organizations for Cultural Revolution and Unity, which represents 17 parent organizations of indigenous and campesino women) to draft collectively a legislative agenda that benefits women.

80. The importance of this cooperation stems from the need to join forces and build consensus in order to ensure wide support when proposals are submitted for consideration. In this regard, and in the interest of submitting to the Plurinational Assembly detailed documents that address the strategic interests of women, the work was divided among three groups:

- Group 1: reviewed and proposed amendments to codes and general laws;
- Group 2: reviewed and proposed amendments to specific laws;
- Group 3: reviewed and proposed amendments to laws governing the economy, production and finance.

81. Each of these groups included a wide cross-section of indigenous campesino women's parent organizations, representatives of NGOs and women's organizations and representatives of the Office of the Ombudsman and Assembly members. During this process, a short agenda was devised comprising three draft laws for priority consideration in the Plurinational Assembly: an act on political harassment and violence, an act on trafficking in persons and a comprehensive act to guarantee women a life free of violence; the first two were promulgated as a result of these efforts and mobilization by women.

82. Act No. 263 of 31 July 2012, the Comprehensive Anti-Trafficking in Persons Act, aims to combat human trafficking and related crimes, guaranteeing the fundamental rights of victims through measures and mechanisms for prevention, protection, care, prosecution and criminal penalties. The draft comprehensive act to guarantee women a life free of violence reflects the concern that the law should (i) be more comprehensive and not merely preventive; (ii) include economic violence and violence through denial of property rights, which are very common forms of violence against women; (iii) increase detention periods for aggressors; (iv) punish recidivism; (v) create specialized courts to deal with these offences, (vi) define community responsibilities; and (vii) criminalize harassment and femicide in the Penal Code and the Code of Penal Procedure.

### **Sexual violence**

83. Act No. 054 of 8 November 2010 on the legal protection of children and adolescents is based on articles 60 and 61 of the Constitution, which establish that it is the duty of the State, society and the family to protect children and adolescents by prohibiting and punishing all forms of violence against them. The Act incorporates protection of the life, the physical, psychological and sexual integrity, and the health and safety of children and adolescents into the Penal Code. It also provides for amendments to articles 246, 247, 251, 256, 259, 270, 271, 273, 274, 277, 278, 279, 291, 308 ter, 309, 310, 312, 313, 314, 318, 319, 321 and 321 bis of the Penal Code.

84. Article 1 of Supreme Decree No. 1302 of 1 August 2012 provides for the establishment of "mechanisms to help eradicate violence, mistreatment and abuse

that endanger the lives and the physical, psychological and/or sexual integrity of children and adolescents in schools”. This decree was supplemented by Supreme Decree No. 1320 of 8 August 2012, which states that “Any director, faculty member or administrative staff member of a school who is formally charged with offences of sexual assault and violence against children and adolescents in such an establishment shall be suspended without pay for the duration of the criminal trial to ensure the safety and protection of the child”. The purpose of these decrees is to safeguard the physical integrity of children and adolescents and ensure that they remain in school. For the implementation of these decrees, a toll-free number, 800100050, was set up for reporting violence in schools, and forms can be downloaded from the Ministry of Education website [www.minedu.gob.bo](http://www.minedu.gob.bo) (under the “Transparency” tab) to file reports and complaints electronically.

85. In general, while there has been clear progress in legislation and policy, efforts are also being made to address deficiencies and ensure the effective implementation and enforcement of laws. In this regard, awareness-raising, training and capacity-building activities focusing on the gender perspective and women’s human rights have been held for justice system personnel. There has been a push for greater coordination between the lead agency and the Ministries of Health, Defence, Justice, Planning and Education to implement concurrent measures to address the problem of gender-based violence, with the result that these bodies will include in their agendas the specific actions and tasks described in the foregoing paragraphs.

### **Article 3**

#### **Comments by the Committee (8)**

86. There is a range of legal provisions to promote women’s participation in the Plurinational State at the local, municipal, departmental and national levels. The “Andrés Ibáñez” Act of 19 July 2010 on Autonomous Entities and Decentralization (Act No. 031), in article 5, principles 4 and 11, and article 20, in relation to equality of opportunity, refers to equitable access to public services as a means of guaranteeing the full exercise of the rights of both men and women. It also provides that territorial entities are to have a democratic, inclusive and representative form of government that guarantees gender equity.

87. Article 30 stipulates that officials of autonomous departmental governments shall be elected by universal suffrage in accordance with demographic, territorial and gender-equity criteria and that representatives of indigenous campesino nations and peoples shall be elected in accordance with their own customs and traditions. In this regard, indigenous representation reflects the indigenous peoples’ own approaches to elections and decision-making, based in some cases on the principles of *chacha warmi* (“man-woman”), as a legitimate institution for guaranteeing women’s participation. In the Bolivian Amazon, indigenous women succeeded in incorporating legal language on women’s rights that provides for the 50-per-cent rule for women candidates, in accordance with article 32, paragraph I, of the Act.

88. Under article 93 (“Planning”), paragraph IV (1), indigenous peoples are to determine and implement their own forms of economic, social, political, organizational and cultural development with gender equity and equality of opportunity, in accordance with their identity and world view. In this regard, they have long experience in reproducing their own forms of land management, including

the use of ecological strata for social production and reproduction and access to their lands, both contiguous and non-contiguous, which in practice guarantees food sovereignty, with access to the diversity of products characteristic of the highlands, lowlands and yungas (subtropical valleys). While today such communities have been established in specific territories, the establishment of families is still governed by the principles of reciprocity, known as ayni, minka, yanapa and other forms of barter.

89. The comprehensive planning system of the State under article 130 refers to the set of rules, subsystems, processes, methodologies, mechanisms and procedures of a technical, administrative and political nature whereby public-sector entities at all levels of government reflect the proposals made by social actors from their own sociocultural perspectives, to achieve the goal of development with social and gender equity. In this regard, indigenous and campesino organizations, with support from the Development Fund for Indigenous Peoples and Campesino Communities, have developed productive projects in both the highlands and the Bolivian Amazon. The projects are implemented through these organizations, which respond to the different demands of men and women.

#### **Gender-based violence**

90. Through Act No. 1674 of 1995, Bolivia established a policy to combat family and domestic violence, incorporating measures for prevention and the immediate protection of victims of violence. Nonetheless, an analysis of the progress made thus far has shown that this problem has not yet been overcome.

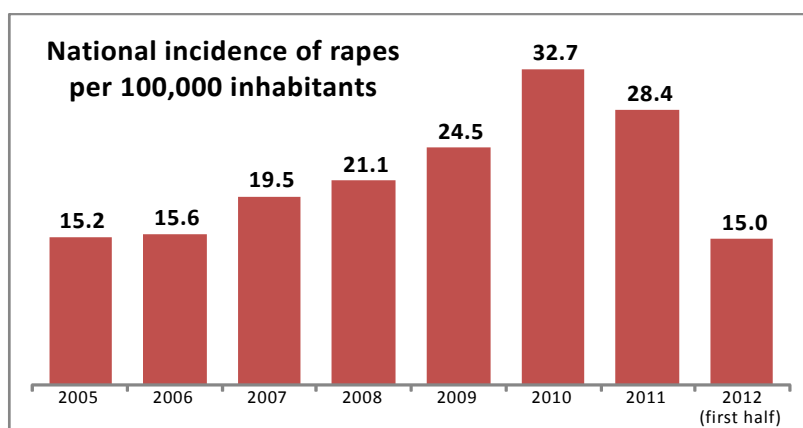
91. Preliminary data from the National Statistical Institute show that in 2010 there were more than 23,000 cases of violence, 87 per cent of which involved a female victim. In 56 per cent of these cases, the female victim suffered psychological and physical violence, and in the other 44 per cent, the female victim suffered sexual violence accompanied by psychological, economic and physical violence. Of the 23,089 cases of violence reported in 2010, 2,428, or 10 per cent, were perpetrated by someone other than the victim's spouse or partner.<sup>21</sup>

92. In Bolivia, more than 284,000 acts of domestic violence were reported to the police over a five-year period. This is equivalent to 56,800 acts of domestic violence per year, including physical, psychological and sexual violence, according to a report by the National Observatory under the Office of the Deputy Minister of Public Safety.

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<sup>21</sup> National Strategy to Prevent Gender-based Violence in Disaster and/or Emergency Situations. Bolivia, Office of the Deputy Minister of Civil Defence, Ministry of Health and Sports, Office of the Deputy Minister of Public Safety, Office of the Deputy Minister for Equal Opportunity, United Nations Population Fund, Plan International Inc. Bolivia, Bolivian Red Cross, 2012.





Source: Office of the Deputy Minister of Public Safety, 2012.

93. According to data as of May 2011, between 2005 and 2010, 55 per cent of the acts of violence reported to the police involved psychological violence, 44 per cent involved physical violence and 0.4 per cent involved sexual violence. The report notes that Cochabamba had the highest rate of domestic violence, with 69,856 cases, followed by Santa Cruz, with 64,629; La Paz, with 45,522; Oruro, with 33,944; Tarija, with 22,871; and Potosí, with 20,980. In addition, cases of violence were recorded, albeit on a smaller scale, in the Departments of Chuquisaca, with 13,724; Beni, with 8,362; and Pando, with 4,142. However, in these three departments and in Potosí, domestic violence of a physical nature accounted for more than 50 per cent of the total for each department. In the Departments of Cochabamba and Oruro, the proportions of this type of violence were between 46 and 47 per cent. In contrast, La Paz and Santa Cruz had the lowest proportions of physical violence and the highest proportions of psychological violence. In Tarija, meanwhile, the proportions of physical and psychological violence were virtually equal.

94. According to data from the General Command, National Directorate of Planning and Operations, the following figures on domestic and/or family violence nationwide were recorded between January and September 2012:

#### New reports of violence

Types of violence	Santa Cruz	Cochabamba	La Paz	Oruro	Chuquisaca	Potosí	Tarija	Beni	Pando	Subtotal
Physical violence	5 139	4 810	2 675	1 766	1 313	1 384	1 223	678	277	19 265
Psychological violence	5 259	4 099	3 819	1 494	1 030	1 046	711	410	192	18 060
Other	11	1 085	1 232	117	214	32	41	38	0	2 770
<b>Grand total</b>	<b>10 420</b>	<b>10 002</b>	<b>7 784</b>	<b>3 390</b>	<b>2 565</b>	<b>2 466</b>	<b>1 990</b>	<b>1 126</b>	<b>469</b>	<b>40 212</b>

#### Repeat offences

Types of violence	Cochabamba	La Paz	Potosí	Chuquisaca	Santa Cruz	Oruro	Tarija	Pando	Beni	Subtotal
Psychological violence	2 135	1 478	318	275	372	259	129	74	10	5 050
Physical violence	2 243	538	386	357	258	329	206	77	34	4 428
<b>Grand total</b>	<b>4 378</b>	<b>2 016</b>	<b>704</b>	<b>632</b>	<b>630</b>	<b>588</b>	<b>335</b>	<b>151</b>	<b>44</b>	<b>9 478</b>

Grand total: 49,690 cases.

95. Against this backdrop, the Ministry of Justice, through the Office of the Deputy Minister for Equal Opportunity, launched the National Equal Opportunity Plan, entitled “Women Building a New Bolivia for Living Well”. The plan includes a violence eradication policy aimed at creating conditions for a life free of gender-based violence, and it penalizes discriminatory practices of exclusion and subordination through institutional mechanisms and policy instruments.

96. This policy includes measures to improve the system of comprehensive care for women victims of gender violence; strengthen police and judicial protection for victims of gender violence; promote awareness of gender violence through the educational system; carry out activities to counter the perception of gender violence as natural; spread information on the prevention of sexual violence against girls and adolescents in schools and the family; and provide training and sensitization of personnel who respond to cases of violence.<sup>22</sup> These actions are developed in the various ministries and deputy ministers’ offices in accordance with violence eradication programmes and projects.

### **Compilation of statistics on violence**

97. Significant strides have been made in this regard. The Office of the Deputy Minister for Equal Opportunity has concluded an agreement with the National Statistical Institute to mainstream the gender perspective in the production and dissemination of statistics within the National Statistical System. The aim is to update gender indicators and create new ones to illustrate the situation of women and reveal existing gaps between men and women in key areas for their integration and development. With this system and other valuable sources of periodically updated information, such as household surveys, it will be possible to gauge the progress and challenges of effective implementation of the relevant laws and to monitor the situation of women on a regular basis.

98. In 2007 a strategic alliance was formed between the National Statistical Institute, as the lead agency, and the Information and Development Centre for Women, with the establishment of the Statistical Technical Committee on Gender-based Violence, the purpose of which is to improve record-keeping by public and private service providers dealing with domestic violence.<sup>23</sup>

99. On that basis, in the framework of the National Programme to Combat Gender-based Violence, drawn up by the Office of the Deputy Minister for Equal Opportunity, and the National Statistical Institute’s programme of strengthening administrative record-keeping, a unified system of records on violence and care protocols has been implemented. This system has enhanced the different sources of information by revamping information production processes, standardizing administrative records and assessing care services. These actions are intended to correct the problem of gaps in record-keeping and lack of standardized approaches in order to obtain reliable information from public and private service providers.

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<sup>22</sup> National Strategy to Prevent Gender-based Violence in Disaster and/or Emergency Situations. Bolivia, Office of the Deputy Minister of Civil Defence, Ministry of Health and Sports, Office of the Deputy Minister of Public Safety, Office of the Deputy Minister for Equal Opportunity, United Nations Population Fund, Plan International Inc. Bolivia, Bolivian Red Cross, 2012.

<sup>23</sup> National Statistical Institute.

100. The use of a participatory approach to the construction of the country's single registry on domestic violence and information system on domestic violence represents a quantitative and qualitative leap as a result of the consistent use of a standard form for the reporting of data on domestic and family violence. This system makes it possible to evaluate, collect, validate, process and analyse data from 98 municipal legal services and five NGOs working in different municipalities in the country.<sup>24</sup>

101. As a result of this coordinated effort, two publications have been produced: the first and second editions of a report containing statistical data on complaints of domestic and family violence (*Reportes de datos estadísticos sobre denuncias de violencia doméstica y familiar*), which reflect the data recorded in 2009.

102. A total of 81,008 cases were reported that year, with no significant increase in complaints in relation to 2008. Of these cases, 56.45 per cent were recorded by institutions implementing Act No. 1674, 12.09 per cent by entities dealing with criminal cases involving offences against sexual freedom, and 31.46 per cent by entities dealing with cases of abuse of children and adolescents.

103. In 2010 a total of 102,267 cases of violence were reported. Of these, 51.96 per cent were dealt with by institutions implementing Act No. 1674 (Family and Domestic Violence Act), 23.66 per cent were dealt with by criminal justice authorities and 24.39 per cent were cases of abuse as defined in Act No. 2026. In 2011, out of a total of 109,062 complaints filed, 74.67 per cent were dealt with by entities designated under Act No. 1674, 8.55 per cent by entities dealing with crimes against sexual freedom and 16.78 per cent by those dealing with abuse of children and adolescents; between 2007 and 2011 there was a 30-per-cent increase in complaints reported under Act No. 1674.<sup>25</sup>

104. In order to eradicate violence, the Office of the Deputy Minister for Equal Opportunity has raised awareness of applicable laws in eight municipalities, with the active participation of organizations of indigenous, campesino and Afro-Bolivian women. Also in 2012, support was provided for gender mainstreaming in the drafting of municipal charters to ensure that women are able to participate in defending their rights at the local level. The Office has also worked on the design and production of materials for institutional use containing proposals on sexual and reproductive rights.

105. With the support of the Spanish Agency for International Development Cooperation, actions have been carried out to build institutional capacities to implement the national programme to combat gender violence. Anti-violence campaigns will be conducted in 2013 and 2014 with the participation of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Workshops on the construction of indicators have been offered by the National Statistical Institute, the Office of the Deputy Minister for Fundamental Rights and the Office of the United Nations High Commissioner for Human Rights (OHCHR). With regard to the National Strategy to Prevent Gender-based Violence in Disaster and/or Emergency Situations, the Deputy Minister for Equal Opportunity played an

<sup>24</sup> Sayary Warmi in Sucre, Kuisisqá Warmi and Sarariy Warmi in Oruro, Sartasin Warmi in El Alto and the Legal Office for Women in Cochabamba.

<sup>25</sup> Information and Development Centre for Women. *Reporte Estadístico Violencia contra las Mujeres, Datos Quinquenales 2007-2011*.

active role in the development of that document, as it is in disaster situations that women face this phenomenon in its crudest form.

106. At the departmental level, joint technical assistance activities have been carried out in order to mainstream the gender approach in the Tarija Departmental Plan, and constant support has been provided to women's organizations in the municipalities under the National Equal Opportunity Plan, with a view to supporting the exercise of women's right to live a life free of violence.

107. A training plan has been developed for officials of the Ministry of Productive Development and the Plural Economy in order to mainstream the gender perspective in public policies for productive development through interministerial agreements. The Office of the Deputy Minister for Equal Opportunity has concluded coordination agreements with the Ministry of Autonomous Entities for the development of guidelines for gender mainstreaming in the charters of such entities.

108. With respect to society at large, initiatives have been carried out to strengthen the leadership skills, coordination and participation of women leaders of civil society in the exercise of their right to lobby for changes in laws and public policies in order to ensure that they incorporate a gender perspective and do not perpetuate a patriarchal society. Action has been taken to follow up on legislative advances with respect to women's rights, with the active participation of women's organizations. The agreements signed between the Government and the Guaraní People's Assembly, in conjunction with the Ministries of Health, Education, Cultures, Microenterprises and the Plural Economy, are monitored in order to ensure compliance with the commitment to support the eradication of violence against indigenous Guaraní women.

#### **Entities for addressing violence and protecting victims**

109. Municipal integral legal services have been established in 150, or 45 per cent, of Bolivia's 337 municipalities; of these 150 municipalities, 98 are implementing the single registry on domestic violence or the information system on domestic violence. The establishment and strengthening of such services requires close cooperation between the lead agency on gender and municipal governments, as well as support from departmental and municipal governments.

110. Workshops have been held to strengthen municipal integral legal services in relation to the implementation of statistical tools for collecting data on violence. National days have been proclaimed for the discussion, at the national and departmental levels, of public policies for preventing, addressing, punishing and eradicating violence and for the development of projects for empowering women in their local environments. Accordingly, production projects involving some 4,000 poor women in rural areas have been developed.

111. Family Protection Units are specialized units responsible for prevention, protection, assistance and investigation services in relation to family or domestic violence. They work in close cooperation with the municipal integral legal services. Nationwide, there are 66 such units in departmental capitals and medium-sized municipalities. Between 2007 and 2010, according to the General Command of the Units, 25,050 acts of domestic violence were reported in the Department of La Paz alone. These cases are referred to the relevant authorities for appropriate action.

112. The registry of police statistics of the National Public Safety Observatory shows that, nationwide, police responded to 152,207 reports of domestic violence between 2005 and 2010, of which 55 per cent involved psychological abuse, 44 per cent involved physical abuse and 0.4 per cent involved sexual abuse.<sup>26</sup>

113. Since 2008, at the initiative of both the police and the Office of the Deputy Minister for Equal Opportunity, police training programmes have been conducted to build the capacities of personnel of the Units. The training programmes have included content relating to human rights and gender equity/equality. In addition, capacity-building has been carried out in relation to the technical aspect of the response to cases of violence, including the use of a standard reporting form in order to centralize and systematize information on the various types of violence perpetrated against women. In the future, these records will be incorporated into the single registry on acts of violence.

114. Service units and State Service for Comprehensive Victim Services and Protection: Since 2006, the Ministry of Justice has taken institutional measures to ensure that the criminal justice system protects crime victims, including the establishment in 2007, by the Public Prosecution Service, of victim and witness services and protection units. In 2009 the State Service for Comprehensive Victim Services and Protection was established to provide legal services free of charge to prevent revictimization. In 2010, this entity, which currently has nine offices nationwide, provided services to 808 victims of violent crimes and offered guidance to 1,686 people on violence and human rights.

115. Justice offices and integrated justice centres: To date, the Ministry of Justice has established 11 integrated justice centres (6 of which are in El Alto) and 2 justice offices (in La Paz and Cochabamba). Both types of services provide free advice and legal assistance to individuals seeking alternative means of resolving conflicts. Between 2006 and 2010, a total of 303,699 cases were dealt with by these entities.

116. The Ministry of Health has included gender and generational violence prevention strategies in its training courses for public servants in that sector. The communications unit has assisted efforts to support the protection of and respect for women's rights by producing educational materials such as those entitled "Gender and health", "Violence in the family" and "Families and communities for better child and maternal health", targeting the population covered by the health-care system.

117. The General Directorate for the Prevention and Elimination of All Forms of Gender and Generational Violence, which reports to the Office of the Deputy Minister for Equal Opportunity, has strengthened the municipal integral legal services to take into account the fact that persons of any age can be victims of violence. Rules, protocols and procedures for the provision of comprehensive services to victims of sexual violence have been brought up to date and validated for application throughout the country by municipal integral legal services, the police,

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<sup>26</sup> The Observatory reports to the Ministry of the Interior through the Office of the Deputy Minister of Public Safety. Under the National Public Safety Plan, its primary purpose is to monitor and study criminal conduct in the country. It will also carry out surveys on violence, public perceptions of insecurity and other issues. As a nationwide system, it collects information from four cities — El Alto, La Paz, Cochabamba and Santa Cruz — and compiles statistical data from different sources such as the police, the Public Prosecution Service, the High Court of Justice, departmental courts, hospitals, etc.

the Forensic Investigation Institute, the Ministry of Health and the Public Prosecution Service, to improve comprehensive care for victims of sexual violence.

118. There have been annual increases in the number of official complaints submitted to the different agencies. The municipal integral legal services and the Ombudsmen for Children and Youth, in addition to Family Protection Units, dealt with 32.78 per cent of cases; the Ombudsmen for Children and Youth dealt with 22.82 per cent during the five-year period, an average of approximately 55 persons per day.

119. Using existing data as the foundation for its work, the Office of the Deputy Minister for Equal Opportunity is working to eliminate violence by disseminating Act No. 243, the Political Harassment and Violence against Women Act, in the Departments of Santa Cruz, Tarija, Potosí and Cochabamba and in governorships and municipalities, with the broad participation of representatives of civil society organizations and departmental and municipal assembly members, publicizing the Act and its application in defence of women's rights. In collaboration with the General Directorate for Children, Youth and the Elderly, the Plurinational Legislative Assembly and the Ombudsman, advocacy actions were undertaken to support adoption of Act No. 263, the Comprehensive Anti-Trafficking in Persons Act, which ranged from technical reviews to active participation in the law's adoption. Collectively, the Office of the Deputy Minister for Equal Opportunity is working on a draft bill on sexual and reproductive rights with women's organizations and the Ministry of Health, with activities in the different departments.

120. The Office of the Deputy Minister for Equal Opportunity is disseminating institutional materials as part of the campaign to combat violence with the slogan "no more violence, ever again", with nationwide messages, which in turn are discussed on local radio stations in indigenous languages. This is striking in that it was not until this Administration that women said, "despite our eyes we are blind; with this indigenous President, we are only now opening them, to learn about our rights; before it was thought that violence was natural, now that's not the case, because we know our rights".

121. As part of efforts to combat violence, Supreme Decree No. 1053 was adopted on 23 November 2011. It declared 25 November of each year as the "National Day against All Forms of Violence against Women", and also declared 2012 to be the "Year to Combat All Forms of Violence against Women". Finally, it instructed the Office of the Deputy Minister for Equal Opportunity to coordinate with all public and civil society bodies activities undertaken across the nation to combat violence against women on that Day and throughout the Year. As part of those activities, on 26 and 27 November 2012, the event "National days of reflection on public policies to combat violence against women" was held. The various agencies of the executive branch, ministries, offices of deputy ministers, departmental and municipal governments and civil society and indigenous peoples' organizations participated in the dissemination of their actions and the assessment of the policies implemented to eliminate violence. Supreme Decree No. 1363 was enacted in September 2012 to establish the Committee to Combat All Forms of Violence against Women and to undertake a media campaign throughout the Plurinational State of Bolivia. A strategic nationwide programme was designed in 2012, for execution from 2013 to 2015, to integrate all public and non-public services that are combating violence.

Currently, arrangements are being made for the funding of the Comprehensive Plurinational System to Prevent, Address, Punish and Eliminate Gender-based Violence, which takes different sociocultural contexts into account.

122. To ensure the full exercise of the rights of indigenous peoples, especially indigenous, campesino and Afro-Bolivian women, Act No. 269 was decreed on 2 August 2012 to ensure the use of indigenous languages as a vehicle for the regulation of collective and individual rights and to revitalize indigenous languages in the country. Given the fact that indigenous women have historically been excluded by the domineering mindsets of linguistic and cultural colonialism, and the resulting violence, indigenous languages must be included in all public and private administration systems, in spoken and written form, at all levels and in all spaces, in the plurinational systems of education, health and justice, and in communications, and must be used in public administration and public service agencies and recognized as official languages in the Plurinational State.

### **Case of MZ**

123. On 11 March 2008, a friendly settlement agreement was reached at the 131st session of the Inter-American Commission on Human Rights, and was signed on 21 July 2008 at a public event in Bolivia. In that agreement the Plurinational State recognized its international responsibility in the case against it filed by MZ, illustrating the situation of many women victims of sexual violence, who have been discriminated against by the justice system and have suffered the violation of the rights protected by the Convention of Belém do Pará and the American Convention, in particular the right of all women to a life free of violence and the obligation of the State to act with due diligence to prevent, investigate and punish violence against women.

124. The Plurinational State of Bolivia, acknowledging its responsibility, pledged to adopt a series of measures relating to the promotion and protection of human rights with a gender focus, and those commitments have been assumed by the various agencies of the executive branch, primarily by the Ministry of Foreign Affairs and the Ministry of Justice through the Offices of the Deputy Ministers for Fundamental Rights and for Equal Opportunity in coordination with the judiciary and the Office of the Prosecutor-General of the Republic, with the aim of eliminating discrimination from the system of administration of justice and preventing violations of the rights protected by the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

125. In 2009, the Office of the Deputy Minister for Equal Opportunity published a booklet on the MZ case and the commitments of the Bolivian State, which was disseminated at all events held at that time.

126. Pursuant to the friendly settlement agreements in that case (points 6 to 8 of clause 4), nine victim and witness services units have been created, located in departmental capitals, including El Alto, where cases are expedited by comprehensive professional teams, an important step forward in protecting victims and witnesses of crimes against sexual freedom. The information collected in criminal proceedings for offences against sexual freedom is protected by the guarantees necessary in all legal proceedings in the form of two physical spaces fitted with two-way mirrors, one in El Alto and one in La Paz, where victims give statements in conditions of absolute privacy.

127. The School for Judges (formerly known as the Institute for the Judiciary), established by the judicial branch to provide education and technical training for public servants in the judiciary in order to ensure the effective and efficient administration of justice, organizes training courses in accordance with demand. In 2009, priority was given to the study and analysis of the Constitution, including the study of constitutional rights and guarantees enshrined under title II of the new Constitution. That information was transmitted to the judges and magistrates in the nine judicial districts in a total of 29 training courses. The non-jurisdictional training unit has included the specific themes of the gender approach to human rights and an introduction to the idea of interculturality, legal pluralism and indigenous legal systems.

128. Judges cannot carry out their duties unless they have attended these courses, pursuant to article 33 of Act No. 1817 of the Council of the Judiciary (22 December 1997). Participants must be tested and pass each course. The Institute for the Judiciary forwards the test results for inclusion in the promotion scale for the judiciary, with positive grades registered as merits for civil servants and negative ones registered as demerits for the purpose of determining continuation and promotion in the judiciary.

129. Within the framework of the MZ case and as part of the State's commitments, the Council of the Judiciary has included indicators on the degree of human rights knowledge, with an emphasis on gender discrimination, in the training courses organized for justice administrators and operators. It has carried out educational programmes on the subject of violence, and the Sexual Offences Investigation Unit of the Forensic Investigation Institute has been established, led by the Office of the Deputy Minister for Equal Opportunity in coordination with the Public Prosecution Service and the Ministry of Economic Affairs and Public Finance.

#### **Women and discrimination**

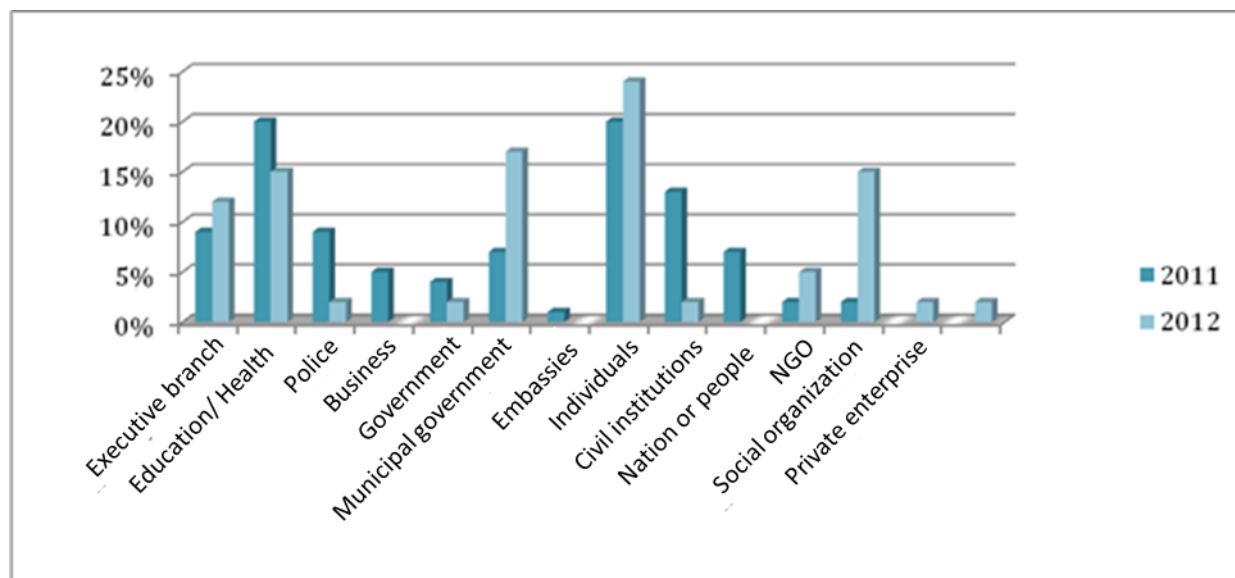
130. Act No. 045 of 8 October 2010, the Act against Racism and All Forms of Discrimination, includes the following provisions:

(a) Promoting the design and implementation of institutional policies to prevent and combat racism and discrimination in universities, national public and private teacher training colleges and the national education system at the preschool, primary and secondary levels;

(b) Designing and implementing educational, cultural, communication and intercultural dialogue policies that combat the structural causes of racism and all forms of discrimination; that recognize and respect the benefits of diversity and plurinationality and include content on the history and rights of indigenous, campesino and Afro-Bolivian nations and peoples.



### Contexts in which discrimination has been reported



Source: Prepared by the Plurinational Observatory on Education Quality with data from the National Committee against Racism and All Forms of Discrimination, 2012.

131. Most of the complaints received relate to organizations and institutions, and most reports of discriminatory abuse relate to agencies in the areas of health, education and municipal government.

#### Experiences of departmental and municipal public policies

132. In the process of building a united, social and decentralized State with autonomous entities (article 1 of the Constitution), weight has been given to departmental and municipal experiences, with an emphasis on efforts to address women, to encourage their leadership and local empowerment. The Constitution and the Andrés Báñez Framework Act on Autonomous Entities establish new powers for departmental and municipal autonomous entities, with specific experiences in the implementation of the National Equal Opportunity Plan.

133. The autonomous government of the Department of Santa Cruz, through its Gender Directorate, seeks to promote social equity, improve the quality of life of the Department's population and overcome gender-based discrimination and exclusion. It also formulates, coordinates and implements public policies, plans, programmes and projects with a gender focus at the departmental level. To achieve those goals it has been implementing a project on the psychosocial and workforce integration and reintegration of women victims of domestic violence in the Municipality of Santa Cruz. As part of that project, it conducts awareness-raising activities through workshops on domestic violence, self-esteem and women's rights education; district-level gatherings to publicize and raise awareness of the project; dissemination and publicity to raise awareness among the population; individual and family psychotherapy sessions; and social counselling and legal guidance to empower women to exercise their rights.

134. The government of the Department of Santa Cruz promotes the signing of agreements and other instruments with institutions, foundations and training centres to achieve economic self-sufficiency for women through training in technical occupations. It plans to provide technical assistance to train and strengthen women in productive activities, to grow economic opportunities in the Department's 15 provinces, through a project entitled "Strengthening the capacities of women to seize economic opportunities with gender equity". Actions comprising this effort include training (planning with a gender approach, training for municipal integral legal services), technical assistance (business plans, legal status, industrial fairs), communication and dissemination.

135. The autonomous government of the Department of Cochabamba, through its 2011-2025 Departmental Integrated Equal Opportunity Plan for Living Well, conducts debates held with a non-patriarchal approach, based on equal opportunity and integrated community development. The strategic guidelines are: mainstreaming equal opportunity and integrated community development; developing a non-patriarchal culture of equality and decent treatment; research and strategic affirmative action measures in accordance with conditions and priorities, taking gender and generational equality and specific populations into account.

136. The work carried out in 2012 includes gender mainstreaming in departmental autonomous statutes and municipal charters. Training workshops have been held as part of institutional development and the prevention of violence against women and children, to prevent violence and intervene when it arises, through the municipal integral legal services and the Ombudsmen for Children and Youth. Productive activities have been undertaken with economic support for duck farming, beekeeping, weaving projects and floriculture. Five hundred women have received such support, totalling 664,723 bolivianos.

137. Other efforts have involved native chicken farming in the Chapare, with support in the form of chickens, balanced feed and training workshops. Outputs include egg production and chicks. The project involves 490 families and 10,780 laying hens. Support has also been provided for the building of chicken coops. Financial support has also been provided for integrated pig farming in the upper Cochabamba Valley, benefiting 140 women, who received 280 sows and 14 boars. The project comprises the integrated management and production of pigs, sanitation, infrastructure, nutrition and the project to implement chicken farming in the lower Cochabamba Valley and other experiences in food sovereignty, with the preparation of products using the natural resources of local municipalities. All the projects are led by women in rural areas, where their rights are most vulnerable.

138. The autonomous departmental government of Tarija is disseminating the legal provisions related to the elimination of violence, holding prevention workshops in the framework of the Intercultural Community Family Health Programme and participating actively to establish the Gender and Generations Unit with resources allocated to the annual operating plan, to ensure linkage with women.

139. The autonomous municipal government of Oruro has held three departmental gatherings, organized by the Gender Unit, with municipal integral legal services to provide training in victim assistance. Part of the purpose of these meetings was to share the experiences of women with disabilities, who were recognized for the double and triple effort their work involves. Training courses and events have been held in rural and urban areas to address the subject of violence. The departmental

government participates in these endeavours by providing information and disseminating new legislation so that it will be applied. Finally, municipal integral legal services are being opened in municipalities where they did not exist. In Uru Chipaya, for example, work is already under way to care for victims of violence.

140. In the light of the fact that women are the most vulnerable population, training workshops have been held on the types of violence suffered by women and children, to provide baseline and follow-up assessments. Three meetings were held to propose new policies because the old rules are obsolete for the purposes of constructing a new Plurinational State. Workshops have been held with rural municipalities so that they can provide their input regarding budgetary allocations under this heading.

141. The municipal integral legal service of the autonomous municipal government of Yacuiba is undertaking efforts in 2012 to address and prevent violence. With 1,076 cases involving women and 3 involving men, 9 per cent involve sexual violence; 38 per cent, physical violence; and 53 per cent, psychological violence. There have been awareness campaigns to prevent violence; results at the institutional level include the allocation of financial and other resources to address domestic violence, the approval of projects with the allocation of dedicated resources and coordination with similar institutions such as family courts, Family Protection Units and offices of the Ombudsman for Children. There have been prime-time radio and television campaigns aimed at preventing domestic violence; courses on violence-related legislation taught at the police basic training school; domestic violence prevention workshops for parents, as part of educational units on spousal problems and their effect on children; and a workshop on mental health self-care for municipal guards.

142. Under the autonomous municipal government of Llallagua, the Ombudsman for Children and Youth and the municipal integral legal service have handled cases of physical and psychological violence, family abandonment, family breakdown and abuse of women and children. There are inter-agency agreements with the provincial police, the Municipal Supervisor, the educational community, World Vision (Qallpa area development programme), the United Nations Population Fund, the Environmental Directorate/Bolivian Mining Corporation and Radio Pío XII. Results obtained include the establishment of the Inter-agency Network against Violence and of an office to monitor the departures of children and youth at the bus station.

143. The experience of the Guaraní People's Assembly is important because it designed the 2012-2016 Guaraní Nation Strategic Gender Plan. The Guaraní People's Assembly is the highest representative organ of the Guaraní nation, which brings together 26 Guaraní zones and captaincies (Tentaguasu) and 366 communities (Tentamí), in the Chaco region in the Departments of Santa Cruz, Tarija and Chuquisaca. It has a flexible structure organized into four levels: community, zone, department and nation. As part of its vision it advocates and defends the full rights of Guaraní women and men, by granting them equitable access to land and to decision-making forums in political, organizational and economic-productive spaces within the framework of the values and principles of the Guaraní nation.

144. The main pillars of the Plan are the Guaraní cultural and generational identity; rediscovery and appreciation of Guaraní ways (ñandereko) through music, weaving and pottery; and relationships of solidarity, biodiversity, roles within the family, and stories and myths that capture the essence of the Guaraní. Its specific goals include organizational strengthening and empowerment. This pillar is very important

because it is the keystone of the foundation and functionality of the entire organization of the Guaraní people. The other goal is leadership and political participation, to establish mechanisms for education and continuous training in political and public participation, to ensure that there are capable men and women leaders. In work related to cases of violence, the goal is to enable the Guaraní communities to confront the problem through their own effective mechanisms. The activities under the Plan include economic and productive development, with opportunities to design productive economic projects for guaranteeing food sovereignty for Guaraní families so that they can live free of slavery and oppression.

145. Another experience, from civil society, is that of the Alianza de Organizaciones de Mujeres por la Revolución Democrática Cultural y Unidad, which seeks to restore the principles of harmony, balance and reciprocity in the community and between men and women. To that end, it is necessary to provide sufficient resources, coordinated from parent organizations, to strengthen institutions working to disseminate legislative advances and their implementation, and lobbying the various organs of the Plurinational State to guarantee women's participation. The Alianza also encourages productive projects in the field of food sovereignty as a right of peoples to produce and consume in accordance with their productive realities.

#### **Article 4** **Comments by the Committee (28, 29)**

146. The obligation set out in article 4 refers to temporary measures. In compliance with this provision, Bolivia has implemented policies and legislative measures of a temporary nature to accelerate de facto equality between men and women. As women face structural inequalities, these policies and measures are primarily affirmative actions that promote equality of opportunity for women. These temporary measures concern political participation and capacity-building; the policies in this connection will be described in detail under articles 7 and 10, respectively.

#### **Article 5** **Comments by the Committee (20, 21, 23)**

147. The Plurinational State is currently being built on the basis of the principles, values, world view and customary practices of indigenous peoples.<sup>27</sup> Accordingly, the Bolivian State recognizes cultural diversity (the right to culture)<sup>28</sup> and legal pluralism, as well as the right of access to justice,<sup>29</sup> with the various systems enjoying the same hierarchical status. It also recognizes the existence of an indigenous campesino jurisdiction grounded in indigenous justice systems and customary practices.<sup>30</sup> However, the Constitution provides that the indigenous campesino jurisdiction must respect human rights.<sup>31</sup> On that understanding, Act No. 073 of 29 December 2012 (Jurisdictional Demarcation Act) also provides that

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<sup>27</sup> Articles 1 and 8 of the Constitution.

<sup>28</sup> Article 27 of the International Covenant on Civil and Political Rights.

<sup>29</sup> Article 10 of the International Covenant on Civil and Political Rights, and article 2 (c) of the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>30</sup> Articles 190, 191 and 192 of the Constitution.

<sup>31</sup> Article 190 (II) of the Constitution.

the indigenous campesino jurisdiction must respect human rights, with particular emphasis on the rights of women.

Article 5. (RESPECT FOR FUNDAMENTAL RIGHTS AND CONSTITUTIONAL GUARANTEES).

I. All constitutionally recognized jurisdictions shall respect, promote and guarantee the right to life and the other rights and guarantees recognized by the Constitution.

II. All constitutionally recognized jurisdictions shall respect and guarantee the exercise of women's rights, participation, decision-making capacity, presence and continuation, in terms of both equal and fair access to posts and the oversight of, and decision-making and participation in, the administration of justice.

148. Under this regulatory framework, customary practices that perpetuate the idea of the inferiority or superiority of either sex or stereotypes and prejudices about women, or that violate women's rights, cannot be considered customary practices in the context of indigenous justice systems.

149. The Plurinational State of Bolivia adopted Act No. 045 of 8 October 2010, the Act against Racism and All Forms of Discrimination, in order to effectively combat racism and discrimination. Act No. 045 defines "preventive action" as public measures for awareness-raising, education and information on human rights in order to combat discrimination.<sup>32</sup> Finally, article 6 of Act No. 045 establishes prevention and education measures to eliminate discrimination, prejudice and customary practices that perpetuate discrimination against and subordination of women. These measures are in the areas of education, administration, communication and the economy.<sup>33</sup>

150. In the area of education, Act No. 045 provides for the promotion of institutional policies at all levels of education to combat racism and to recognize diversity and plurinationality.

151. In the area of public administration, the Plurinational School of Public Management, which trains civil servants at all levels, aims to "contribute to the construction and consolidation of the State's new administration system by training civil servants for the different levels of government (central, departmental, municipal and indigenous campesino territorial entities) that serve the Bolivian people". The training offered makes it possible to integrate the ancestral knowledge of the indigenous peoples into the administration of their territories. A gender and transparency module has been designed in coordination with the Ministry of Institutional Transparency and Anti-Corruption Activities, and another module on decolonization, the elimination of patriarchy and gender-sensitive policies and budgeting is under review.

152. Since 2007, the executive branch, via the Office of the Deputy Minister for Equal Opportunity, has sought to change the patriarchal behaviour patterns of men and women through a communication strategy involving nationwide communication campaigns intended primarily for the majority of the rural population. These campaigns provide information, raise awareness and promote human rights in general

<sup>32</sup> Act No. 045, article 5 (l).

<sup>33</sup> Act No. 045, article 6.

and women's rights in particular. The challenges are daunting, as patriarchy is firmly entrenched, but the current Government has the political will to overcome them.

153. As the country undergoes change, there is, at the national and especially the rural level, constant demand from women's organizations for training workshops and information materials on women's rights. The Office of the Deputy Minister for Equal Opportunity has given priority to the organization of workshops on fundamental rights, which also include awareness of the international conventions on human rights within the framework of the Constitution. Providing training to women in rural areas empowers them and mitigates the effects of violence.

154. In that context, the Office of the Deputy Minister for Equal Opportunity held the first National Mural Competition on the theme "For a Violence-Free Life for Women". The competition, which was aimed at public universities within the university system, sought to encourage the country's university students to actively participate in the prevention and elimination of violence against women by designing murals expressing the rejection of physical, psychological, sexual, economic or property-related violence against women.

155. As part of its training policy, the Public Prosecution Service provides ongoing training for its officials through its Training Institute. Its annual operating plan incorporates matters relating to the rights of children and adolescents, women's rights and all other rights enshrined in the Constitution and in international treaties and conventions.

## Article 6 Comments by the Committee (26, 27)

156. Article 15, paragraph V, of the Constitution states that "no one shall be held in servitude or slavery. The trade and trafficking of persons shall be prohibited". The incidence of human trafficking in Bolivia has increased by 92.2 per cent in the past 10 years. According to a source at the Human Rights Committee of the lower chamber of the Plurinational Legislative Assembly, 70 per cent of the victims of human trafficking are children, adolescents and young women aged 12 to 22.

### Number of human trafficking cases handled by the Special Force against Crime at the national level, 2008-2012

<i>Trafficking in human beings</i>	2008	2009	2010	2011	2012	Total
Trafficking in human beings	220	286	256	192	369	1 323
Trafficking in migrants	15	17	26	13	30	101
Child pornography and obscene performances by children	3	6	15	12	12	48
Corruption of minors	6	8	16	16	28	74
Corruption of adults	2	3	1	5	1	12
Procuring	15	25	1	23	27	91
Obscene publications and shows	3	2	9	5	2	21
Other	1	1	1	2	4	9
<b>Total</b>	<b>265</b>	<b>348</b>	<b>335</b>	<b>268</b>	<b>473</b>	<b>1 689</b>

157. Although at the national level missing persons reports are filed with the Juvenile Division of the Special Force against Crime,<sup>34</sup> it is only in the major cities (La Paz, El Alto, Cochabamba and Santa Cruz) that statistics on these crimes are generated, because of the presence of the Human Trafficking Unit in these cities, with El Alto having the highest number of reports.

158. The Human Rights Committee of the Chamber of Deputies has disseminated and validated the Comprehensive Anti-Trafficking in Persons Act. Following a technical report by the Committee, this Act was introduced in the Plurinational Legislative Assembly, under the current Administration, for consideration and adoption and was promulgated on 31 July 2012. The Act aims to guarantee the human rights of potential victims of trafficking through comprehensive actions to protect victims, prevent offences and prosecute offenders.

159. Similarly, within the framework of the new Act on Autonomous Entities and Decentralization, the Plurinational Council against Trafficking in Persons and Illegal Trafficking in Migrants, which is headed by the Ministry of Justice, promotes the creation of departmental and regional councils with a view to combating this social problem in a more coordinated and effective manner. The Office of the Deputy Minister for Equal Opportunity has also developed and is currently disseminating a strategy to combat trafficking in persons.

160. The Plurinational State of Bolivia has significantly stepped up law enforcement efforts to combat trafficking in persons. In 2007, the Bolivian police investigated 118 cases of trafficking in persons, a marked increase compared to 2006. Specialized human trafficking police and prosecutors have brought seven trafficking cases in the courts, resulting in five convictions, with sentences ranging from three to seven years' imprisonment. The current legislation, Act No. 263, stiffens the penalties for these crimes. The Public Prosecutor's Office of Santa Cruz has established an integrated victim assistance unit composed of police investigators, prosecutors, medical personnel and psychological support services to investigate instances of trafficking and sexual abuse and to assist victims directly.

161. The Human Trafficking Unit of the Bolivian police force employs such proactive techniques as carrying out checks in brothels and other locations. In 2010, the Unit rescued a total of 129 underage women who were being exploited as prostitutes.

162. The Bolivian Government has increased resources and strengthened collaboration with municipal authorities and non-governmental organizations for the protection of victims of trafficking. Since 2007, the Public Prosecutor's Office of Santa Cruz has provided a temporary shelter which can accommodate 120 victims of trafficking. The departmental government of La Paz has also set up a shelter capable of accommodating 40 victims of commercial sexual exploitation, while the municipal government of La Paz has established an emergency shelter that assists victims of trafficking, in addition to victims of domestic and sexual violence.

163. According to the Ombudsman's 2012 report, data provided by the Bolivian police and the Human Trafficking Observatory show that over 1,500 cases of trafficking were recorded between 2007 and 2012, with high rates occurring in the Departments of La Paz, Cochabamba and Santa Cruz. According to the

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<sup>34</sup> *Fuerza Especial de Lucha contra el Crimen* (FELCC).

Anti-Trafficking Coordinator in the Office of the Prosecutor-General, the Public Prosecution Service is dealing with 116 trafficking cases, the majority of which are concentrated in the cities of La Paz, Santa Cruz and El Alto. According to the human trafficking division of the Bolivian police force, 1,298 persons were reported missing in 2012, with only 458 persons returning. La Paz had the highest incidence of reports, followed by Cochabamba and Santa Cruz. To prevent such crimes against children and adolescents and to protect and assist victims, 12 networks have been established in border towns, as well as four departmental networks, to carry out such joint actions as strict controls at border migration offices, with the enforcement of legal travel requirements for minors. The annual operating plans of border municipalities include budget allocations for preventive actions. The Prosecutor-General has issued an administrative decision requiring prosecutors to give immediate attention to issues of trafficking and sexual violence against children.

164. Prevention, protection and prosecution constitute the pillars of trafficking-related policy. In this context, the State authorities responsible for this policy are making efforts to encourage victims to cooperate with the investigation and prosecution of traffickers. Although the State usually provides victims of trafficking with appropriate legal protection, some are imprisoned or convicted of unlawful acts committed as a direct result of their status as trafficking victims. Work is being done to establish effective procedures to identify victims of trafficking in highly vulnerable population groups such as detainees, female prostitutes, migrant workers and child labourers.

165. Between 2008 and 2010, the State continued its prevention and public-awareness-raising efforts with 75 seminars on human trafficking and education campaigns, reaching approximately 2,800 people.<sup>35</sup> It also worked closely with non-governmental and international organizations on prevention activities.

166. In 2008, an agreement was signed with the Republic of Chile to coordinate actions to protect the vulnerable populations living along the border between the two countries. All relevant institutions, including the Bolivian police, the International Criminal Police Organization (INTERPOL), the immigration service, the Ombudsmen for Children and Youth, non-governmental organizations and society in general, are engaged in this work. A product of discussions and collective reflection on the part of both countries, it is a prime example of binational and inter-agency coordination.

167. There is a ten-year plan to work on the issue of human trafficking with the bordering countries of the Southern Common Market (MERCOSUR). The bodies responsible for its implementation are the Ministry of Justice, Ministry of the Interior, Ministry of Foreign Affairs, departmental governments and border municipalities. In this context, the Office of the Ombudsman, as the foremost human rights institution in Bolivia, announced that it would be coordinating the country's incorporation into the anti-trafficking network of the MERCOSUR States parties and associated States.

168. In 2010, the Ministry of the Interior, through the Office of the Deputy Minister of Public Safety, developed the initial content on trafficking in persons to be included in school curricula.

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<sup>35</sup> Reports on events held at the Ministry of Justice.



169. The Office of the Deputy Minister for Equal Opportunity helped build consensus on this issue. As an active participant in the national survey organized by the Ministry of the Interior, it guaranteed the participation of women and the consideration of their views, as this issue affects women's ability to fully exercise their rights. In addition, a survey of children and human rights networks was organized and several issues were identified, such as the need to prohibit campaigns that incite violence, to address the problem of child and adolescent labour, to include protection issues in school curricula and to encourage the creation of parenting schools, for preventive purposes.

170. Act No. 263 of 31 July 2012, the Comprehensive Anti-Trafficking in Persons Act, is disseminated by the Office of the Deputy Minister for Equal Opportunity in the different departments of the country, in coordination with social movements and local and departmental government agencies. The purposes of the Act are to: (1) establish measures to prevent trafficking, (2) implement and consolidate victim protection, assistance and reintegration policies, (3) strengthen the criminal justice system's response to these crimes, and (4) promote and facilitate national and international cooperation.

171. Pursuant to article 6 of the Convention and articles 7 to 14 of the Comprehensive Anti-Trafficking in Persons Act, on 16 August 2012, in the city of La Paz, the first meeting of the Plurinational Council against Trafficking in Persons was held in accordance with article 8, paragraphs 1, 2 and 3. The Council consists of the Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Labour, Employment and Social Security, Ministry of Education, Ministry of Communication, Ministry of Health and Sports, Ministry of Development Planning, Ministry of Economic Affairs and Public Finance, representatives of the Public Prosecution Service, representatives of the Ombudsman and organized civil society. The following committees were established: (1) Prevention: Education and Training Committee; Communication, Information and Awareness-Raising Committee; Labour Oversight Committee; Public Safety Committee; Borders and Migration Committee; (2) Trafficking victim protection, assistance and reintegration: Health Committee; Fundamental Rights Committee; Children and Adolescents Committee; Gender Committee; Vocational Reintegration Committee; (3) Criminal prosecution: Public Prosecution Service Committee; National Police and Defence Committee; (4) Regulatory and budgetary framework: Regulation Drafting Committee; Budget Management Committee. The committees are chaired and implemented by the relevant ministries, which are part of the Plurinational Council.

## **Part II**

### **Article 7**

#### **Comments by the Committee (18, 19, 30, 31)**

172. The Constitution contains many articles related to women's participation and citizenship, such as article 11, which states that "The Republic of Bolivia adopts for its government a participatory, representative and communitarian form of democracy, with equivalent conditions for men and women". Article 26 states that "All citizens have the right to participate freely in the formation, exercise and oversight of political

power, directly or through their representatives, individually or collectively. Participation shall be equitable and under equal conditions for men and women”.

173. Articles 172 and 278 of the Constitution explicitly provide for the equitable participation of men and women, on equal terms, in the Cabinet and the departmental assemblies, and pave the way for gender parity and alternation. Article 14 (I) (12) of Supreme Decree No. 29894 of 7 February 2009, establishing the organizational structure of the executive branch of the Plurinational State, stipulates that women may serve in all State institutions.

174. In addition to being enshrined in the Constitution, the right to political participation is defined as a fundamental human right in various international instruments. Despite this recognition as a universal right, however, barriers exist in practice to the full participation of women. With a view to remedying this situation and promoting equality and social justice as collective basic values, the Plurinational Legislative Assembly adopted Act No. 4021 of 14 April 2009 on the Transitional Electoral System, the Act of 17 June 2010 on the Electoral Body, and the Act of 30 June 2010 on the Electoral System, incorporating the constitutional principles of inclusion, non-discrimination, equal opportunity, gender equity, equivalence, parity and alternation in the political participation of women.

175. The Electoral System Act states that equality and equivalence are among the principles that must be observed in the exercise of intercultural democracy (article 2 (e) and (h)) and provides that women and men should exercise political rights on an equal footing (article 4). Article 11 concerns equivalent conditions and requires government authorities to ensure and respect gender equity and equal opportunities for women and men on the basis of the criteria of alternation and parity.

176. It also establishes that the lists of candidates for seats in the Senate, the Chamber of Deputies, the departmental and regional assemblies, the municipal councils and other elected authorities must consist of a female full candidate followed by a male full candidate, a male alternate candidate followed by a female alternate candidate, and so on in succession.

177. In cases where an electoral district is represented by a single pair of candidates, such as uninominal seats in the Chamber of Deputies and territorial seats in the departmental assemblies, gender parity and alternation must be respected in the lists of candidates and alternates, and at least 50 per cent of the total number of full candidates for all such districts must be women. The article specifically states that the lists of candidates for seats representing indigenous campesino nations and peoples must meet the same criteria. Difficulties have been encountered in complying with this rule, however, because of macho stereotypes that affect the selection of candidates. Various articles of the same Act confirm and complement the provisions of article 11 with respect to the criteria of parity and alternation.<sup>36</sup>

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<sup>36</sup> Electoral System Act, article 58 (election of members of the Chamber of Deputies from multi-member districts, which provides that women are to be given preference in the assignment of seats in cases where an odd number of candidates is listed); article 60, paragraph II (election to uninominal seats in the Chamber of Deputies); article 65 (d) (election of departmental assembly members); article 72 (d) (election of council members). The Act also establishes the criteria of parity and alternation in the organization of the voting by the Supreme Electoral Tribunal for the election of members of the Supreme Court of Justice, the Agro-Environmental Court, the Council of the Judiciary and the Constitutional Court (article 79).

178. The Act on the Plurinational Constitutional Court enshrines principles such as plurinationality and legal pluralism and states that the Court shall be composed of seven judges and seven alternate judges, at least two of whom must come from the indigenous campesino system. Progress has been made in the judicial branch with the appointment of a female indigenous legal professional as a judge and, more recently, as a member of the Council of the Judiciary.

179. The Plurinational State has ensured women's effective political participation by institutionalizing, through Act No. 018 of 16 June 2010 on the Plurinational Electoral Body, women's participation in that Body at all levels, based on the principles of equivalence, gender equity and equal opportunities between men and women, to ensure women's right to vote and to be elected to public office. The Supreme Electoral Tribunal comprises seven members, at least three of whom must be women (article 12). The Departmental Electoral Tribunals comprise five members, two of whom must be women (article 33). These Tribunals are required to verify that the principle of equivalence is strictly respected throughout the electoral process, ensuring parity and alternation between men and women (articles 23, 24, 25 and 38).

180. The current Supreme Electoral Tribunal has seven members, of whom four (Wilfredo Ovando Rojas (President of the Tribunal), Ramiro Paredes Zárate, Irineo Valentín Zuna Ramírez and Marco Daniel Ayala Soria) are men and three (Wilma Velasco Aguilar (Vice-President of the Tribunal), Fanny Rosario Rivas Rojas and Dina Agustina Chuquimia Alvarado) are women.

181. Act No. 031, the "Andrés Báñez" Framework Act on Autonomous Entities and Decentralization, of 19 July 2010, states in its article 5 (11), on gender equity, that the autonomous territorial entities must ensure the full exercise of the freedoms and rights of women and men with a view to achieving social justice and equal opportunity. Articles 7 (II) (8) and 12 (I), which set out the bases of the system of autonomous entities, establish the principles of equity and equal opportunity, inter alia with respect to access to health, education and employment, with full social justice and the promotion of decolonization. Equity and equal opportunity must also be taken into account in the various forms or types of autonomous bodies mentioned in articles 30 (1) and 32 (I). The statutes and municipal charters mentioned in article 62 must be drafted with full respect for equality between the genders, among the generations and for persons with disabilities. Municipal development plans must be focused on human development with gender equity (article 93 (IV)). The Framework Act on Autonomous Entities and Decentralization ensures the participation of women in politics.

182. The December 2009 national elections resulted in significant and historic progress in women's political participation, both as full members of the legislature and as alternates. The following table shows the changes in women's political participation:

**Political representation**

<i>Legislature</i>	<i>Women deputies</i>	<i>Women alternate deputies</i>	<i>Women senators</i>	<i>Women alternate senators</i>
1982/1985	1	3	–	3
1985/1989	4	7		3
1985/1993	11	13	2	2
1993/1997	11	19	1	1
1997/2002	13	28	1	9
2002/2007	24	28	4	6
2005/2010	19	37	1	10
2010/2014	33	97	17	19

*Source:* Supreme Electoral Tribunal.

183. The table above shows that article 7 of the Convention on the Elimination of All Forms of Discrimination against Women, the Constitution and the Electoral System Act are being respected through the effective political participation of women in Bolivia. The Plurinational Legislative Assembly is composed of 130 members representing every department of the country. Of those members, 72 per cent are men and 28 per cent are women. The Senate is composed of 36 senators, 17 of whom are women, equivalent to 47.2 per cent of the total. Indigenous people are currently represented in the Plurinational Legislative Assembly by seven members elected by the national constituency. Only one full member is an indigenous woman.

184. In terms of its internal functioning and organization, the Plurinational Legislative Assembly is divided into the Chamber of Deputies and the Senate. Within the Chamber of Deputies there are 12 committees for 2012-2013, 3 of which are chaired by women. In the Senate there are 10 committees, 4 of which are chaired by women. Only 7 of the Assembly's 22 committees are thus chaired by women.

**Political participation at the departmental level: full members and alternate members of departmental assemblies, April 2010**

<i>Department</i>	<i>Full members (men)</i>	<i>Alternate members (women)</i>	<i>Full members (women)</i>	<i>Alternate members (men)</i>
Chuquisaca	15	15	4	4
La Paz	27	27	13	13
Cochabamba	24	24	6	6
Potosí	24	24	8	8
Tarija	14	14	13	13
Santa Cruz	18	18	5	5
Beni	15	15	9	9
Pando	12	12	3	3
Oruro	27	27	6	6
<b>Total</b>	<b>176</b>	<b>176</b>	<b>67</b>	<b>67</b>

*Source:* Supreme Electoral Tribunal.

185. As part of the process of increasing autonomy and decentralization, the departmental assemblies were established with deliberative, supervisory and legislative powers (article 277 of the Constitution) and with responsibility for developing rules regulating social, economic and political matters in each department. As a result of the January 2010 elections, 27 per cent of the full members of the departmental assemblies are women.

186. At the municipal level, significant progress has been made, in that 786 councillors (43 per cent of the total) are women. Of the 337 autonomous municipal governments, 22 (7 per cent) are led by women mayors.

187. Women's organizational bodies exist and are functioning within indigenous campesino parent organizations. Through these bodies, within the framework of the concurrent actions in line with the strategic aims identified in the National Equal Opportunity Plan, the national machinery promotes respect for women's right to political participation through the provision of training in the exercise of their democratic rights.

### **Political harassment and violence**

188. Political harassment is recognized as an electoral offence in article 238 (p) of the relevant law,<sup>37</sup> under which harassment of a candidate with a view to forcing him or her to renounce his or her candidature or post is punishable by two to five years' imprisonment. Although this provision is an important precaution in addressing the frequent cases of harassment of women politicians, it does not protect women who have been elected and does not explicitly mention other forms of violence.

189. Act No. 243 of 28 May 2012, the Political Harassment and Violence against Women Act, is designed to: (1) eliminate acts and manifestations of and behaviours associated with political harassment and violence; (2) ensure that women can exercise their political rights; and (3) develop and implement public policies and strategies for the eradication of all forms of political harassment and violence against women (article 4). Article 9 provides that acts performed by women candidates or officials as a result of duly proven acts of political harassment or violence are without legal effect. The Act directs the Office of the Deputy Minister for Equal Opportunity to design, implement, monitor and evaluate policies, strategies and mechanisms to combat political harassment and violence (article 10).

190. The Act establishes that the various types of autonomous entity (departmental, regional, municipal and indigenous campesino) must, in their statutes, charters and institutional basic rules, lay down measures for the prevention of political harassment and violence against women (article 11). The Act states that political harassment and violence against women are punishable through administrative and disciplinary penalties for offences; through the legal remedies established in the Constitution; and through the criminal justice system, in which political harassment and violence against women are criminalized.

191. Acts of violence against women are an obstacle to their participation and representation at the national, departmental and municipal levels. The Association of Women Councillors of Bolivia (ACOBOL) states that it has filed formal complaints

<sup>37</sup> Act No. 026 of 30 June 2010 (Electoral System Act).

with the authorities, with supporting documentation, in respect of 249 cases of political harassment and violence that were reported to it between 2000 and 2009, an average of 28 cases per year.<sup>38</sup>

### **Capacity-building measures for women in public office**

192. Of the country's 339 municipalities, 22 are currently led by women. The Office of the Deputy Minister for Equal Opportunity, in cooperation with other bodies, therefore has an interest in strengthening the administration of those municipalities and is taking pilot measures to build the capacities of serving women councillors.

193. For its part, the Ministry of Institutional Transparency and Anti-Corruption Activities is carrying out a pilot project with the aim of strengthening the capacities of 10 women mayors, with a view to transparent gender-sensitive management in the areas of information access, public accountability, social control and public ethics, in line with the National Transparency and Anti-Corruption Policy.

194. Lastly, article 162 of the Constitution represents a milestone in Bolivian history because it confers legislative powers on citizens by giving them the right to initiate legislation which must be considered by the Plurinational Legislative Assembly. The exercise of this right is creating a new type of relationship between the State and citizens by making it possible to generate laws which are more relevant to the sociocultural and political diversity and plurality of the Bolivian people.

195. The Office of the Deputy Minister for Equal Opportunity has supported three forums for coordination and dialogue among women, known as Women's Social Summits. The first was convened by the Confederación Nacional de Mujeres Campesinas Indígenas Originarias de Bolivia "Bartolina Sisa", following the events which took place in Sucre on 24 May 2008. At that Summit, women took a united stand against acts of racism and intolerance. The Second Social Summit, held in 2009, initiated coordination among the various women's organizations in the form of the Alianza de Organizaciones de Mujeres por la Revolución Intercultural y Unidad. In 2011, at the Third Women's Social Summit, an agenda was completed and resolutions were adopted both for the strengthening of the internal organization and for social oversight and control of the implementation of existing laws and support for a legislative agenda containing initiatives benefiting women.

196. With a view to ensuring greater participation of women in decision-making forums in accordance with the 2012 report of the Office of the Ombudsman, and in order to promote equal opportunity in political and public administration, a number of decentralized representatives of the Office have been appointed. Currently, of the nine departmental representatives, five are women, with a mandate to promote the reversal of patriarchy and full equality in the Office's work on the drafting of municipal charters and statutes of autonomous entities.

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<sup>38</sup> *Concejala*, magazine of the Association of Women Councillors of Bolivia (ACOBOL), No. 5, September 2010.

### Identity documents

197. The Plurinational State of Bolivia shares the concerns of the Committee on the Elimination of Discrimination against Women regarding the registration and identification of Bolivian citizens. Steps have therefore been taken to simplify registration procedures and modernize registration systems.

198. The “I Exist, Bolivia Exists” national programme to provide free identity documents, approved by Supreme Decree No. 28626 of 6 March 2006, is operational in all nine departments of the Plurinational State of Bolivia pursuant to ministerial decision No. 4298 of 2 May 2007 of the Ministry of the Interior, which sets out the general conditions for the establishment of mobile units and the digitization of personal identity cards. The operational agreement of 26 October 2009 establishes that a birth certificate and other documents, depending on the age of the applicant, are required for the issuance of an identity card.

199. Through the “Right to Identity II” programme of the National Electoral Court, which targets the population aged over 12 in the rural areas of the Departments of La Paz, Chuquisaca, Potosí, Cochabamba, Beni and Pando, 45,801 identity documents were corrected (in some cases free of charge), of which 23,418 (51.1 per cent) belonged to women, while 22,382 (48.9 per cent) belonged to men. With regard to birth certificates, 10,312 were registered, of which 5,031 (48.8 per cent) belonged to men and 5,281 (51.2 per cent) belonged to women. Thus, in both cases, there was a slight difference in women’s favour.<sup>39</sup>

200. Supreme Decree No. 0269 of 26 August 2009 established the resources to be allocated in 2009 with the aim of solving the problem of the lack of birth certificates and identity cards among those receiving the Juana Azurduy subsidy (the Decree requires the mother to provide an identity document before the subsidy is granted).<sup>40</sup> The introduction of the subsidy has thus been an effective tool for giving effect to the right to identity among the female population.

201. The Civil Registry Service has been operational since September 2010. Procedures to correct errors of spelling, handwriting, diction or date or place of birth are no longer a problem, because since the establishment of the Service the procedure has ceased to be judicial and has become a free and immediate administrative process.

202. To implement this service, the registers completed by Civil Registry officials were digitized and citizens’ data were stored in a database. Any corrections are therefore made in the digital system. This is an important step forward, since it makes it easier for the population in general and women in particular to correct their registration and thus exercise their right to identity as citizens.

<sup>39</sup> National Electoral Court, 2009.

<sup>40</sup> More information on the Juana Azurduy subsidy is provided below, in the section on article 12 of the Convention.

**Free identity cards issued by the Civil Registry Service, 2006-2010**

<i>Department</i>	<i>Year</i>					<i>Total</i>
	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	
Total — Bolivia	65 557	114 074	81 550	123 879	87 050	472 111

*Source:* Civil Registry Service.

**Free identity cards issued by the Civil Registry Service, by urban or rural area, 2006-2010**

<i>Department</i>	<i>Urban</i>	<i>Rural</i>	<i>Total</i>
Total — Bolivia	159 426	312 685	472 111

*Source:* Civil Registry Service.

203. Between March 2006 and June 2011, more than 500,000 identity cards were delivered to citizens who for geographical and economic reasons had not yet obtained their cards, mainly in rural and peri-urban areas of the country. Nationwide, 66.23 per cent of the identity cards issued were for rural residents and 33.77 per cent were for urban residents. Of the total number of people who received identity cards, 76 per cent were under the age of 18, 22 per cent were between 18 and 59 and 2 per cent were over 60.<sup>41</sup>

204. In general, the major achievements during the reporting period included the free registration of the birth of girls aged 0 to 11, provided for under Supreme Decree No. 0269 of 26 August 2009 regulating the free issuance of birth certificates. The number of women who were able to correct errors in their birth certificates or who succeeded in registering their births increased substantially, and the number of women able to participate in electoral processes also increased.

**Biometric voter roll**

205. The introduction of the biometric voter roll is one of the most important steps forward for the registration of citizens in the context of the right to participate in public consultation processes. In 2009 4.8 million people were registered and thus empowered to exercise their right to political participation; 50.95 per cent were women, while 49.05 per cent were men. In 2011 the number of people registered in the biometric voter roll was 0.18 per cent higher than in 2009, which means that 36,433 women were empowered to exercise their right to political participation. At the departmental level, in the national electoral roll from 2008 to 2011, more than 50 per cent of those registered in the departments of the lowland regions (Cochabamba, Chuquisaca and Tarija) and highland regions (La Paz, Oruro and Potosí) were women, compared with fewer than 50 per cent in the plains (Santa Cruz, Pando and Beni).

206. In the context of the referendum on autonomy, the Department of Electoral Cooperation and Observation of the Organization of American States (OAS) stated that the level of reliability of the Bolivian electoral roll was over 96 per cent,

<sup>41</sup> Ministry of the Interior, 2010.



exceeding the international standard required for the conduct of an electoral process. In this connection, progress has been made in the registration of women in recent years.

### **Article 8**

207. Supreme Decree No. 29894 of 7 February 2009, establishing the organizational structure of the executive branch of the Plurinational State, stipulates in chapter I of part VII, on representation in international organizations, that a man or woman occupying the post of Minister shall be responsible for such representation.

208. For 2012, the Plurinational State has 21 ambassadors, of whom 16 are men and 5 are women; 8 *chargés d'affaires a.i.*, of whom 7 are men and 1 is a woman; and, lastly, 4 ambassadors to international organizations. At the level of consulates, there are 67 consuls, including honorary consuls, of whom 51 are men and 16 are women.

### **Article 9**

209. The right to retain one's nationality of origin in all cases is consolidated in the Constitution. Article 143 states that:

I. Bolivians who marry foreign citizens shall not lose their nationality of origin, nor shall Bolivians acquiring foreign citizenship lose their Bolivian nationality.

II. Foreign nationals who acquire Bolivian nationality shall not be required to renounce their nationality of origin.

210. Article 141 of the Constitution stipulates that:

Bolivian nationality shall be acquired by birth or by naturalization. Persons born in Bolivian territory, except the children of foreign staff of diplomatic missions, and persons born abroad to a Bolivian mother or father shall be considered Bolivian nationals by birth.

## **Part III**

### **Article 10**

#### **Comments by the Committee: (13, 16, 20, 32, 33)**

211. Article 78 (II) of the Constitution notes that "education is intercultural, intracultural and plurilingual throughout the education system". Article 79 provides that "education shall foster civic-mindedness, intercultural dialogue and ethical and moral values. The values shall include gender equity, non-differentiation of roles, non-violence and the full observance of human rights".

**“Avelino Siñani-Elizardo Pérez” Education Act, No. 070 of 20 December 2010**

212. The enactment of the “Avelino Siñani-Elizardo Pérez” Education Act fulfilled the mandates of the Constitution to move towards a high-quality, non-colonialist, non-patriarchal, productive and communitarian, intra- and intercultural education system.<sup>42</sup>

213. The Act stipulates that the aims of education include: “the promotion of a non-patriarchal society grounded in gender equity, non-differentiation of roles, non-violence and the full observance of human rights” geared towards the cultural reaffirmation of indigenous, campesino, intercultural and Afro-Bolivian nations and peoples in the construction of the Plurinational State and for living well.

214. With regard to interculturalism, article 3 (8) (Foundation of Education) states that education:

Is intracultural, intercultural and plurilingual throughout the educational system. With a view to reinforcing the traditional knowledge, skills and languages of indigenous and campesino nations and peoples and intercultural and Afro-Bolivian communities, the Act promotes mutual relationships and coexistence for all, on the basis of equality of opportunity and through mutual esteem and respect between cultures.

215. The “Avelino Siñani-Elizardo Pérez” Education Act is the central legislative instrument for achieving progress in the area of sociocultural patterns that discriminate against women and indigenous peoples, in accordance with article 5 of the Convention. The Act is intended to bring about a revolution in education on the basis of a productive socio-communitarian model. The Act is intended to transform society and identifies, in its articles on the foundations and purposes of education, the reversal of patriarchy and colonialism and the ensuring of equal opportunities, among others, as the basis for the construction of “living well”. In addition to indigenous peoples, it focuses on the intercultural and Afro-Bolivian communities, and thus clearly reflects the tenets of the Convention on these issues. The articles of the Act relating to this area are:

Article 3 (Foundation of Education) states that education is: non-colonialist, liberating, revolutionary, anti-imperialist, non-patriarchal and transformative of economic and social structures; and geared towards the cultural reaffirmation of indigenous and campesino nations and peoples, the intercultural and Afro-Bolivian communities in the construction of the Plurinational State and Living Well.

Article 10: Complementing humanistic education and linking it with education in history, civics, human rights, gender equity, the rights of Mother Earth and public safety education.

216. Article 4 (6) refers to the promotion of a non-patriarchal society grounded in gender equity, non-differentiation of roles, non-violence and full respect for human rights.

217. Within this framework, the Strategic Institutional Plan of the Ministry of Education for 2010-2014 refers to the decision to promote equitable and high-quality education by prioritizing coverage in rural and peri-urban areas to facilitate access by

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<sup>42</sup> Act No. 070 of 20 December 2010.

and retention of women, young adults and indigenous people. Four strategic areas for action have been defined in light of the above: (i) equity and opportunity; (ii) high-quality education; (iii) productive education; and (iv) strengthening of institutional management.

218. The key principles explicitly include intraculturalism, interculturalism and plurilingualism; social justice and the eradication of poverty; gender and generational equity; and balance and harmony with nature, thereby giving coherence and meaning to the actions and policies designed and implemented. The Ministry of Education guarantees socioculturally relevant, productive, communitarian and high-quality education for all and contributes to the construction of a just society, in a balanced and harmonious relationship with nature that sustains plurinational development for living well, by strengthening educational management.

219. The Strategic Institutional Plan of the Ministry of Education for 2010-2014 clearly defines the dismantling of patriarchy as:

(...) the transformation of the system of domination, subordination and oppression based on the unequal distribution of power between men and women, where men control the most important aspects of society (including the economy, politics, public affairs and the workplace). At the same time it defines one of its objectives as: equity in the distribution and redistribution of social output, wealth and economic surpluses to eliminate poverty and the social and economic exclusion of women and men, the predominant aim being the pursuit of “living well”.

220. This strategic and conceptual framework constitutes the foundation for the advancement of women’s rights in the field of education. The Office of the Deputy Minister for Equal Opportunity, in coordination with the Curriculum Design Unit of the Ministry of Education, has developed and validated the document “Sex and Reproductive Education and Gender” (self-esteem, violence), the content of which will be mainstreamed into curricula and study programmes in the revised curriculum.

221. The key principles of the Strategic Institutional Plan for 2010-2014 are based on gender and generational equity; inspired by the harmonious relationships of indigenous peoples, “education shall foster civic-mindedness, intercultural dialogue and ethical and moral values. The values shall include gender equity, non-differentiation of roles, non-violence and full respect for human rights” (article 79 of the Constitution). The balance between human beings and nature, the legacy of indigenous campesino peoples incorporated into the Constitution, is also based on harmonious social relations (article 342). This principle has been incorporated into the guiding focus and concrete actions of the Strategic Institutional Plan. The plurinational education system must be geared to preserving, protecting and making balanced use of renewable and non-renewable natural resources.

## **Measures to increase coverage and retention**

### **Educational coverage**

222. The following table shows that between 2008 and 2010, gross coverage at all levels of the education system decreased slightly from 84.92 per cent to 79.62 per cent. In 2010, gender gaps slightly favoured women. The trend in coverage at different levels remains the same: coverage is highest at the primary level but

considerably lower at the preschool and secondary levels. At the preschool level this is because enrolment has been compulsory only since the adoption of the “Avelino Siñani-Elizardo Pérez” Act.

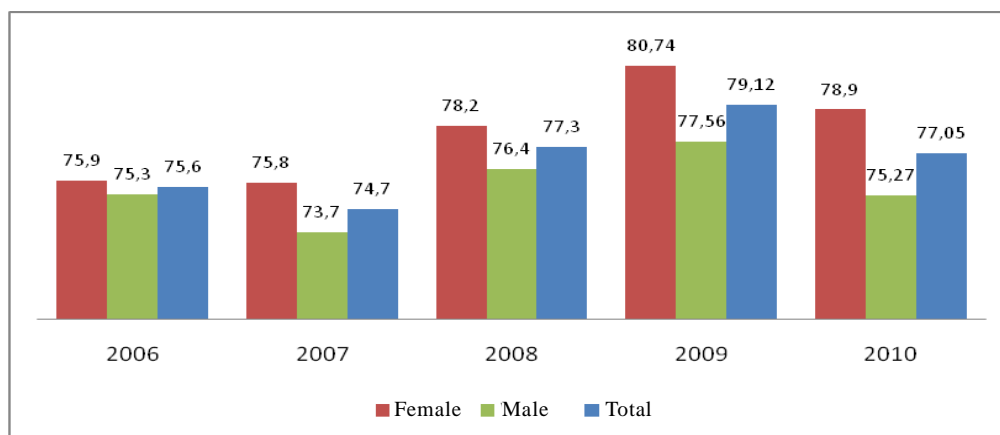
223. Between 2008 and 2010 the net enrolment rate declined from 71.7 per cent to 70.6 per cent. Even so, at the preschool and primary levels, there were slightly more female than male students; there are more female than male students at the secondary level as well.

#### **Completion rate at the primary and secondary levels**

224. According to the sixth report on the Millennium Development Goals,<sup>43</sup> the figure for 2009 shows that Goal 3, which refers to the elimination of the gender gap in the completion rate, has been virtually achieved, although, given the trend in this indicator, consideration should be given to actions to prevent the negative gap from increasing to the detriment of male students.

#### **Bolivia: Gross completion rate at the end of the eighth grade of primary education, by gender, 2006-2010**

(Percentages)



Source: ISI and AE — Ministry of Education. Preliminary.

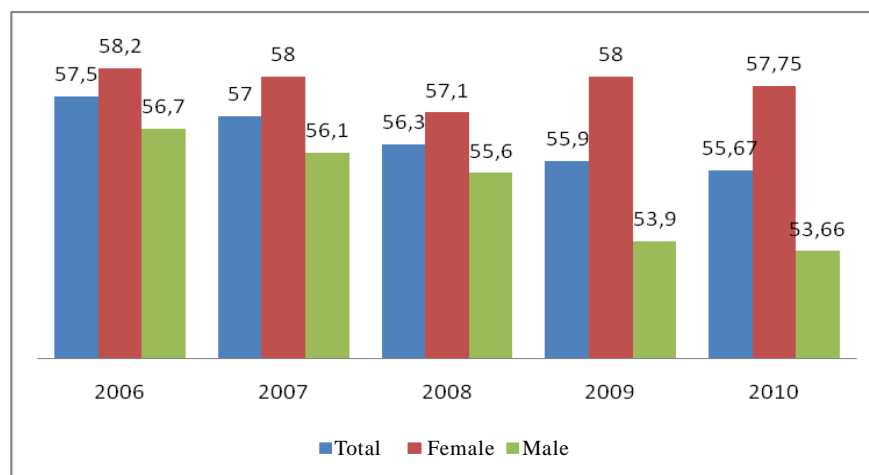
225. The gross completion rate in primary and secondary education<sup>44</sup> has slightly decreased at the primary level and slightly increased at the secondary level. More than half of the students enrolled in secondary education complete their studies; since 2006 the completion rate for female students at this level has been slightly higher.

<sup>43</sup> Social and Economic Policies Analysis Unit (UDAPE), 2010.

<sup>44</sup> It measures the number of children who complete these levels as a percentage of the population aged between 13 and 17 years.

### Bolivia: Gross completion rate at the end of the fourth grade of secondary education, by gender, 2006-2010

(Percentages)



Source: ISI and AE — Ministry of Education. Preliminary.

226. In the period from 2006 to 2010, the completion rates for both the eighth grade of primary education and the fourth grade of secondary education show that the percentage of female students completing the final year at each level is slightly higher than the percentage of male students. They also show that 8 out of every 10 students completed the last grade of primary education in 2010.

227. Academic incentives for students in the fourth grade of secondary education in rural areas to complete their studies and continue into higher education include scholarships for indigenous students attending the country's private universities through the Solidarity Scholarship Programme, which was set up by the Ministry of Education to guarantee equal opportunities regarding access to advanced vocational training. In 2010, 39 private universities granted scholarships to 300 students with limited financial resources via indigenous campesino organizations. Between 2006 and 2010, more than 10,000 young people entered higher education and technical education both inside the country and abroad (Ministry of Communications, 2010).

228. Under Supreme Decree No. 23425, the organizations have 300 scholarships per year for young men and women with limited financial resources, which accounts for 10 per cent of the students attending private universities, distributed as follows: 50 scholarships for the Consejo Nacional de Ayllus y Markas del Qullasuyu, 50 scholarships for the Confederación Indígena del Oriente de Bolivia, 50 scholarships for the Confederación Sindical Única de Trabajadores Campesinos de Bolivia, 50 scholarships for the Confederación Sindical de Comunidades Interculturales de Bolivia, 50 scholarships for the Confederación Nacional de Mujeres Indígenas Originarias de Bartolina Sisa, and 50 scholarships for the Confederación Obrera Boliviana.

**Education goals 2010-2014**

<i>Project</i>	<i>Unit of measurement</i>	<i>2008</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Juancito Pinto Stipend	No. of student beneficiaries of the stipend	1 681 135	2 432 801	2 470 211	2 507 621	2 545 032	2 582 442
<i>Estudiante documentado</i> (identity cards for students)	No. of students with a birth certificate and ID card.		137 215	192 101	291 544		
Food and nutrition for education	No. of trained teachers		2 080	5 000	6 000	6 000	6 000
	No. of printed texts for teachers with content on food and nutrition		5 000	6 000	6 000	6 000	6 000
Strategy of early childhood care and education	No. of certified community educators.		926	2 316	1 389		
	No. of children with access to education and/or services		279 000	294 000	1 389		
Situation and access to education of women and young children in the Amazon region.	No. of coordination and socialization workshops with social organizations and the Centro de Estudios Andino-Amazónicos y Mesoamericanos		2				
Boarding schools and school transport	No. of student beneficiaries		2 500	2 800			
Incentives to study	No. of educational establishments benefiting from scholarships for secondary school students.		680	1 359	2 039	2 718	3 398
	No. of scholarships for secondary school students		11 015	21 863	32 743	43 639	54 519
Community contribution to access to education and retention.	No. of brochures and posters produced and distributed		4 000	5 300	4 300	4 300	2 500
Access by and retention of young people in higher technical, technological, artistic and linguistic education institutes (scholarships).	No. of young people in food and study material programmes		500	500	1 000	1 500	2 500
We are all different but equal in our right to education.	No. of special education centres converted or built in psycho-socio-pedagogical schools			18	36	36	36
	No. of newsletters on inclusive education			14 000	14 000	1.4000	1 400

Source: Ministry of Education. 2011.

229. On the basis of the intracultural, intercultural, plurilingual, non-colonialist, communitarian, territorial, productive and participative plurinational base curriculum, work is ongoing on a regionalized curriculum implemented in seven regions and taking into account cultural, linguistic, geographical, territorial and productive criteria. Implementation begins with native-language education.

230. In agreement with the social organizations of different peoples, school books were printed in indigenous languages. In order to preserve and develop the

traditional knowledge, skills and languages of indigenous peoples, the alphabets of 23 indigenous languages were standardized. Research and training centres for teachers of indigenous peoples were set up in order to preserve traditional knowledge and skills.

231. Pursuant to Ministerial Decision No. 758, budget allocations were made to indigenous peoples for the operation of plurinational institutes for the study of languages and cultures, in order to promote the culture, identity and indigenous language of each region. The same applies to the development of a basic curriculum design for teacher training in order to leverage the traditional knowledge, skills and linguistic diversity of indigenous peoples, within a framework of equality of opportunity through mutual respect between cultures. The “B” direct entry path to teacher training colleges was put in place for high school graduates from indigenous nations and peoples. The programme has 8,243 participants and boasts 111 teaching and other centres in indigenous territories nationwide. There is also a specialization and refresher course programme for teachers in secondary schools.

232. Three indigenous universities were established within the framework of the Constitution and pursuant to Supreme Decree No. 29664: University Apiaguaiki Tupa, in the municipality of Machereti, Ibo community, in the Department of Chuquisaca, a municipality with a large Guaraní population; Tupak Katari University (Aymara) in Warisata, Department of La Paz; and Casimiro Huanca (Quechua) in Chimoré municipality in the Department of Cochabamba. Twelve courses are offered on communitarian production and development: agronomy of the altiplano, the textile industry, animal husbandry and veterinary science and the food industry, forestry, tropical agronomy and fish farming; and 1,495 students from indigenous peoples have benefited. In 2011, the national treasury disbursed 45.3 million bolivianos for the three indigenous universities.

#### **Juancito Pinto stipend**

233. Supreme Decree No. 29321 of 24 October 2007 established the institutional framework and the technical operational, administrative and financial mechanisms for the issuance of the Juancito Pinto stipend, a subsidy intended as an incentive to remain in the education system. The Supreme Decree establishes the sources of funding for the stipends: Yacimientos Petrolíferos Fiscales Bolivianos, Corporación Minera de Bolivia and the resources of the national treasury, in particular resources allocated to the improvement of the human development index.

234. This measure is part of the Social Protection and Comprehensive Community Development Policy of the National Development Plan, and is designed to address the fact that truancy and dropout rates have not been significantly reduced, which affects school retention rates and Bolivia’s ability to meet the Millennium Development Goals. The stipend of 200 bolivianos is available to children from primary level up to the sixth grade, special education students, and students enrolled in alternative education programmes. The programme was expanded to seventh graders in 2007, and to eighth graders in 2008.

235. As for the stipend’s impact on the school retention rate, the previous average dropout rate of 5.07 per cent fell to 3.9 per cent in 2007. The dropout rate for 2008 was estimated at between 3.5 per cent and 3.6 per cent, demonstrating that the stipend is meeting the objective of student retention.

236. In 2010, the Juancito Pinto stipend benefited 1,625,058 children from first to eighth grades. There were 660,159 beneficiaries from rural areas and 1,020,976 from urban areas. In 2011, the programme benefited a total of 1,688,268 children from educational units across the country.

237. The following table shows the progress made in terms of the number of beneficiaries of this incentive from 2006 to 2010.

**Juancito Pinto stipend beneficiaries in the mainstream education system, 2006-2010**

<i>Year</i>	<i>Coverage</i>	<i>Number of Beneficiaries</i>
2006	First through fifth grades	1 085 360
2007	First through sixth grades	1 322 812
2008	First through eighth grades	1 681 135
2009	First through eighth grades	1 728 751
2010	First through eighth grades	1 625 058

*Source:* Juancito Pinto Stipend Implementation Unit (UEBJP) — Ministry of Education, 2010.

238. The gradual roll-out of the Juancito Pinto stipend has had a progressive impact which is due not only to the extension of coverage to students in the eighth grade, but also to the scope of the programme. Its impact has not been solely in the field of education, as it also affects socioeconomic circumstances in every context, region and culture. The programme has had a significant impact on achieving the goal of retention at the primary level of the mainstream education system. If the programme proves sustainable, a gradual increase in the number of beneficiaries, greater impact on access to education, and a decrease in drop-out rates are foreseeable results.

239. In 2011, a total of 1,688,268 children from educational units across the entire country benefited from the programme. And in 2012, 1,789,943 children from the first primary grade to the second secondary grade from 14,405 educational units received the stipend. In addition, there are a number of targeted programmes for girls and indigenous peoples: 1. River bank schools in units located on riverbanks and lake shores, 90 per cent of which are in the Amazon region; 2. Border schools for those living close to the border; and 3. Schools providing a liberatory education, which are located in areas where people are exploited and at risk of being enslaved, as in the case of the Guarani people.

240. Since 2006, 406 telecentro community educational centres have been established in rural areas, 95% of them in rural areas for indigenous peoples. They play an important role in the gathering of information on traditional skills and knowledge, and through their active participation (indigenous peoples and campesinos), develop their own programmes.

**Staying in school and dropping out**

241. Overall, the drop-out rate has decreased at both the primary and secondary school levels, while the drop-out rate at both levels is higher among males. Although the gap is slight in primary school, it widens at the secondary school level. Preliminary 2010 data shows that the drop-out rate was 0.9 per cent at the primary



level (two percentage points less than in the previous year), and 2.2 per cent at the secondary level (a decrease of 3 percentage points with respect to 2009).<sup>45</sup>

**Bolivia: Drop-out rate in the mainstream education system: breakdown by level and sex, 2006-2010**

(Measured in percentages)

<i>Level</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010 (p)</i>
Primary school	5.7	4.2	4.6	2.9	2.9
Females	5.4	4.0	4.3	2.5	2.5
Males	6.0	4.4	4.8	3.1	3.2
Secondary school	8.5	7.6	7.2	5.3	2.3
Females	7.5	6.6	6.4	4.4	4.4
Males	9.5	8.5	8.1	6.1	6.12

*Source:* Educational Information System (SIE) — Ministry of Education. Preliminary statistics.

242. When disaggregated by geographical area, the drop-out rate fell from 5 per cent in 2008 to 3.13 per cent in 2010 in urban areas, while in rural areas it fell from 5.9 per cent in 2008 to 4.04 per cent in 2010.

243. This significant progress can only be explained by a series of actions, which include the improvement in educational opportunities due to the greater number of items provided by the State at these levels and the construction of new educational infrastructure; the expansion and consistent and sustained implementation of the Juancito Pinto stipend; and the implementation by many municipalities of such local policies as school transportation, food and nutrition (school lunch and breakfast) programmes and other factors that have contributed to the significant drop in the number of early school leavers.

**No fee for school-leaving certificate**

244. Targeted actions to encourage completion of the fourth year of secondary school, reduce drop-out rates at that level, and improve access to education, include an exemption from fees for the school-leaving certificate. Established by Act No. 3991 of 2009, this initiative offers an additional incentive for students to complete secondary school and helps to reduce the school drop-out rate. In 2009, 132,229 diplomas were awarded to students in the mainstream education system, and 18,862 to students in alternative education.

245. The Ciudadela y Transporte Escolar Rural programme was launched in 2010 in five rural municipalities located in border areas. The programme provided for the construction of residential schools in rural areas for 2,354 students.

246. Thus far, the drop-out rate clearly reflects the impact of educational policies on quantitative results in education, as well as the impact of such indirect factors as economic and social stability policies. Salary increases are one example: there was a

<sup>45</sup> The drop-out rate is the percentage of students that withdrew from school and did not return for the remainder of the year.

5 per cent increase in the education sector in 2010; during the period 2006-2010, the accumulated increase was 42 per cent.

### **Measures to eradicate illiteracy**

247. During the drafting of the new Constitution, measures to eradicate illiteracy were implemented simultaneously, and in 2006 the national literacy campaign, “Yo sí puedo” (Yes, I can) was launched in Spanish and other national languages such as Aymara and Quechua. As a result, the illiteracy rate fell to 3.5 per cent, leading the country to declare itself free of illiteracy on 20 December 2008, after two and a half years of mobilization efforts backed by the Governments of Cuba and Venezuela, Latin American countries that had reached this goal earlier than Bolivia. It is estimated that about 827,000 people over age 15 have learned to read and write during this process, 700,000 of whom are women. That means that 8 out of every 10 people who acquired literacy skills were women.

248. The consolidation or post-literacy phase, called “Yo sí puedo seguir” (I can continue), began in 2009, and was launched to ensure continued and strengthened reading and writing skill acquisition. The post-literacy programme began in May 2009, and currently has 12,161 groups of literate participants across the country (3,397 more groups than in 2009). In 2010, 173,829 participants joined the groups, 27,663 more than in 2009.

249. The curriculum of the programme is available in a variety of indigenous languages: Aymara, Quechua, Mojeño, Trinitario, Besiro and Guarani, and has been adapted to regional and local circumstances. These programmes provide beneficiaries with new tools to live their lives, mainly by mitigating the impact of the historical discrimination that indigenous women in particular have suffered.

### **Skills certification**

250. Those who have not had the opportunity to study but have learned a trade have pressed for the recognition of these skills. The Plurinational Skill Certification Agency, a decentralized body of the Ministry of Education, was established in early 2009 to respond to this demand, thereby delimiting occupations in terms of experience, knowledge and skills. The Plurinational State of Bolivia gives formal recognition to their skills by awarding a document that is valid in the occupational and academic spheres.<sup>46</sup>

251. Between January and November 2009, the skills of 4,986 people, most of whom were men (3,323 men and 1,663 women), were certified. Greater numbers of women can be found in the following occupations: farming in different ecological strata (724), salaried domestic work (271), industrial clothing manufacture, and office messaging assistance (195). Although the remuneration for some of these occupations is rather low, they still offer women in the informal sector an opportunity to improve their working conditions.

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<sup>46</sup> There is a Coordinating Council made up of representatives of four ministries: Education, Labour and Social Security, Development Planning and Productive Development and the Plural Economy.

### Alternative education

252. The Ministry of Education, through the General Directorate of Alternative Education and the Alternative Technical Education (ETA) Programme has 400 centres operating throughout the country to teach and promote basic education and specialization in productive technical areas. In 2009, 27 centres were set up to serve as model facilities. Participants received training and were then placed in production jobs that strengthen the socioeconomic structures of the neighbourhoods in which they work. The curricula of these centres include gender and discrimination issues in the priority areas of rights, health, discrimination and gender equity.

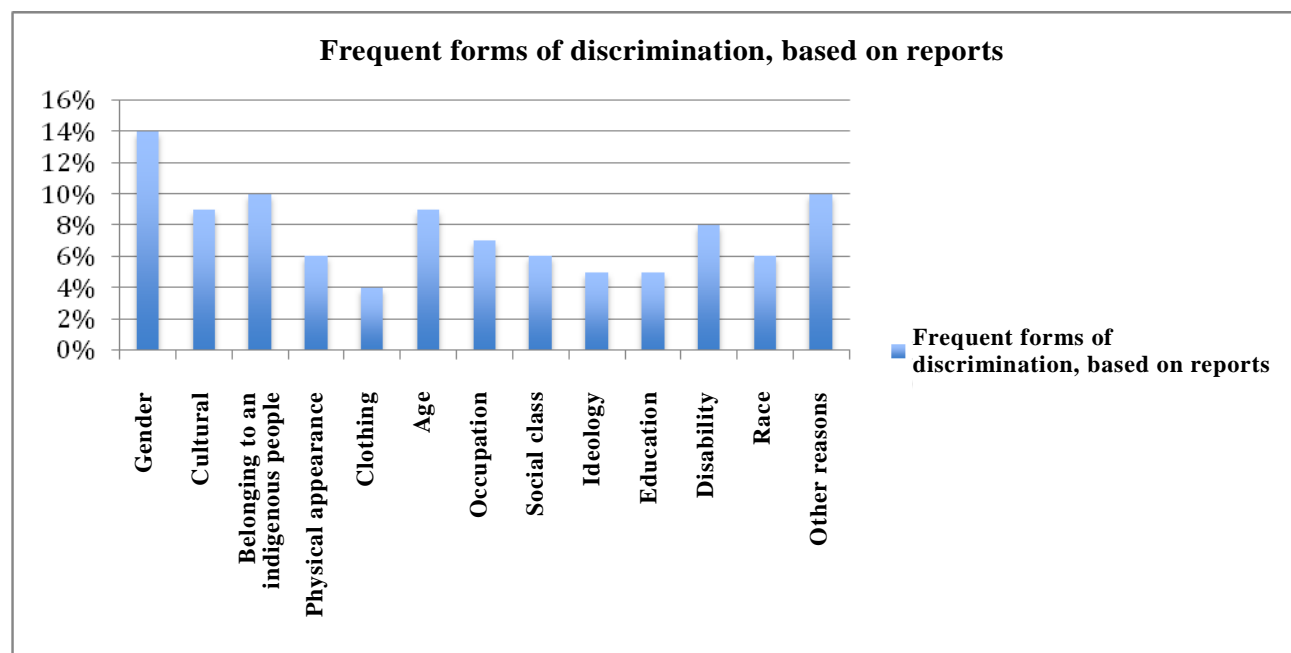
253. As part of efforts to prevent and combat racism and all forms of discrimination in the mainstream education system, the Plurinational Observatory of Education Quality, within the framework of the Plurinational Agency for Evaluation and Accreditation of Educational Quality, presented its first report pursuant to article 7 of Supreme Decree No. 0762. The report describes the status of efforts to prevent and combat racism and all forms of discrimination in schools, specifically in the mainstream education subsystem, from the date of promulgation of Act No. 045 in October 2010 to the first quarter of 2012.

### Number of reports over four years

2009	2010	2011	2012 (first quarter)
13	19	139	41

Source: National Committee against Racism and all Forms of Discrimination. 2012.

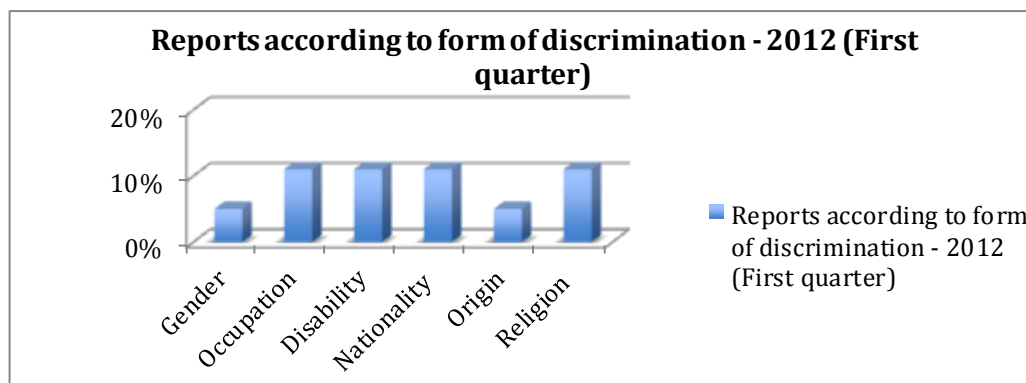
### Reports according to form of discrimination — 2011



Source: Prepared by the Plurinational Observatory of Educational Quality using information provided by the National Committee against Racism and all Forms of Discrimination, 2011.

254. In 2011, gender discrimination accounted for the highest incidence of reports of discrimination with 14 per cent; however when the reports of cultural discrimination (9 per cent), discrimination against indigenous peoples (10 per cent), and racial discrimination (6 per cent) are grouped together, they account for 25 per cent of all reports.

#### Reports by form of discrimination — 2012 (first quarter)



*Source:* The Plurinational Observatory of Educational Quality using information provided by the National Committee against Racism and all Forms of Discrimination. 2012.

#### Educational materials for Guarani children

255. In coordination with UNICEF, 5,000 school bags containing educational materials were given to children from five municipalities (Muyupampa, Carapari, Lagunillas, Cuevo and Machareti)<sup>47</sup> in order to improve access to education and retain indigenous children in school. The Ministry of Education, in coordination with UNICEF, has been implementing the Project of Bilingual Intercultural Education for the Amazon Region (EIBAMAZ) for the Tacana, Moseten, Tsimane, Mobima and Cabideño peoples since 2005. It covers three areas: (1) research on traditional skills and knowledge, (2) intercultural education training for teachers, and (3) production of materials. The departments of La Paz and Beni also benefited from the programme.

256. Within the framework of agreements with municipal governments and indigenous and social organizations, 64 schools for intercultural governance have been implemented, targeting leaders, indigenous peoples, campesinos, and municipal and departmental civil servants, and focusing on regulations related to indigenous peoples. In 2011, 1,915 people were trained. With regard to culture and official indigenous languages, 2,835 civil servants have been trained in the use of indigenous languages. On-site, blended and distance-learning diploma and masters programmes were also developed in the context of community management. By 2011, 296 professionals had received training focused on indigenous issues, national and international regulations and the new challenges posed by Bolivian reality.

<sup>47</sup> Data from the Report of the Government of the Plurinational State of Bolivia on the Rights of Indigenous Peoples, January 2012, submitted to the Permanent Forum on Indigenous Issues.

### **Measures in the field of education**

257. As part of the efforts to coordinate concurrent actions against violence and in compliance with the values of public ethics, in April 2009 the Ministry of Education created the Transparency Unit, in accordance with Supreme Decree 29894 of the same year. The Unit follows-up on complaints filed within the education system involving physical or psychological violence, sexual abuse or rape, as well as cases of corruption, unlawful charges, and all reports or complaints involving violations of regulations. Most complaints involve the mistreatment of students by teachers. Between March and December 2010, the following complaints were received: 174 reports of psychological and/or physical abuse of children, 30 reports of rights violations, 14 reports of sexual harassment, 10 reports of discrimination and eight reports of rape or attempted rape.

258. The Ministry has regulations on teacher misconduct and punishments that categorize complaints as minor, serious or very serious; very serious complaints, such as those concerning the use of corporal or psychological punishment, warrant disciplinary measures. In some cases, the Ministry conducts follow-up jointly with the municipal Ombudsperson for Children and Adolescents to provide support and psychological evaluations, on which any request for disciplinary action may be based.

### **Vocational education for women in the armed forces**

259. As part of the implementation of the National Equal Opportunities Plan, the Ministry of Defence and the Bolivian Armed Forces have developed procedures to mainstream policies for the inclusion of women in the Armed Forces. The Equal Opportunity Programme includes young men and women in the various military institutes of the Bolivian Army, Air Force, and Navy. In 2011, the percentage of women in these institutions rose from 0.3 percent to 3 per cent. To combat discrimination against women, analytical and awareness-raising events were held.

260. Vocational training institutes for the armed forces have been opened. The “Colonel Gualberto Villarroel” Military College re-opened in 2003. The “Lieutenant Colonel Adrian Patiño” Military Music School opened its doors in 2008. The “Sergeant Maximiliano Paredes” Military School was opened in 2008. The “Lieutenant General Germán Bush Becerra” Aviation Military College opened in 2007. The “Sublieutenant José Max Ardiles” Polytechnic School of Aeronautical Engineering opened in 2005. The “Vice Admiral Ronant Monje Roca” Naval Military School opened in 2009, and the “Sergeant Reynaldo Zeballos” Army Sergeant School opened in 2010. The armed forces cooperate with the Blue Helmet peacekeepers, where Bolivian women and men participate in the United Nations system.

## **Article 11**

### **Comments by the Committee: (11, 12, 34, 35, 36, 37, 38, 39)**

#### **Specific protective measures concerning labour rights (non-discrimination in employment and equal pay for equal work)**

261. Article 48 (V) of the Constitution stipulates that the State “shall promote women’s employment and shall guarantee women the same remuneration as men for

work of equal value, in both the public and the private sectors”. It also states that women “may not be discriminated against or dismissed on account of their civil status, pregnancy, age, physical traits or number of children. Pregnant women and parents shall enjoy security of employment until their child has reached one year of age.” (Article 48 (VI)). The Ministry of Labour is responsible for establishing effective mechanisms to monitor compliance with existing legislation and ensure non-discrimination in employment. In this regard, there are several legal provisions to that end (in addition to the decrees, acts and other texts already mentioned in sections 1, 2, and 3 of this report).

262. Act No. 274 designates 1 May of each year as Labour Day in recognition of and tribute to Bolivian workers, whose hard work is fundamental to the social concept of “living well”.

263. As part of its implementation of article 11 of the Convention, the Plurinational State of Bolivia has institutionalized labour protection for women through several supreme decrees regulating and establishing protection mechanisms for women. These decrees are listed below in chronological order. Supreme Decree No. 28159 of 17 May 2005 establishes provisions for captive families and communities who do not own land and are employed in conditions of subordination and dependence, receiving in-kind, monetary or mixed remuneration and in some cases no remuneration whatsoever for agricultural activities carried out on private estates in their ancestral lands in the provinces of Cordillera, Luis Calvo, Hernando Siles, O’Connor and Gran Chaco in the Departments of Santa Cruz, Chuquisaca and Tarija. Provisions on social and land issues are being developed to help these indigenous communities to put an end to their captivity and slavery. The Ministry of Education is currently implementing a programme of “liberatory” schools to ensure respect for human rights, with particular attention to the Guarani people, in areas where the risk of exploitation and slavery exists.

264. Supreme Decree No. 29802 of 19 November 2008 establishes that, in agricultural areas, systems of servitude, forced labour, debt servitude and/or enslavement of captive families or persons or similar practices in agriculture, exist when such persons are forced, with or without their consent, to work without wages or payment in kind or for less than the minimum wage (article 2). Independently of labour, criminal or other proceedings, the National Agrarian Reform Institute has been tasked with issuing guidelines outlining the criteria, methodology and procedures for verifying and establishing the existence of these systems (article 6).

265. Supreme Decree No. 29608 of 18 June 2008, amending Supreme Decree No. 27477, requires that 4 per cent of all members of staff of public and private entities that provide a public service must be persons with disabilities. It also requires municipal authorities to allocate 10 per cent of operating licences for informal vendors to persons with disabilities. It further stipulates that persons with disabilities may not be dismissed from their posts, thereby ensuring their inclusion in the labour market and job security. The total number of persons with disabilities in formal employment nationwide is 170, including 93 women. Moreover, in the context of this legislation, 447 human resources managers from 284 government bodies nationwide have been sensitized and trained to ensure compliance with the aforementioned Supreme Decree.

266. Supreme Decree No. 12 of 19 February 2009 provides for immunity from dismissal for parents (mother and father) until a child is one year old; they may not

be dismissed and no change may be made to their salary or place of work. This applies to both the public and private sectors and is an indication of the progress made in terms of sharing parenting responsibilities.

267. Supreme Decree No. 107 of 1 May 2009 establishes that salaried workers shall enjoy their full labour rights and provides for a mechanism whereby substantiated findings of the Labour Inspectorate may be used as evidence existing before trial when cases of violations of social legislation are tried before labour and social security courts.

### **Public employment policies**

268. As part of the National Development Plan, the employment policy for the 2006-2011 period was drafted on the basis that low productivity in industry and enterprises has prevented sustained growth in jobs, wages and the overall standard of living of the Bolivian population. Accordingly, the new concept that links productive development and decent employment, as reflected in the Sectoral Plan for Productive Development with Decent Work that was drawn up jointly by the Ministry of Productive Development and the Plural Economy and the Ministry of Labour, Employment and Social Security, represents a major breakthrough. Both Ministries are responsible for implementing the aforementioned Plan.

269. The Plan identifies a number of strategies to achieve the proposed objectives; two such strategies constitute the framework for actions to be taken by the responsible Ministries.

### **New policy to promote decent work in the production sector**

270. The objective is to give a new meaning to Bolivian labour relations by providing guidelines for improving the quality of working conditions and the recognition of occupational safety and skills certification, eliminating child and forced labour and improving other services to support employers and workers.

### **Support for capacity-building in social and labour rights in production units**

271. The objective is to build capacity in all productive units in order to create the necessary conditions for progress in the enjoyment of social and labour rights through technical assistance and permanent support for the certification of decent work; that certification will be issued after verification of compliance with the targets established. Accordingly, the elimination of child and forced labour and women's exercise of the right to work under equal conditions will be the first steps to take, since they are among the fundamental human and labour rights of the Bolivian people.

### **Employment policy**

272. Under the aforementioned Plan, the Ministry of Labour, Employment and Social Security has drafted a proposal for a five-pillar Plurinational State employment policy. One of the pillars is reconciliation of work and decent living conditions in order to share family care-giving duties and social responsibility by supporting the redistribution of responsibilities between men and women within the home and between families and the State. This fulfils the relevant mandates of the Constitution and constitutes progress with the commitments made under the Convention.

273. Furthermore, the Ministry, through the General Directorate for Employment, has taken action to support women's employment and protect their social and labour rights. These actions include: (a) training and career guidance, (b) vocational training for persons with disabilities and (c) an employment exchange.

(a) Vocational training helps people to develop both job and social skills (awareness of labour rights, presentation skills for job interviews, salary negotiation, production of quality market-driven products and other skills) that enable them to exercise their right to decent employment. A total of 909 persons, including 459 women (50.5 per cent), have been trained.

(b) A nationwide vocational training project for persons with disabilities has provided training for 720 persons with disabilities, of whom 430 (59.7 per cent) were women. They were trained in the following fields: chocolate-making and decorating, baking and flat-weaving. Moreover, some persons with disabilities took the initiative of establishing microenterprises and the Ministry assisted with registration.

(c) The employment exchange assists domestic workers, in particular, with the signing of employment contracts. This supports the realization of their social and labour rights in more decent conditions and guarantees the exercise of their right to a fair wage and respect for working hours. During 2009-2010, services were provided to 10,384 persons, with 5,232 women accounting for more than 50 per cent of beneficiaries.

274. The Ministry is implementing the "My first decent job" programme in the cities of El Alto, La Paz, Cochabamba and Santa Cruz through technical vocational training courses for women and men. Between 2008 and 2011, 1,583 women and 1,472 men, mostly young people, received training. In addition, a special stipend was established to help young pregnant women to overcome the social and cultural constraints to gaining access to training and employment opportunities.

#### **Measures implemented in the area of productive development and decent work**

275. Within the framework of the aforementioned sectoral plan for productive development with decent work, the Ministry of Productive Development and the Plural Economy has implemented various programmes to create conditions for decent employment and which also aim to strengthen the participation and initiatives of women entrepreneurs in micro, small- and medium-scale industry in the programmes and services that are being implemented.

276. In the framework of the Bolivarian Alternative for the Americas (ALBA) — People's Trade Agreement (TCP), 380 productive projects have been carried out with funding of 12.6 million bolivianos. A total of 411 individual and collective projects in areas such as textiles — which benefit women in particular — were approved. Furthermore, seven high-impact projects that provide for active participation of women are currently in the execution phase: (1) the Plan 3000 model market (Santa Cruz), (2) the Pompeya market (Beni), (3) a citrus fruit processing plant (Tarija), (4) a dairy plant (Pucarani — La Paz), and (5) a plantain flour processing plant (Beni).

277. The Trust Fund for Productive Restructuring has successfully facilitated access to credit, capacity-building and technical assistance for worn clothing traders, thus enabling them to opt for a different activity that helps to strengthen and spur growth



in domestic production. A total of 17.7 million bolivianos has been disbursed nationally in 565 loans for commercial and productive projects. In 2009, 303 individual beneficiaries changed their activities.

278. The Fund for *Maquicentros* (large production centres) and Supply Chains has been reoriented to finance working capital and investment throughout the national territory for micro and small-scale producers in order to increase production volumes. To date, a total of 427 million bolivianos have been disbursed and have benefited 195 production units.

279. The associative capacities of micro and small-scale producers have been strengthened to the extent that some 5.4 million bolivianos were pledged during the “I buy Bolivian” reverse fair promoted by the Ministry of Defence. When the new Supreme Decree No. 29190 was adopted, “I buy Bolivian” (COMPROBOL) gave small urban and rural producers greater opportunities to participate in Government procurement by creating incentives and conditions for producing and consuming national goods; it benefited 4,900 producers between 2007 and 2008.

280. Several capacity-building and technical assistance activities specifically aimed at women have been held as part of the PRO BOLIVIA programme: training and technical assistance in textile production management, introduction to sponsorship, design and assembly of industrial sewing machines, women entrepreneur conferences and training in basic ceramic making techniques. These activities have benefited 255 productive units headed by women.

281. Insumos Bolivia has implemented several actions that have improved women’s economic situation: two textile manufacturing plants have been installed and made operational in the city of Riberalta and 38 women (86 per cent of total staff) have been trained and hired; a palm heart processing plant has been installed and put into operation and 25 women are employed (59 per cent of the staff).

282. The “My first decent job” programme was established to train and develop the skills of young people from low-income urban and peri-urban areas; it facilitates and increases the employability of young men and women between the ages of 18 and 24 who have completed the second year of high school in the cities of La Paz, El Alto, Cochabamba and Santa Cruz. The project has benefited 2,740 young people from the four cities and 80 per cent of them were given internships in companies.

### **Measures implemented in the mining sector**

283. The Ministry of Mining and Metallurgy has drawn up the draft bill of the new Mining Act establishing specific standards for the mining and metals sector, including the implementation of effective mechanisms to monitor compliance with existing legislation to ensure non-discrimination in employment and equal pay for work of equal value and to protect against child labour in the sector.

284. During 2008-2009, the Ministry carried out the Programme to Support Sustainable Economic Development in the Impoverished Mining Areas in Western Bolivia (APEMIN II) with a view to reducing migration towards coca-producing areas. The Programme has improved living conditions and created both traditional and alternative employment opportunities. The Programme’s implementation strategy includes an effective gender analysis component.

285. In addition, the project to improve working conditions and generate employment in mining areas of Bolivia (EMPLEOMIN), was launched in 2010. It was designed to draft a strategy to mainstream gender and generation issues in the various project activities. It establishes two specific strategies for women in the sector: (i) construction and commissioning of a foundry for the cooperative of *Palliris* (women who scavenge mineral tailings) in Llallagua. A study on the economic and social empowerment of women in the mining communities of Morococala, Santa Fe, Japo and Poopó through the identification and development of productive alternatives to mining. (ii) institutional strengthening for mining cooperatives so that, in updating internal rules and regulations, they consider aspects specific to equal opportunities for women and men in terms of access to employment.

#### **Measures regarding domestic work**

286. One of the most important advances in terms of the recognition of domestic work has been the inclusion in the Constitution of article 338: “the State recognizes the economic value of domestic work as a source of wealth and it shall be quantified in public accounts.” Several initiatives have been undertaken in this regard, including the drafting of an advocacy plan concerning the Plurinational Census, which will contain a question on the cost of care work or domestic work, and the 2010 household time-use survey.

287. It is important to emphasize that the 2010 survey by the National Statistical Institute is Bolivia’s first pilot test using the data from the National Population and Housing Census conducted on September 5, 2001. One of the major social contributions of this survey is to provide inputs that will include a gender perspective in policy analysis by highlighting the roles of each member of the household. This will be used to draw up basic indicators for measuring gender inequalities in the workplace, as well as for setting a monetary value on unpaid work.

288. With regard to domestic workers, while the promulgation of the Act on Regulation of Remunerated Domestic Work<sup>48</sup> represents an important breakthrough in formal terms, there is no official data on progress made in real terms. Therefore, the challenge remains to define measures to ensure that employers comply with the law, especially since the percentage of the workforce in this job category increased from 5.37 per cent in 2005 to 7.17 per cent in 2007.<sup>49</sup> To assist in compliance with the law, the Ministry of Labour has established an employment exchange, which gives domestic workers access to contracts in accordance with the aforementioned Act.

#### **Measures relating to child and adolescent labour**

289. Article 61 (II) of the Constitution prohibits forced labour and exploitation of children. The activities of children and young people within the family and in society shall be designed for their full development as citizens, and shall have an educational function. Act No. 2450 of 9 April 2003 on Regulation of Remunerated Domestic Work establishes that any child or adolescent providing a service to

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<sup>48</sup> Act No. 2450 promulgated on 3 April 2003.

<sup>49</sup> Data from the National Statistical Institute.

someone who is not a member of the household, a blood relative or relation of any kind should be subject to the provisions of the Children's and Young Persons' Code.

290. In line with the child labour conventions and treaties signed by Bolivia,<sup>50</sup> the National Statistical Institute, with the support of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) of the International Labour Organization, conducted a study on the extent and characteristics of child labour in Bolivia. The 2008 national report was based on the Child Labour Survey conducted that same year and its purpose was to quantify and analyse the nature of the complex phenomenon of child and adolescent labour and to guide policies to reduce and eliminate those practices.

291. According to this study, there were more than 800,000 child and adolescent workers in Bolivia in 2009, representing 21.3 per cent of the country's economically active population. The constraints and sacrifice of work prevent many child workers from attending school and experiencing their childhood.

292. The programme to combat the worst forms of child labour, devised as part of the National Plan for the Progressive Eradication of Child Labour for 2000-2010, has been implemented in Potosi, Santa Cruz, Bermejo and Riberalta through four subcommittees responsible for sugar cane harvesting, Brazil nut harvesting, mining and urban areas. These subcommittees work in each of the cities to detect and reduce child labour, primarily by seeking to ensure compliance with international norms and conventions. Each subcommittee has a plan that includes visits to the harvest or mining areas, labour inspections, training and information on rights.

293. A handbook for the inspection of child labour in Bolivia has been drafted and is currently applied by labour inspectors; it is also used to train new labour inspectors. In addition, annual campaigns against child labour have been held in connection with the Day of the Child (12 April), with calendars, notebooks, informational posters and leaflets printed.

294. The National Plan for the Progressive Eradication of Child Labour for 2000-2010 is under review in order to identify strengths and weaknesses and a five-year plan will be based on the results thereof. With regard to legislation, a supreme decree on the elimination of the 23 worst forms of child labour is being drafted.

295. The Constitution protects the rights of persons with disabilities. In this regard, several measures are being implemented to ensure respect for these constitutional rights. Thus, Act No. 3925 created a special fund for the care of persons with disabilities (in the amount of 40 million bolivianos, which had previously been earmarked as subsidies to political parties). This Fund is intended to enhance employability through a number of programmes, including a productive enterprise project entitled "Let's produce together" and a project to build and equip an orthotics and prosthetics fabrication and training facility in La Paz and El Alto. The Labour Observatory in the Ministry of Labour receives complaints through a system of labour inspectorates.

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<sup>50</sup> Act No. 2428 of 28 November 2002 ratifies International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

**Social security**

296. Fourteen years after a previous Act was passed, Bolivia promulgated a new Pensions Act<sup>51</sup> that restructured the retirement system that had been in force since 1996. The main changes include the incorporation of a social model that seeks to increase low incomes through a solidarity fund.

297. Furthermore, one of its principles is gender equality, which is defined as providing the necessary mechanisms to close the inequality gaps between men and women with regard to the long-term benefits provided in the Social Security system. Article 78 refers to the lowered retirement age for women:

I. Any woman covered by Social Security who has made a minimum of one hundred and twenty (120) contributions to the pension system, the compulsory long-term social security system and/or the comprehensive pension system, may request that the age of eligibility for the old-age solidarity benefit be reduced by one year per live birth, up to a maximum of three years. This benefit cannot be combined with the one outlined in the preceding article.

II. The age at which an insured woman shall be eligible for old-age pension may be lowered by one year per live birth, up to a maximum of three years. This reduction is applicable to the cases set out in article 8, subparagraph (c) of the Act.

**Wage policies**

298. From a historical perspective, there has been a substantial (30 per cent) increase in the national minimum wage, especially between 2006 and 2009, in comparison with the benchmark of fiscal years 2003 to 2005 and the national minimum wage of 440 bolivianos. In fiscal year 2009 it increased by 14 per cent in the health care and education sectors, and 12 per cent for the armed forces and the national police. In 2010, the minimum living wage was set at 815.30 bolivianos, representing an increase of 20 per cent over the previous year. This increase sets the minimum wage at more than US\$ 100 per month, meaning that Bolivia complies with international recommendations.

299. The largest gender gaps in wages by branch of activity are in agriculture and animal husbandry (21.58 per cent), while the lowest are in public administration, defence and social security (90.34 per cent). The latter figure is evidence of major progress in the public sector in the area of gender gaps in earned income.

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<sup>51</sup> Act No. 065 of 10 December 2010.

**Earned income of the employed population, disaggregated by sex and branch of economic activity — 2007**

<i>Branch of economic activity</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>		<i>Ratio</i> <i>Women's salary as % of men's salary</i>
	<i>Employed population</i>	<i>Average income (Bs/month)</i>	<i>Employed population</i>	<i>Average income (Bs/month)</i>	<i>Employed population</i>	<i>Average income (Bs/month)</i>	
Agriculture, livestock and hunting	871 596	554.74	801 436	119.74	1 673.032	346.36	21.58
Forestry and fisheries	13 198	1 591.74	252	577.89	13 450	1 572.75	36.31
Mining and quarrying	70 697	2 770.29	1 712	1 034.59	72 409	2 729.25	37.35
Manufacturing industry	331 337	1 436.72	183 521	749.25	514 858	1 191.67	52.15
Production and/or distribution of electricity, gas and water	13 173	2 241.59	2 281	778.7	15 454	2 025.67	34.74
Construction	31 035	1 592.93	5 923	881.05	316 273	1 579.60	55.31
Sales and repairs	266 825	1 658.73	406 974	935.18	673 799	1 221.71	56.38
Hotels and restaurants	33 880	2 011.71	125 423	932.15	159 303	1 161.75	46.34
Transport, storage and communications	242 126	1 836.7	30 205	1 114.95	272 331	1 756.65	60.70
Financial intermediation	17 243	3 766.88	10 830	802.9	28 073	3 395	74.41
Real estate, business and rental services	94 094	1 777.59	42 837	2 265.4	136 931	1 930.19	127.44
Public administration, defence and social security	107 625	2 556.25	44 489	2 314.53	152 114	2 485.55	90.54
Education	92 083	2 478.62	130 981	1 734.61	223 064	2 041.75	69.98
Health and social services	39 958	2 905.21	69 590	1 654.75	109 548	2 110.86	56.96
Community and personal services	66 404	1 479.41	82 504	887.02	148 908	1 151.19	59.96
Private homes	6 042	883.22	154 776	767.32	160 818	771.67	86.88
Extra-territorial organizations	321	5 200	1 675	2 725.65	1 996	3 123.58	52.42
<b>Total</b>	<b>2 576.952</b>	<b>1 401.91</b>	<b>2 095.409</b>	<b>736.27</b>	<b>4 672.361</b>	<b>1 103.39</b>	<b>52.52</b>

300. In the labour market, women have occupations that generate less income and jobs that require less training and technology, but there have been changes: between 2003 and 2007 the percentage of women in the “self-employed” category (women working in the informal sector of the economy) fell from 37.76 per cent to 32.47 per cent. The number of women managers has also increased, accounting for 1.81 per cent in 2003 and 2.88 per cent in 2007.

301. The number of women whose main occupation is professional has risen, accounting for 4.35 per cent in 2003 and 6.83 per cent in 2007. At the same time there has been a decrease in the proportion of women working in services and retail from 27.55 per cent in 2003 to 22.59 per cent in 2007. These figures highlight interesting trends concerning fresh opportunities in other parts of the labour market. It is interesting to note that in traditionally male-dominated sectors such as “supporting technicians and professionals,” the percentage of female workers has increased from 3.19 per cent in 2003 to 4.41 per cent in 2007.

**Eradication of forced labour**

302. The target set by the Ministry of Labour in fiscal year 2011 for the 2011 to 2015 period was that “64,000 indigenous campesino workers employed in the Brazil nut harvest in Riberalta and Pando, animal husbandry in the Tarija Chaco, the Santa Cruz Chaco and Beni cattle ranches are able to exercise their social and labour rights by 2015”. In 2011, the Fundamental Rights Unit, which is active in the area of indigenous peoples and the eradication of forced labour (and reports to the Ministry of Labour), achieved a number of objectives in the Chaco and Bolivian Amazon regions, including the drafting of a guidebook on the eradication of servitude and other forms of forced labour, in accordance with Supreme Decree No. 29292 of 3 October 2007.

303. Officials tasked with the eradication of forced labour in the Chaco and Bolivian Amazon regions processed 447 reports of violations of social and labour laws. There were 128 complaints in the region of Alto Parapetí and Camiri of the Department of Santa Cruz, 40 complaints in the region of Caraparí and Yacuiba in the Department of Tarija, and 279 complaints in the region of Trinidad in the Department of Beni. Two tripartite meetings were organized in Riberalta with seasonal agricultural workers, forest *barraqueros* (informal estate owners), employers and the Government to agree on the price of a box of Brazil nuts for the harvests of 2011 and 2012. The Brazil nut harvest employs 30,000 people, including those who process and market Brazil nuts.

304. According to Supreme Decree No. 1001 of 5 October 2011, the Ministries of Labour, Employment and Social Security, Justice, Productive Development and the Plural Economy, and the National Agrarian Reform Institute, are authorized to make public-to-private transfers in favour of the Assembly of Guarani People. The Assembly of the Guarani People is made up of the Guarani captaincies of Tarija, Santa Cruz and Chuquisaca and brings together all of the Guarani people of the Bolivian Chaco.

**Article 12****Comments by the Committee: (40, 41, 42, 43)**

305. With regard to health, article 35 (II) of the Constitution states that the country has a single health system, which includes the traditional medicine of the indigenous campesino nations and peoples. The State is also responsible for promoting and ensuring respect for, research into, and the use and practice of traditional medicine, and preserving the ancestral knowledge and practices based on the thinking and values of all indigenous campesino nations and peoples (article 42). A specific reference to indigenous women is found in article 45, which stipulates that women have the right to safe motherhood, with an intercultural vision and practice, and are entitled to special assistance and protection from the State during pregnancy, childbirth and in the prenatal and postnatal periods.

306. The recognition in articles 58 and 66 of the Constitution of the right to health and of sexual and reproductive rights is a fundamental step forward, since it establishes the constitutional frame of reference for the design and implementation of all legislation and public policies.

Article 35 (I): “The State, at all levels, shall protect the right to health and promote public policies designed to improve the population’s quality of life, collective well-being and free access to health services.”<sup>52</sup>

Article 35 (II): “The country shall have a single health system which shall include the traditional medicine of the indigenous campesino nations and peoples.”

Article 36: “The State shall provide access to universal health insurance.”<sup>53</sup>

307. Also worthy of note is article 58 of the Constitution, which recognizes children and adolescents as persons with specific rights inherent to the satisfaction of their specific interests, aspirations and needs.

308. In the process of decentralization and the construction of a plurinational State based on autonomous entities, health systems exist both at the national level and at the level of the autonomous entities; on that basis, Act No. 031 of 19 July 2010, the “Andrés Báñez” Framework Law on Autonomy and Decentralization, establishes as one of its purposes that the autonomous entities should foster “the social integration of their inhabitants on the basis of the principles of equity and equality of opportunity, ensuring people’s access to education, health and employment, respecting their diversity without discrimination or exploitation, with full social justice, and promoting decolonization”.<sup>54</sup>

309. The central level of the State has the following responsibilities: developing the national health policy; harmonizing relationships in international cooperation; directing and ensuring the functioning of the single health system throughout the country; and coordinating, supervising and monitoring the implementation of a national human resource management and training policy in the health sector. The State ensures the revival of traditional medicine within the framework of the single health system, in accordance with article 81 of the Constitution.

310. In compliance with national standards and the Convention’s provisions regarding health, the State has incorporated into its national legislation Supreme Decrees that ensure the effective exercise of women’s right to health. Supreme Decree No. 28968 of 13 December 13 2006, regulating health care benefits and insurance for Bolivians of both sexes and foreign nationals with permanent roots in the country aged 60 or more, states that if they are not covered under the compulsory social insurance system or another type of insurance, they are protected under the free old-age medical insurance scheme.

311. The existing legislation in the field of health is broad and addresses the various issues related to women’s rights. The State approved the Intercultural Communitarian Family Health Care (SAFCI) model through Supreme Decree No. 29601 of 11 June 2008. The Supreme Decree establishes the health-care system, describes the network of health establishments and the levels at which health services are provided (local, municipal, departmental and national), and establishes intersectoral discussion forums. As part of the implementation of SAFCI model and in accordance with the powers conferred on the Ministry of Health, the following strategic plans have been approved at the national level for the period from 2009 to 2015.

<sup>52</sup> Constitution, art. 35 (I).

<sup>53</sup> Constitution, arts. 35 and 36.

<sup>54</sup> Framework Law on Autonomy, art. 7 (II) (8).

312. The National Health Plan 2010 — 2020 is designed to eliminate social exclusion in health care. It comprises various strategic plans, including the National Strategic Plan for the Improvement of Maternal, Perinatal and Neonatal Health in Bolivia 2009-2015, to help reduce maternal and perinatal mortality. This plan is also designed to help with the achievement of the Millennium Development Goals. The aim of the National Strategic Plan for Sexual and Reproductive Health in Bolivia 2009 — 2015 is to ensure that women and men can exercise their sexual and reproductive rights during the various stages of their lives, with an approach based on human rights, gender equity and interculturalism, through the organization of quality health services; interinstitutional, intersectoral and inter-agency coordination; and leading roles for individuals, families and communities.

313. The National Plan for Cervical Cancer Prevention, Screening and Monitoring in Bolivia 2009 — 2015 is designed to reduce cervical cancer morbidity and mortality nationwide by implementing strategic initiatives to promote health and the prevention, detection, diagnosis, treatment and monitoring of cervical cancer at national health system establishments, as part of SAFCI policy.

314. The National Plan for Comprehensive Health Care for Bolivian Adolescents and Young People 2009 — 2013 is designed to improve the health of adolescents and young people, encouraging the exercise of their rights through preventive and promotional initiatives as part of the Five-year Youth Development Plan, mobilizing public and private resources in the context of the SAFCI model.

315. In terms of the relationship between health, gender and interculturalism, the following administrative measures have been adopted: the 2009 Clinical Rules and Protocols on the Use of Misoprostol in Obstetrics and Gynaecology; and Ministerial Decision No. 268/11 of the Ministry of Labour, which grants public- and private-sector women workers one day of leave per year to undergo Pap tests and mammography examinations. This is a mandatory provision; companies which fail to comply with it are fined.

316. The objective of focus 2 of the Sectoral Development Plan of the Ministry of Health and Sports is “to reduce (social, gender and cultural) inequities and inequalities”. To achieve this objective, the Health Promotion Unit of the Ministry and the Gender Functional Area have designed the Strategic Guidelines on Gender in Health Care to help reduce discrimination against and segregation of women in all social spheres in which the exercise of their rights is limited.

317. The constitutional mandate allows the Ministry of Health and Sports to implement the SAFCI model,<sup>55</sup> which is designed to ensure that the right to health is exercised as a fundamental right guaranteed by the State so that individuals, families and communities can receive comprehensive care. Under the new SAFCI policy, it is proposed that the focus of interculturalism efforts should be on “cooperation, complementarity and reciprocity based on the acceptance and recognition of and mutual respect for the practical health knowledge of indigenous peoples, campesinos, Afro-Bolivians and intercultural communities, with a view to contributing to the achievement of symmetrical power relations”.

318. The gender perspective has therefore been incorporated into the national SAFCI policy, which is designed to eliminate gender inequalities in health care.

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<sup>55</sup> Intercultural Communitarian Family Health Care.



Gender indicators have been included in the Health Sector Development Plan 2010-2020 to demonstrate the unequal relationships between the sexes and the effects of those relationships on people's health, opportunities and lives.

319. The legal recognition and political and public participation of the indigenous campesino peoples has contributed to the development in today's public policies of mechanisms for the social inclusion of indigenous people and the reduction of their poverty. This also concerns the health sector, and various strategies have been introduced, including the establishment of the Office of the Deputy Minister of Traditional Medicine and Intercultural Affairs.

320. The Office's mission is to strengthen traditional medicine and the ways in which it is coordinated with and complementary to the single health system through a management and care model based on an intercultural, gender-sensitive and socially inclusive approach. Its institutional objective is to improve the health and quality of life of the population in general by giving impetus to the SAFCI policy and by protecting, reappraising, promoting and researching traditional and natural medicine.

321. The understanding of health espoused by the Office is based on the comprehensive concept of living well, and has a spiritual dimension founded on the duality of and women. Traditional medicine is based on skills and practices involving ancestral knowledge, the indigenous world view and philosophical and cultural roots. The concept of health in Andean and Amazonian traditional medicine is based on a comprehensive world view in which the close relationship between the individual and nature is one of balance and permanent harmony, centred on the divine and communication with the gods. Disease is understood as an imbalance between the individual and his or her natural environment, and the healing process is therefore the re-establishment of the relationship between the two.

322. The actions taken in 2012 included the establishment of the National Register of Doctors, Midwives and Natural Medicine Practitioners. Since 2010, the Office has kept a single national register of doctors, including traditional and natural medicine practitioners, and traditional midwives. In coordination with the departmental committees for the registration of traditional medicine practitioners, the departmental health services (SEDES) and the Office of the Deputy Minister of Traditional Medicine and Intercultural Affairs are holding departmental and national trade shows of traditional medicine, in coordination with the Ministry of Health and Sports, SEDES La Paz and representatives of the traditional medicine sector. Legislation on ancestral traditional medicine has been drafted, revised and submitted to both the Legal Directorate of the Ministry of Health and Sports and the Plurinational Legislative Assembly. Patacamaya hospital in Oruro Department will have two new culturally adapted birthing rooms.

323. The Office of the Deputy Minister of Traditional Medicine and Intercultural Affairs coordinates the registration of artisan laboratories with health networks and ensures the continuity of discussion workshops in the various departments at the national level, in order to carry out joint activities and coordinate with traditional doctors, midwives and healers.

324. The Older Adult Health Insurance Scheme offers care on an intercultural basis for both men and women, and respects their rights in accordance with the SAFCI model. The majority of older adults are women, and according to the unit providing

social services to older adults within the Directorate of Gender and Generational Affairs, based at mayors' offices, 30 of every 100 elderly people suffer physical, verbal or emotional abuse, abandonment, cultural or economic abuse, or another form of abuse. With a view to providing care for this population, nine socio-legal advice centres for older adults have been established in the municipalities of Guayaramerín, Yacuiba, Sena, Monteagudo, Tarija, Uncía, Punata, Copacabana and Caracollo (report of the Office of the Ombudsman, 2012). Tarija, Cobija, Trinidad, Chimoré and Yacuiba municipalities have public policies aimed at older adults.

325. The Universal Maternal and Infant Insurance Scheme, administered by the municipal governments, is designed to reduce maternal and infant morbidity and mortality and to increase coverage through essential health benefits, with the emphasis on prevention and care. Benefits are granted to mothers from the beginning of pregnancy until six months after childbirth, and for children up to the age of five years.

326. Significant efforts have been made since 2009 by the Health Promotion Unit and the Gender Functional Area to develop strategic guidelines to assert the rights of women and the most vulnerable social groups. The document is entitled "Strategic guidelines for gender policy in health 2011 — 2015: Women and men building the movement for comprehensive health care".

#### **Juana Azurduy subsidy**

327. Supreme Decree No. 66 of 3 April 2009 established the Juana Azurduy subsidy with the aim of reducing maternal and infant mortality and chronic malnutrition in children under the age of two. According to the Ministry of Health and Sports, this allowance has reduced malnutrition in children under two years of age nationwide from 27 per cent to 15 per cent, and Zudáñez municipality in Chuquisaca was declared free of maternal mortality in October 2010. The subsidy is currently paid through 35 entities, with 500 payment points in branches in the most remote villages, and mobile cash machines that are transported to very remote areas where no Internet connection exists.

328. A total of 226,787 mothers and 638,208 children under the age of two have received the subsidy. In addition, 150,000 mothers have attended prenatal and postnatal check-ups. The allowance has also led to an increase in the demand for comprehensive health services for pregnant women, through individual transfers to honour joint health responsibilities. This has been complemented by the free issuance of birth certificates and identity cards to mothers. The State has invested 90 billion bolivianos in paying the allowance and has spent a further 10 million bolivianos on clinics at which doctors treat children and mothers, providing assistance with nutrition and sexual and reproductive health. The level of investment in 2011 was higher than in 2010 and involved midwives within the framework of the rural family programme.

329. Bolivia is a pioneer in the implementation of breastfeeding policies, having promulgated the Act on the promotion of breastfeeding and the marketing of substitutes, which is regulated through Supreme Decree No. 0115 of 6 May 2009. These policies were recognized by the United Nations Children's Fund (UNICEF) in 2009. Through the Constitution, the Plurinational State guarantees the population access to medicines, giving priority to generic medicines.

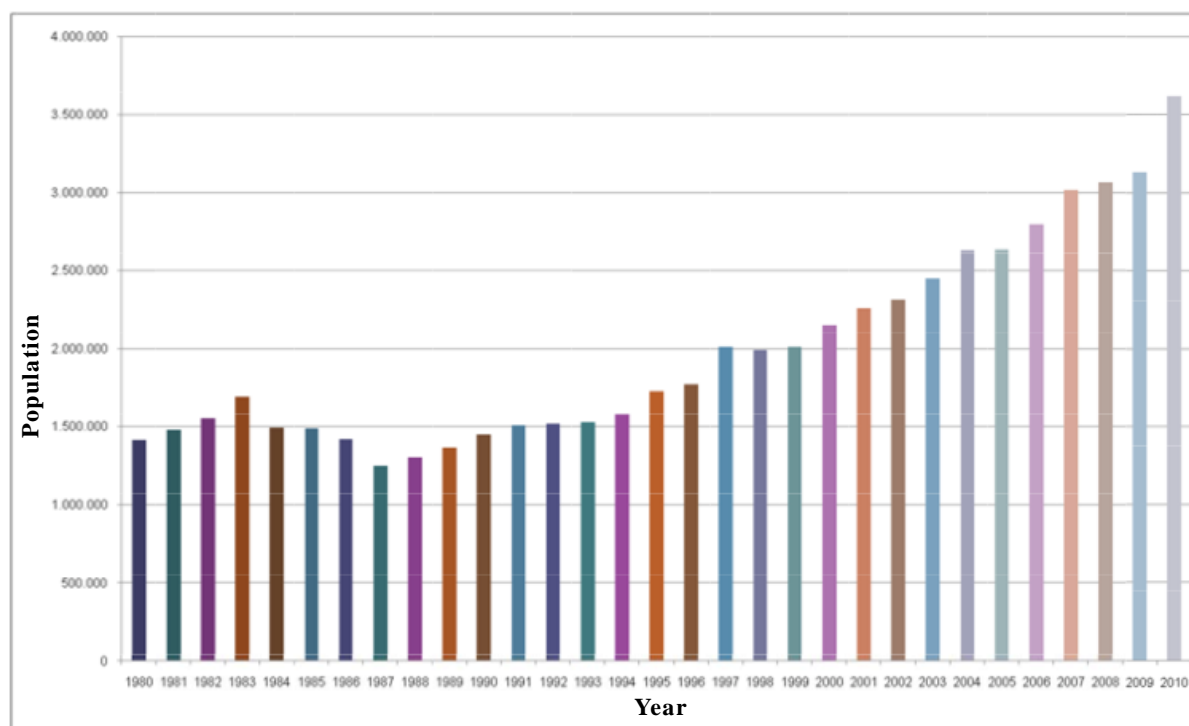
330. In this framework of protecting populations with different abilities, Supreme Decree No. 1133 was adopted on 8 February 2012 with the objective of establishing a solidarity benefit of 1,000 bolivianos per year for persons with severe and very severe disabilities, to be funded from the National Solidarity and Equity Fund.

### Progress and action taken

#### Access to health services

331. According to the Ministry of Health and Sports and the National Health Insurance Institute (INASES), 3,131,733 of Bolivia's 10,227,299 inhabitants were affiliated to a health insurance scheme in 2009. In that year, health insurance coverage was 51.30 per cent for women and 48.703 per cent for men.

#### Population protected by health insurance, 1980-2010



Source: 2010 Health Insurance Yearbook, Ministry of Health and Sports and National Social Security Institute (INASES).

332. In terms of ethnic origin, 51 per cent of those declaring that they belonged to an indigenous people had access to health services, compared with 63.9 per cent of those not declaring their origin as indigenous. Among the 51 per cent of indigenous persons who had access to health insurance, indigenous campesino women were the least represented female group. The majority of uninsured women were Guarani-speaking women, 81 per cent of whom were uninsured, as were 77 per cent of Quechua- and Aymara-speaking women. Among Spanish-speaking women, however, just 20 per cent were uninsured.

333. Access to health services has improved in terms of care during childbirth, immunization and the treatment of diseases. According to the 2008 National

Demographic and Health Survey (ENDSA), however, 92 per cent of Bolivian women identified at least one problem with access to health services.

### **Fertility**

334. According to ENDSA data, the total fertility rate for 2008 remained high but had fallen to 3.5 children per woman from 3.8 in 2003. Disparities in the total fertility rate by place of residence have also persisted: the rate in rural areas was 5.5 children per woman in 2003 and 4.9 in 2008, almost double the rate in urban areas, which was 3.1 children per woman in 2003 and 2.8 children per woman in 2008. The decrease in the rate between 2003 and 2008 was much greater in rural areas, however (National Statistical Institute (INE), 2004 and 2008). There is still a difference between the desired number of children and the actual number women: women in the poorest quintile have on average about seven children in contrast to the desired number of three, whereas women in the richest quintile have their desired number of children (two). The Ministry of Health and Sports attributes the difference to the difficulties encountered by low-income women in accessing information, guidance and contraceptive services.

335. The dissemination of reproductive health guidance must be rendered more effective by taking the intercultural perspective into account in indigenous campesino communities, in line with the cultural understanding of the indigenous peoples. In this regard, each people has its own understanding of the human body, sexuality and the family.

### **Teenage pregnancy**

336. The 2008 projections of INE suggested that 2,217,056 Bolivians were aged between 10 and 19 years, a number which would rise to 2,282,602 in 2010, thus constituting the largest generation of adolescents in the country's history. The sexual behaviour and reproductive intentions of this generation are therefore critical to the future size of the Bolivian population. It is estimated that a little over 80,000 of the 523,092 young women aged between 15 and 19 years living in Bolivia in 2008 are already mothers or are pregnant. In urban areas an average of 67 children are born for every 1,000 adolescent women, but in rural areas the average is 132, almost twice as high. The State must therefore address the problem in the light of the fact that it affects very young women, and strategies must be designed exclusively for that population, with interculturalism, sexual health and the struggle against violence and poverty in rural areas as cross-cutting themes.

337. The percentage of teenage girls who have been pregnant is increasing over time, from 14 per cent in 1998 to 16 per cent in 2003 and 18 per cent in 2008. Teenage pregnancy is therefore currently one of the most urgent public health problems (ENDSA).

338. The use of contraceptive methods among adolescents remains low (6.1 per cent use modern methods and 3.1 per cent use traditional ones). Clearly, the need for education in sexual and reproductive health is greater among adolescents of both genders (38 per cent) and young women between the ages of 20 and 24 years (27 per cent) than among the population as a whole (20 per cent).

339. The continuing lack of information and adequate services in the field of sexual and reproductive health, together with poverty, educational level and sexual and

gender-based violence, are the most important causes of unwanted teenage pregnancies. According to the National Youth Survey (ENAJ),<sup>56</sup> adolescents and young people display little knowledge of their right to health education (20 per cent) and their right to a name as part of their identity (14 per cent). Moreover, 50 per cent have no knowledge of their sexual and reproductive rights. This fact has resulted in publicity and awareness-raising campaigns promoting a decisive and well-informed approach to reproductive health, through various forms of written and oral information. The steps taken by the Ministry of Education in coordination with the Ministry of Health and Sports will institutionalize the implementation of sex education at all stages and levels of the educational curriculum.

340. The State is addressing teenage pregnancy through national legislation and standards relating to sexual and reproductive health and adolescence and youth:

- Contraceptive treatment available to adolescents following the provision of guidance and advice, with a view to preventing unwanted pregnancies, abortion and the spread of sexually transmitted diseases, including HIV/AIDS.
- Recording in the National Health Information System (SNIS) of care provided to adolescents and young people, including variables related to pregnancy, contraception, sexual violence and sexually transmitted infections and HIV/AIDS.
- Legal guarantees of the right to education and the provision of special health care for pregnant teenagers.
- The SAFCI model provides special care to adolescents by using social networks to ensure matching of supply and demand.

341. Act No. 054 of 8 November 2010, reforming the Criminal Code, offers protection mechanisms for adolescent victims of trafficking, prostitution, abandonment, sexually transmitted infections, abduction and procuring. This Act introduces tougher penalties for those who commit offences against teenagers.

342. Given the high rate of teenage pregnancies, the Ministry of Health and Sports has established a baseline level of emergency obstetric and neonatal care, which is implemented through the National Strategic Plan for the Improvement of Maternal, Perinatal and Neonatal Health in Bolivia 2009-2015 and the National Strategic Plan for Sexual and Reproductive Health in Bolivia 2009 — 2015. These plans aim to improve access to health services, in particular with regard to care of the reproductive process, immediate care for newborns, possible haemorrhages in the first half of pregnancy, the consequences of unwanted pregnancies and information on the use of family planning methods.

343. One of the most important commitments made by the State in the framework of the Andean Health Organization is the promotion of the resolution of the Organization on the prevention of teenage pregnancy (REMSAA XXVIII/437). In order to strengthen intersectoral links, a number of meetings on teenage pregnancy prevention were also organized between 2007 and 2012, involving more than 10,000 young people nationwide and facilitating the promotion of youth issues in the statutes of the autonomous entities, municipal charters and departmental and municipal strategic plans. At the regional level, on 23 November 2012 the Andean

<sup>56</sup> United Nations Population Fund (UNFPA), 2009.

Policy on the Sexual and Reproductive Health of Adolescents with a Focus on the Prevention of Pregnancy was adopted, with a view to ensuring that the Andean countries develop strategies and take appropriate, effective and efficient steps to help all adolescents exercise the right of access to information and health services relevant to their situation. These services should promote healthy development by strengthening the social and health capacities of those countries to respond specifically to the needs of adolescents, including in the area of sexual and reproductive health, free from coercion and violence and taking into consideration the prevention of pregnancy.

### Maternal health

344. ENDSA 2008 and INE indicate that the maternal health situation is improving. The indicators show that the number of women attending prenatal check-ups with a doctor has increased from 70 per cent to 77 per cent. There are still large differences, however, by area of residence. In 2008, 91 per cent of women in urban areas attended such check-ups, but only 58 per cent did so in rural areas. The differences in terms of educational level are also alarming, since only 52 per cent of women with no formal education have access to prenatal check-ups with a doctor, compared to 97 per cent of women with higher education. The discrepancies among the departments of Bolivia also give cause for concern: the lowest rate of check-up attendance by women is in Potosí (55 per cent), compared with the high attendance rates in Tarija (84 per cent) and Santa Cruz (90 per cent).

The available data on services provided follow below.

### Prenatal check-up coverage by type of prenatal check-up, 2008-2010

Type of prenatal check-up	2008	2009	2010 (preliminary)
First prenatal visit	366 700	383 887	386 352
Subsequent prenatal visit	724 758	838 568	88 233
Prenatal visit prior to the fifth month	206 131	227 346	237 350
Prenatal visit after the fifth month	160 569	156 541	149 002
Fourth prenatal visit	148 585	164 911	163 258

Source: Ministry of Health and Sports, INE.

345. ENDSA reveals that the percentage of births attended by a doctor rose from 56 per cent in 2003 to 66 per cent in 2008. Once again, however, the percentages vary by area of residence, since in rural areas only 42 per cent of births are attended by a doctor, compared with 87 per cent in urban areas. Differences also exist among departments, with the lowest percentage of births attended by a doctor occurring in Potosí (42 per cent) compared with the high levels of Tarija (80 per cent) and Santa Cruz (90 per cent).

346. The percentage of attended births taking place in health establishments increased from 57 per cent in 2003 to 68 per cent in 2008. As in the previous case, however, the lowest levels were in the rural areas of Bolivia (44 per cent), and also in the Department of Potosí (47 per cent), compared with the rate in Santa Cruz (92 per cent).

347. The records of services provided show that both the number of mothers receiving prenatal care and the number of births attended by a doctor have risen.

#### **Mothers receiving prenatal care and births attended by a doctor by area of residence**

<i>Area of residence</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>Total</i>
Rural areas	441 971	449 663	507 676	529 815	1 929 125
Urban areas	776 904	790 380	879 690	900 275	3 347 249
<b>Total</b>	<b>1 218 875</b>	<b>1 240 043</b>	<b>1 387 366</b>	<b>1 430 090</b>	<b>5 276 374</b>

Prepared by the authors using SNIS data.

348. With regard to teenage pregnancy, little information about care during pregnancy, childbirth and the postnatal period is available. Thirty-seven per cent of teenage mothers have anaemia and unmet nutritional, psychosocial, dermatological and other needs in the areas of sexual and reproductive health, access to sex education, special care and information regarding their health. Teenage mothers also face the risks associated with becoming sexually active at a young age: violence, sexually transmitted infections and HIV/AIDS, unwanted pregnancies and abortions.<sup>57</sup>

349. According to data of the Ministry of Health and Sports, 85 per cent of pregnant teenagers receive prenatal care. In the majority of cases, there are practically no differences between the percentage of adolescents receiving prenatal care and the percentage of other women of childbearing age. A higher percentage of adolescents, however, attend fewer check-ups or start attending check-ups slightly later. The percentage of adolescent births attended by a doctor is also correspondingly lower.

#### **Maternal mortality**

350. The maternal mortality ratio dropped from 390 to 229 per 100,000 live births between 1994 and 2003. Maternal mortality remains higher in rural areas, where women, and teenage girls in particular, who experience complications arising from pregnancy or childbirth are 4.4 times more likely to die than those in urban areas (64.3 percent compared to 15.3 per cent). In addition, 47 per cent of the women who died were under 30 years old and 71 per cent had had less than six years of schooling. Thirty-eight per cent of women of child-bearing age in urban areas suffered from anaemia; the figure was 42.8 per cent in rural areas in 2008.

351. According to the report of the Ombudsman (2012), six out of ten children and adolescents have unmet basic needs and five out of ten live below the poverty line. In Bolivia, 255,000 children are born every year but more than 7,000 die within a month and another 7,000 do not survive their first year; 70,000 children suffer from chronic malnutrition and are thus more likely to die within a month of being born. However, in recent years the Government has made efforts to reduce child mortality (50 per 1,000 live births in 2008), improve the nutritional levels of under-fives (of whom 22 per cent suffer from chronic malnutrition), increase the coverage of

<sup>57</sup> Ministry of Health and Sports, 2009.

protective vaccines and thereby eradicate diseases such as polio, measles and neonatal tetanus.

352. In a further effort to improve living conditions for this young and highly vulnerable segment of the population, drinking water and sanitation services have been expanded to reach 75 per cent of the total population; in recent years new facilities have been built for children and adolescents, who can now play a more prominent role.

353. The 2008 National Demographic and Health Survey indicated that neonatal mortality accounted for a little more than 50 per cent of infant mortality (up to one year of age) and 40 per cent of child mortality (under-fives). The mortality rate in rural areas has decreased from 35 to 26 per 1,000 live births, whereas in urban areas it has decreased slightly from 21 to 20 per 1,000 live births.

354. In five years the percentage of births attended by medical personnel has increased from 56 per cent to 66 per cent throughout the country, albeit with large differences between areas of residence (87 per cent in urban and 28 per cent in rural areas) and education levels (35 per cent among persons with no formal education and 97 among higher education graduates).

355. A sign of women's lack of empowerment is that their decisions to seek timely help are still strongly influenced by partners or relatives. Access to prenatal check-up and childbirth services is still limited for women in rural areas. This is more problematic in remote regions. In response to this situation, the Universal Maternal and Infant Insurance (SUMI) has adopted a successful policy for the removal of financial barriers to access to services.

356. Quick tests for HIV and other sexually transmitted infections (including syphilis) in prenatal check-ups have contributed to timely prevention and treatment, sparing mothers and their children any increased risks. Emergency contraception is available from SUMI and helps to prevent unwanted pregnancies.

### **Abortion**

357. In Bolivia, abortion is the cause of 9.1 per cent of maternal deaths, making it the third most common cause. According to research, around 100 clandestine abortions take place every day under conditions that seriously endanger the women's health. The main cause is unwanted pregnancy (Ministry of Health and Sports, 2009 b).

358. Misoprostol has been added to the list of basic supplies of the Universal Maternal and Infant Insurance and approved for all gynaecological and obstetric uses in accordance with established protocols and procedures (Ministry of Health and Sports, 2009).

359. A bill on the regulation of therapeutic abortions for women has been drafted with the assistance of the Human Rights Commission and submitted to the Plurinational Legislative Assembly. The bill is intended to regulate legal abortion within the framework of the fundamental rights to life, health and security, as laid down in article 7(a) and the mandate defined in article 35 of the Constitution.



### Contraception

360. According to the National Demographic and Health Survey, there has been an increase in the use of so-called traditional methods in recent years (23 per cent in 2003 rising to 26 per cent in 2008), while the use of modern methods (35 per cent) has remained steady. In recent years, the most widely used contraceptive method in both rural and urban areas has continued to be the rhythm method or periodic abstinence. Injection is the most widely used modern contraceptive method, rising significantly from 8 per cent in 2003 to 11 per cent in 2008, while the use of intrauterine devices has decreased from 10 per cent in 2003 to 8 per cent in 2008.

361. Nationwide emergency contraception was approved and introduced more than five years ago. However, although it is an important method enabling women to exercise their rights, no information is available on how to access and use it.

362. The need for family planning continues to be higher among younger women. According to the 2008 National Demographic and Health Survey, 38 per cent of teenage girls (aged from 15 to 19 years) do not have access to contraceptives, whereas the figure for women aged 45 to 49 is nine per cent. Only two per cent of teenagers aged 15 to 19 used condoms.

363. In spite of this situation, there is little cooperation between institutions and sectors to prevent violations of the rights of women, adolescents and young people and reduce gaps and inequalities in access to services, including access to sexual and reproductive health, nutrition and social protection services. The attitudes of adults in this area are a barrier preventing adolescents from being effectively recognized as free agents, namely, as autonomous individuals who are capable of taking an active role in relation to public policies, both to exercise their rights and to make plans for their future.<sup>58</sup>

### Cervical cancer

364. The national plan for the prevention, screening and monitoring of cervical cancer for 2009-2015 identifies the main issues and the actions needed to prevent, detect and treat cervical cancer, and indicates that the increase in Pap test coverage will not be sufficient until 80 per cent of women in the at-risk age range are covered. Coverage in 2007 was 11.6 per cent (312,374 women), but this rate indicates the number of Pap samples, not the number of women who received the cytological results. It includes the visual inspection with acetic acid (VIA) test, a quick screening test suitable for areas, mainly rural areas, that cannot be reached by health services or where Pap tests cannot be carried out. SUMI includes treatment for this disease up to the in situ stage. Women have access to this service in this context of Act No. 269 of 21 August 2012, which guarantees their linguistic rights when they avail themselves of public services, as part of the right to the exercise of plurinationality.

365. A cervical cancer vaccination pilot project has been implemented in the first instance in three departments. To date, the first of three doses have been administered free of charge to 3,890 girls aged 9 to 13, of whom 1,300 were in El Alto, 1,290 in Oruro, and 1,300 in the Chuquisaca Chaco region.

<sup>58</sup> UNICEF/SITAN 2010 — report O.

**Sexually transmitted infections and HIV/AIDS**

366. According to the National Health Information System, 3,588 cases (2,424 people with HIV and 1,164 AIDS cases) had been reported by 2008, and one in every three cases (28 per cent) was an adolescent or young person, making this the highest-risk group.

367. In general, recording and notification of the disease have improved<sup>59</sup> since the sexually transmitted infections and HIV/AIDS programme has been providing quick and free HIV tests. Quick HIV tests have mostly been for sex workers and pregnant women, but fewer men are tested and they are therefore in greater danger.

368. The quick test and the corresponding addition to the resources allocated by the State have made it possible to increase the number of cases reported in a timely manner, and this has in turn caused a sharp drop in the prevalence of AIDS. The integration of prevention and treatment programmes is considered a breakthrough that has improved health and had a broad impact in the community.

369. The enactment of Act No. 3729 of 8 August 2007, on the prevention of HIV/AIDS, the protection of human rights, and comprehensive multidisciplinary assistance for persons living with HIV/AIDS (2007), and its corresponding regulations, provide the framework for a multisectoral strategic plan for 2008 to 2012, with a focus on rights, and the establishment of the National Council for AIDS Prevention and Control (CONASIDA) reinforces an intersectoral approach. There is also greater awareness and involvement of civil society, including organized groups of people living with HIV/AIDS.

**Articles 13 and 14****Comments by the Committee: (11, 13,17)**

370. The State Party shares the concerns of CEDAW in this area and is taking a range of measures to overcome the extreme poverty that generally affects indigenous campesino peoples and especially women. It is important to mention that, as a result of these efforts, extreme poverty has been reduced by 10 per cent in the past four years. However, poverty is more acute in rural areas where 63.94 per cent of the population is affected, whereas the overall average figure in urban areas is 23.67 per cent.

371. Article 30 (I, 1, 4, 5, 6, 7, 13, 14 y 17) of the Constitution, in reference to the rights of indigenous campesino peoples and nations, recognizes the political, legal and economic systems that reflect their world view, and ensures that their ways of living, thinking and behaving are respected in the context of the exercise of their collective and individual rights. The economic structure of the State “shall recognize, respect, protect and promote the communitarian economic organization that includes systems for the production and reproduction of social life founded on the principles and vision specific to indigenous campesino nations and peoples” (article 306 (I)). The plural economy guarantees respect for collectively owned and private land, while promoting and fostering the communitarian aspect of the economy as an alternative form of solidarity in rural and urban areas.

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<sup>59</sup> UDAPE/CIMDM, 2008.

372. Act No. 3545 of 28 November 2006, amending Act No. 1715, on the redirection of agrarian reform, addresses gender equity in order to incorporate new provisions into Act No. 1715 of October 1996 as a means of upgrading and ensuring consistency with Act No. 3351 of February 2006, one of the important inputs in the context of transitional arrangements. “Women’s participation in the processes of land distribution and reorganization is guaranteed and prioritized. In the case of married or de facto married couples and cohabiting couples, title deeds will be issued to both spouses or cohabiting partners who are working the land, with the name of the woman inserted in first place. The same procedure shall be followed in all other cases where male and female co-owners are working the land, irrespective of their marital status.”

373. Act No. 144 of 26 June 2011 on the communitarian agricultural production revolution is intended to regulate the process of working towards food sovereignty by establishing the institutional foundations, policies and technical, technological and financial mechanisms for the production, processing and marketing of agricultural produce and forestry products by the various actors in the plural economy, in harmony and balance with the bounty of Mother Earth. The Act improves access to supplies, production infrastructure, technical assistance and training, and appropriate and sustainable management of water and genetic resources to safeguard productive processes.

374. Article 13 of Act No. 144 states as follows: “comprehensively strengthen the productive base with an emphasis on local and ancestral community practices to enable comprehensive management that optimizes the use of, and access to, irrigation water from a perspective of catchment-area management that protects water for life and ensures the recovery of soil fertility by restoring plant cover, using organic soil improvers, building terraces and conserving and increasing biodiversity through the recovery and development of native seeds and improved seeds as well as other actions that protect biodiversity against biopiracy and the monopolistic tendencies of transnational seed corporations”.

375. Article 1 of Act No. 300 of 15 October 2012, the framework law on Mother Earth and comprehensive development for living well, states that the Act “is intended to provide the vision and the principles of comprehensive development in harmony and balance with Mother Earth for living well, by safeguarding the regenerative capacity of the components and systems of life of Mother Earth, recovering and strengthening local skills and ancestral knowledge, within the framework of the complementarity of rights, obligations and duties that form the basis for planning, public management and investment and the strategic institutional framework for its implementation”.

376. The Act is intended to guide comprehensive development by means of specific policies, standards, strategies, plans, programmes and projects of the Plurinational State of Bolivia for living well, in full harmony and balance with Mother Earth, and in compliance with the principles of social justice, harmonious relationships, climate justice, the plural economy, and a dialogue of different forms of knowledge. Living well through comprehensive development involves the construction of a just and equitable society in harmony and balance with Mother Earth (articles 7 and 8). The bases and guidance for living well through comprehensive development in harmony and balance with Mother Earth are set forth in article 23. The systems of life of each people are respected.

377. The bases and guidance for living well are consistent with the renewed appreciation, protection and implementation of the ancestral, collective and individual knowledge of indigenous peoples related to the regenerative capacity of Mother Earth and the use of biodiversity, subject to the right of peoples to be consulted. Comprehensive development for living well in harmony and balance with Mother Earth will be regulated by a Plurinational Council, which ensures implementation and is made up of representatives of the Plurinational Assembly, the Executive Branch, the Office of the Ombudsman for Mother Earth, departmental, sectoral and autonomous Governments and social organizations.

**Public policies: progress and measures adopted**

378. In this context, the Ministry of Rural Agricultural Development and Land has established various operational units: a decentralized unit of the security support programme for 2011 has organized specific activities such as craft and training workshops, including 40 craft workshops, and 8,125 people have benefited from this project; support for agricultural production, in which 240 hectares have been sown with potato seeds, 316 hectares have been allocated to fodder cultivation, 75 hectares have been given protected status, 14 greenhouses and 6 silos have been built, 1,000 hectares have been planted with corn and wheat, and 240 beehives have been set up, with 9,362 beneficiary families.

379. Construction of infrastructure: 314 additional hectares now have irrigation, for the benefit of 7,415 families. Promotion of agro-industrial production: one Brazil nut processing plant, 162 head of cattle, a multipurpose food production centre, six solar tents and a stockpiling centre, for 1,713 beneficiary families. More than 26,000 indigenous campesino families have benefited from projects designed to boost production capacity.

380. In the rural alliances programme, 1,834 persons have benefited from training and production organization workshops on the technical and financial management of their partnership plans. A total of 76 million bolivianos were remitted directly to 7,577 beneficiary families and, as a result, 79 producing organizations were set up, and the producing families hired and paid workers for a total of 25,676 days of labour. The direct effects were that 262 organizations of indigenous campesino producers expanded their knowledge of production, administration and financial management. More than 7,500 indigenous and campesino families have transferred resources to productive initiatives, thereby boosting their incomes. More than 3,400 families organized in 79 productive organizations have improved their income, living conditions and food security.

381. The Socially Inclusive Territorial Economic Development Project is underway in 36 municipalities in the departments of Chuquisaca, Potosí, Santa Cruz and Tarija, and supporting more than 15,000 families of small producers. As funding for production initiatives, 105 associations of agricultural producers receive a total of 11 billion bolivianos via direct transfers to 15,750 beneficiaries.

382. The coordination unit of the National Council of Ecological Production promotes productive partnerships between various economic actors at the local level, between small rural producers and sources of capital, with direct fund transfers. The first local ecological committee was set up in Chuquisaca Department in 2011. The Office of the Deputy Minister for Rural Development has developed

81 projects nationwide, and 222,781 families, primarily indigenous and campesino peoples, have benefited.

#### **Access to land and territory**

383. The Office of the Deputy Minister for Land is stepping up the land reorganization process on the basis of the Sectoral Development Plan and the National Development Plan. In 2011, 26 technical reports and certificates were prepared and submitted to the Indigenous Peoples Identity Register, certifying 24 peoples in the highlands and 2 in the lowlands. Twenty-six reports on land needs and land use have also been produced and submitted to the National Agrarian Reform Institute for validation. Forty-five indigenous, campesino and intercultural claims have been filed in connection with 118,540 hectares in Beni, La Paz, Pando and Santa Cruz departments. The following actions have been taken within the framework of the National Agrarian Reform Institute: reorganization of 59.4 million hectares; allocation of 1.3 million hectares; and handover of 79,784 hectares of public land. The immediate effects of these actions are: 724,112 families now own land, 8,771 have been granted public land, 79,784 hectares have been put aside for future grants, and 9,067 hectares of land are available for reorganization and issuance of title deeds.

#### **Access to basic services**

384. Between 2006 and 2009, more than 478,000 people nationwide were provided with basic sanitation services; the coverage of the power grid in rural areas rose from 35.8 per cent to 47 percent in 2009 and as a result an additional 434,413 homes had electricity. These advances helped improve living conditions in rural areas. (Ministry of Planning, 2006-2009).

#### **Access to water**

385. The struggle of the Bolivian people in support of their demand for access to water to be a human right is reflected in the Constitution. Within this framework, the Ministry of the Environment and Water has explicitly taken up the challenge of mainstreaming gender equity into its programmes and regulations; indeed, the national regulations on the submission of water and sanitation projects incorporate gender equity into the communitarian development component (a mandatory requirement for which a budget allocation must be made), in which health and environmental education and education on health and hygiene are taken into account with a view to improving the participation of women and ensuring that investments are sustainable.

386. A guidebook on the mainstreaming of gender equity into basic sanitation projects was produced in 2010. It is an instrument for mainstreaming gender equity by means of methods and techniques tailored to the project cycle and communitarian development, whereby public, private and civil society actors are able to take part in decision-making and the implementation of the sectoral social strategy in Bolivia. Progress has thus been made in the mainstreaming of gender equity into the design of sectoral policies, programmes and projects, by overcoming the assistance-oriented and paternalistic attitude that makes women vulnerable and confines them to the roles of mother, wife and housewife.

### Drinking water and basic sanitation projects

Completed	Total beneficiaries: 3,486,363
In progress	Total beneficiaries: 1,397,912
Scheduled	Total beneficiaries 2,881,849

387. The National Irrigation Program with a Watershed Approach seeks to increase the agricultural income of rural households by improving the water supply to increase the area of irrigated farmland for productive purposes. The program comprises two components. Component I consists of communitarian development investment for funding pre-investment studies, construction, rehabilitation and 33 communitarian irrigation projects in seven departments of the country, covering approximately 9,000 hectares. Component II Allocates funding to the national irrigation service (SENARI) and the irrigation development plan (implemented by the departmental irrigation services) for the granting of water rights and provision of technical assistance and training.

388. The River Basin and Water Resources Directorate has been promoting integrated river basin and water resources management at the regional level on the basis of the following plans: master plan for the basin of the river Katari, in coordination with the Ministry of the Environment and Water. The master plan for the Rio Grande basin and the sustainable natural resources management programme for the Lake Poopó basin.

### Access to housing

389. Supreme Decree No. 28794 of 12 July 2006 established a social and solidarity housing programme under the responsibility of the Ministry of Public Works, Services and Housing as an instrument of the new housing policy, for the purpose of establishing and consolidating mechanisms that make it easier for those with low incomes to find decent housing, in keeping with the principle of social equity. One of the programme's objectives refers explicitly to women: "(f) the inclusion of women as participants and beneficiaries who can find housing solutions through loans and subsidies with or without a down payment in both urban and rural areas" (Project information system, Office of the Deputy Ministry for Housing and Urban Development).

390. This social housing can be obtained by means of loans and/or subsidies with or without a down payment in urban or rural areas. The departments with the largest number of women beneficiaries are Cochabamba, La Paz, Santa Cruz and Tarija, where 76 per cent (7,463 persons) of the beneficiaries are women.

### Level of education

391. Women's education has shown significant progress: only 8.98 per cent of women had access to secondary school in 2003, compared to 12.5 per cent in 2007. Over the same period, the proportion of rural women with access to higher education increased from 3.68 per cent to 5.2 per cent. (Continuous Household Survey 2003, 2004 and 2005).

### **Juana Azurduy subsidy, Juancito Pinto stipend and Dignity Pension**

392. In the social sphere, the Juana Azurduy subsidy, Juancito Pinto stipend and Dignity Pension have benefited women, children and elderly persons in rural areas. The Juana Azurduy subsidy is paid to 208,000 mothers and 341,000 children each year. Chronic malnutrition in children under 2 years of age has fallen from 20.64 per cent in 2008 to 15.89 per cent in 2010, with an investment of 94 million bolivianos.

### **Access to land**

393. Significant progress has been made with regard to recognition of land ownership, with over 28,000 land titles issued exclusively to women over the period from 2008 to 2010. There are still a number of problems with 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 from men and from women themselves on account of traditions and customs, and lack of knowledge of the regulations and procedures for obtaining title. Over the period 2007-2009, 9,994,878 hectares were distributed to small farmers and indigenous peoples.

### **Recognition of land ownership 2008-2010**

	<i>Women</i>	<i>Couples</i>	<i>Men</i>	<i>Legal entity</i>
2008	6 949	10 082	12 356	1 309
2009	12 303	20 044	15 824	1 696
2010	9 457	13 437	13 814	1 134

### **Measures for rural development**

394. The Ministry of Rural Development and Land aims to encourage comprehensive, sustainable and planned rural development that coordinates the different productive potentials of regions and cultures in order to address economic and social imbalances and individual accumulation of wealth. The "Rural and agricultural revolution" sectoral development plan was formulated in this context and is being implemented by the offices of the Deputy Minister for Rural Development and Agriculture, the Deputy Minister for Land and the Deputy Minister for Coca and Comprehensive Development.

395. The various programmes implemented by the Ministry in the context of the Plan are linked to social organizations and benefit individual men or women producers or rural families. In most cases, this approach makes it difficult to identify how many women are benefiting from these programmes, but as women working in agriculture play a fundamental role in production and income generation, it is relevant to consider the package of measures being implemented to provide better conditions, including access to credit, goods, land, seed and technical training, which are vital for making progress in terms of living well.

396. The Ministry of Rural Development and Land implements a number of programmes. As of 2011, the achievements of the Bolivian Aquaculture Research and Development Centre include providing support for fishermen who use floating cages for trout farming in the Lake Titicaca basin. The establishment of 240 such cages in five provinces has produced 82 tons of trout, benefiting 700 families.

397. Another programme has provided support for the campesino camelid economy in the form of animal health workers and 17 veterinary pharmacies, in addition to co-funding 37 trade fairs geared to the exchange of experience and knowledge of animal husbandry, the production of leather, meat and fibre products, gastronomy and events promoting native products.

#### **Food Security Support Programme**

398. The objective is to manage, administer and implement comprehensive programmes and projects that are part of the food sovereignty and security policy in order to support the production, processing, distribution and consumption of food in sufficient quantity and quality for consumption and for sale.

399. Over 110 projects have been implemented, including projects to support production infrastructure and provide technical assistance, training and direct transfers. These projects have benefited 118,000 producers in the Bolivian municipalities most vulnerable to food insecurity.

#### **EMPODERAR Programme**

400. The EMPODERAR (empower) programme facilitates direct transfers of resources to members of producers' alliances. Organizations of both men and women producers with approved partnership plans have signed 258 financing agreements, so that a total of 568 producers' organizations are receiving direct transfers, thus benefiting a total of 22,742 producer families of all alliances. The programme has funding of 232 million bolivianos and has trained 3,976 representatives, 1,806 of them in 2010.

#### **National Institute of Agricultural and Forestry Innovation (INIAF)**

401. Its objective of the Institute is to promote and encourage agricultural and forestry innovation by strengthening sustainable production and productivity, and optimizing the use of resources and institutional capacities of the innovation system as a whole in order to contribute to food security and sovereignty. The results include: the delivery of 71 drip irrigation systems in the Department of La Paz and 35 in the Department of Oruro; the introduction of alfalfa in the dairy basin of the departments of La Paz and Oruro; formation of networks and support for their development, as a result of coordinated work designed to support small and medium-sized agricultural producers in various areas. Training has been provided for 422 producers in 16 communities in the Department of La Paz, benefiting 2,651 men and 2,125 women, a total of 4,776 families.

#### **Plan Vida — a programme to eradicate extreme poverty**

402. The Ministry of Development Planning is implementing Plan Vida, which is designed to affect the structural causes of poverty and includes comprehensive action with a long-term social and productive vision. The first phase is being implemented in the 37 poorest municipalities in the country and it began with the construction of 1,200 homes in the north of Potosí. In this region, nine of every ten individuals are extremely poor and the initiative is therefore designed to address the housing problem in various municipalities of northern Potosí.



403. The Productive and Social Investment Fund and the Food Support and Security Programme, which are responsible for the programme to eradicate extreme poverty in municipalities of northern Potosí, are implementing productive and infrastructure projects in areas of extreme poverty. It is noteworthy that the Mama Autoridades del Norte de Potosí and the Federación Sindical de Mujeres Originarias del Norte Potosí, together with other trade union and indigenous bodies from the area, were involved in the process of prioritizing projects. A total of 245 infrastructure projects and 244 production projects were registered and they were implemented in 2011.

404. Between 2006 and 2010, investment in small producers amounted to US\$ 71,409,965, which is almost twice the level of investment over the period 2001-2005 (US\$ 42,153,980) thereby creating conditions conducive to progress towards living well.

#### **Development Fund for Indigenous Peoples and Campesino Communities**

405. The Development Fund for Indigenous Peoples and Campesino Communities was established by Supreme Decree No. 28571 of 22 December 2005 for the purpose of financing productive and social development projects for the direct benefit of indigenous peoples and campesino communities. Article 9 of the Decree establishes that the Fund's source of regular financing will consist of five per cent of revenues from the direct tax on hydrocarbons.

406. The main beneficiaries of the Fund are the campesino and intercultural organizations, including the Confederación Sindical Única de Trabajadores Campesinos de Bolivia, the Confederación de Mujeres Campesinas "Bartolina Sisa", the Consejo Nacional de Ayllus y Markas del Qullasuyu and the Confederación de Pueblos Indígenas de Bolivia, whose members are the Guarani and Mojeño peoples of Beni. The Fund's board membership comprises representatives of the Consejo Nacional de Ayllus y Markas del Qullasuyu, the Confederación Sindical Única de Trabajadores Campesinos de Bolivia, the Confederación Sindical de Colonizadores de Bolivia, the Confederación de Pueblos Indígenas de Bolivia, the Central de Pueblos Étnicos Mojeños del Beni, the Coordinadora de Pueblos Étnicos de Santa Cruz, the Assembly of the Guarani People and the Confederación de Mujeres Campesinas "Bartolina Sisa". The current Executive Director received her nomination from the Confederación de Mujeres Campesinas "Bartolina Sisa".

407. The Development Fund for Indigenous Peoples and Campesino Communities has carried out the following activities: evaluation of 800 projects; field visits to 460 projects; preliminary approval of 300 projects; inclusion of 330 projects in a decision taken by the Ministry of Rural Development and Land; and initial disbursements to 322 projects.

#### **Semilla Programme**

408. The Productive Assets and Citizenship Programme for Rural Women Producers and Entrepreneurs, or Semilla ("seed") programme, is a joint strategic initiative of the Ministry of Justice (through the Office of the Deputy Minister for Equal Opportunity), the Millennium Trust Fund and United Nations system organizations in Bolivia. The Programme was launched in 2009 and provides women with (i) financial services to provide resources to begin or expand their economic undertakings; (ii) citizens' services in the form of training and assistance

with procedures in order to exercise their rights; and (iii) tailored technical support measures to strengthen their productive and management capacities.

409. This is a new initiative to the extent that is designed to support the cycle of capital formation by seeking sustainable livelihoods for women and their families through access to productive resources, capital goods, technical assistance and training, links to markets, housing plans and land ownership, and support through actions that enable women to exercise their rights effectively.

410. The Programme has made significant progress: it has provided financial support for economic activities in 18 municipalities and 4 departments (6 in Cochabamba, 4 in Oruro, 4 in Potosí and 4 in Santa Cruz). A total of 1,605<sup>60</sup> rural economic units<sup>61</sup> have benefited from the three financing modalities provided by the programme (seed capital, start-up capital and equity). In its 14 months of operation (2009 and 2010) it has succeeded in providing capital for 1,605 rural economic units.

411. The Programme has defined two indicators to measure the impact of its activities: the increase in sales by the economic rural units and the provision of capital. The average increase in monthly sales has been 49 per cent. As for the provision of capital, the rural economic units led by women have achieved an overall 50 per cent increase in their productive assets.

412. In 2011, the Programme provided support for 3,753 women to attain economic independence and exercise their rights. Based on agreements and arrangements with the municipalities of Colcha K, San Pablo de Lípez, San Antonio de Esmoruco and Uyuni (Potosí), Pojo, Tiraque, Mizque, Pocona, Titora and Colomi (Cochabamba), Uribicha and San Julián (Santa Cruz), Huari, Challapata, Caracollo and el Choro (Oruro), the Programme has persuaded municipal governments to make investments designed to close gender gaps, for a total of 1,539,000 bolivianos. This investment includes the deployment of productive infrastructure, machinery and equipment, training, promotion, dissemination and technical assistance.

413. Lastly, the United Nations declared 2013 the International Year of Quinoa ([A/RES/66/221](#)). This will advance the implementation of policies that support quinoa production, especially as Bolivia is the leading producer of this ancient grain. It will also improve the living conditions of women producers in rural areas.

## **Part IV**

### **Article 15**

414. Equality of men and women before the law is enshrined in article 14 (I) of the Constitution, which provides that: “Every human being, without distinction, has legal status and capacity under the law and enjoys the rights recognized in this Constitution”. Furthermore, every person has legal capacity as established under

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<sup>60</sup> Since the Semilla Programme’s draft document made provision for services for 1,286 such units, the initial target was exceeded by 24 per cent by December.

<sup>61</sup> The women benefiting from the Semilla Programme have access to financing, either individually or as a group, as rural economic units. As at December 2010, 2,250 women take part in 1,605 rural economic units.

article 3 of the Civil Code (Decree-Law No. 12760). This principle is supported by article 52 of the Code of Civil Procedure, which provides that all persons with legal capacity may participate in legal proceedings and request the protection of the State.

415. According to article 1 of the Constitution, Bolivia recognizes and is founded on plurality and on political, economic, juridical, cultural and linguistic pluralism within its integration process. Recognition of campesino indigenous jurisdiction is based on recognition of indigenous systems, in which indigenous principles, cultural values, norms and procedures are applied (Constitution, articles 190, 191 and 192). Act No. 027 of 6 July 2010 on the Constitutional Court recognizes legal pluralism and thereby proclaims the coexistence of various legal systems within the framework of the Plurinational State (article 3, principles of constitutional justice).

416. Act No. 073 of 29 December 2010 on jurisdictional demarcation establishes, both in its principles and in relation to fundamental rights and constitutional guarantees, the rights of campesino indigenous women, including the right of access to justice and the administration of justice, which constitutes a crucial step forward in the process of decolonizing the country and the dismantling of patriarchy. According to article 4 of that Act, all jurisdictions recognized under the Constitution respect, promote, protect and guarantee equality between men and women with regard to access to justice, access to positions and functions, decision-making, the conduct of trial proceedings and the application of punishments; Article 5 stipulates that all jurisdictions recognized under the Constitution respect and guarantee the exercise of women's rights, their participation, decision-making, presence and permanent involvement, both with regard to equal and fair access to office and in respect of oversight, decision-making and participation in the administration of justice.

417. Reference should be made in this regard to the Inter-American Commission on Human Rights report entitled "*Access to justice and social inclusion: the road towards strengthening democracy in Bolivia*" (OEA/Ser. L/V/II., Doc. 34), of 28 June 2007. The report indicates that, in relation to indigenous peoples, the right of access to justice must be addressed at two levels; one relates to the State (where the State must ensure the enjoyment of this right) and the other involves recognition of indigenous systems of justice; paragraph 277 of the report indicates that: "The situation of indigenous peoples' access to justice must be analysed from two perspectives [...]: (i) the additional obstacles facing these sectors of society in obtaining responses from the authorities of the official justice system; and (ii) recognition of indigenous law and justice administration. These two perspectives must be understood as constituent elements of the right of access to justice for indigenous peoples, and as in no way mutually exclusive, in the sense that the guarantee of one would exempt the State from the other".<sup>62</sup>

418. In implementation of article 15 of the Convention, regarding the right of access to justice and judicial protection, the Constitution establishes remedies for simple, rapid and effective access to justice in respect of violations of fundamental rights, namely the right of action for *amparo* under the Constitution, the right of action for protection of privacy and *actio popularis*, with regard to the protection of rights.

<sup>62</sup> Inter-American Commission on Human Rights, *Access to justice and social inclusion: the road towards strengthening democracy in Bolivia* (OEA/Ser.L/V/II., Doc. 34), 28 June 2007.

## **Article 16**

### **Comments by the Committee (44 and 45)**

419. The protections associated with marriage are established in the section of the Constitution entitled “Rights of the Family”, in which the State recognizes and protects the family as the fundamental unit of society and guarantees the social and economic conditions necessary for its full development. Every member has equal rights, obligations and opportunities (article 62). Marriage between a woman and a man is established by legal ties and is based on the equal rights and duties of both spouses. The Constitution also refers to free or de facto unions that are between a man and a woman and meet the conditions of stability and singularity, and it establishes that it is the State that protects and assists those with family responsibilities in the exercise of their obligations (article 64, sections I and II).

420. A major breakthrough has been made as regards parentage. Article 65 of the Constitution provides that, in order to serve the best interests of children and adolescents and their right to an identity, the presumption of parentage shall be asserted by means of a statement by the mother or father. This presumption shall hold in the absence of proof to the contrary; the burden of establishing such proof falls to the person who denies parentage. In the event that the presumption is overturned, the costs incurred shall be borne by the person who attributed parentage.

421. In this regard, Act No. 3934 of 18 September 2008 establishing free DNA testing provides that scientific paternity tests shall be provided free of charge only in paternity suits brought before the civil and family courts. All those who are minors according to the definition contained in article 2 of Act No. 2026 (the Children’s and Young Persons’ Code) are eligible for the free DNA tests, and the service is guaranteed to be available nationwide. Without a doubt, this Act represents key progress towards guaranteeing the rights of the child and obviates the various difficulties that women face in connection with acknowledgement of paternity and fulfilment of paternal obligations.

422. With respect to the legal age for marriage, the Office of the Deputy Minister for Equal Opportunity, sharing the concerns of the Committee, has made headway with a proposal for the new Family Code. The Office’s proposal is that there should be equality between men and women in terms of the minimum age for marriage, which should be 18 years of age.

423. The gap between the desired and observed fertility rates is a key indicator for the right to decide freely and responsibly the number of children to have, and, as noted in the information provided in this report in relation to article 12, that gap declined slightly between 2003 and 2008. The data in question, which undoubtedly require further analysis, reflect an increasingly marked tendency to decide how many children to have and hence indicate a notable improvement in the autonomy of Bolivian women.

424. Supreme Decree No. 0269 of 26 August 2009 regulates the issuance of birth certificates and of duplicate certificates free of charge for recipients of the Juana Azurduy mother-and-child subsidy, as well as the issuance of identity cards and their extension and renewal upon presentation of a photocopy of the original.

425. The improvements that support the protection of women's rights have been underpinned by the provisions of laws and decrees, such as Supreme Decree No. 0012 of 19 February 2009, on immunity from dismissal, and Supreme Decree No. 496, which guarantees immunity from dismissal for pregnant women and for parents of children under the age of one year. Supreme Decree No. 1212 of 1 May 2012 provides for two days' paternity leave to be taken by men, with a view to promoting the responsibility of fathers towards the family unit on an equal basis.

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