



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

Distr.: General
8 January 2020
English
Original: Spanish
English, French and Spanish only

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

**Seventh periodic report submitted by the Plurinational State
of Bolivia under article 19 of the Convention, due in 2019***

[Date received: 29 August 2019]

* The present document is being issued without formal editing.



Introduction

1. This periodic report – the seventh – is structured as follows: The first part provides a general description of the situation of women in the Plurinational State of Bolivia, and of the institutional framework and the policies to advance gender equity adopted or in the process of being implemented. The second part describes the progress made under each of articles 1 to 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and focuses on the observations made by the CEDAW Committee during its constructive dialogue on the combined fifth and sixth report (2015), taking into account the intermediate or midterm report presented in November 2017 and evaluated in 2018.¹ Also presented are updated statistical data and annexes containing information. The preparation of the report involved the executive, legislative, judicial and electoral branches, as well as social and civil society organizations. It includes the outcomes of the intersectoral panels organized by the Ministry of Justice and Institutional Transparency, through the Office of the Deputy Minister for Equal Opportunity and attended by representatives from the public and private sectors. The information gathered at these events was corroborated and supported using data and documents submitted by the competent authorities and matched against the commitments made in the Convention, particularly in relation to the concerns expressed by the CEDAW Committee.

Current general situation of women in Bolivia

2. Bolivia's overall population has been estimated to be 11,216,000; 50.7% women and 49.3% men. Within this total, 32.8%, or over 1.6 million, are women between 29 and 59 years of age, and 9.3% (over 465,000) are women aged 60 and over. Six out of ten women over the age of 15 are mothers, equivalent to 58.7%, or over 2,000,000. In 2018, the economically active population stood at 5,202,708; within that number, women of working age looking for a source of employment represent 49%. By 2017, out of a possible 100%, women accounted for 46% of the employed population, 43% of the salaried population and 53% of the self-employed population.² Broken down by type of household, single-parent households are predominantly (33.9%) constituted by and led by women, higher than the rate for men (7.2%); in contrast, male representation is quite high in nuclear households, at 36%, with the rate for women being 6.1%. The 2016 survey conducted in the country's nine departments, covering a total of 7,241 dwellings nationwide in both urban and rural areas, made it possible to measure the phenomenon of violence against women in the country and to contribute to the development of public policies to prevent, eradicate and punish this scourge.³

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 by means of Act No. 1100 of 15 September 1989 (instrument of ratification was deposited on 8 June 1990). It also signed the Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 10 December 1999 and ratified it by means of Act No. 2103 of 20 June 2000 (instrument of ratification was deposited on 27 September 2000). Both international instruments are part of the body of institutional law within the meaning of article 410 of the Bolivian Constitution and, pursuant to article 256 of that Constitution, they take primacy over the Constitution should they provide for more favourable rights.

² In 2018, through the gender-focused household survey, the National Statistical Institute gathered socioeconomic data from the 1976, 1992, 2001 and 2012 censuses, with information and tools useful for carrying out a time-based analysis of certain gender gaps and characterizing features of women and men in different areas of life in the country.

³ The Survey on the Prevalence and Characteristics of Violence against Women was organized in 2016 by the Ministry of Justice and Institutional Transparency and the National Statistical Institute.

3. In a demonstration of gender-gap reduction, 1,011,249 women have received title deeds as a result of land reclamation and are working to support their families (they account for 46% of the total number of title deeds issued). Women members account for 51% of the current Plurinational Legislative Assembly, 45% of department assemblies and 51% of municipal councils; women's representation in the Chamber of Deputies rose from 51.54% to 53.8% by 2018, as a result of the incorporation of three women legislators as officeholders. In 2018, out of 82,000 female students, 16,000 completed high school and earned their diplomas. Fifty-one per cent of the high school graduate population is female; educational coverage reached 73.5% at entry level, 95.7% at primary level and 84.1% at secondary level.⁴

4. The structural foundation of the State, in the shape of its Constitution, recognizes social and gender equity in participation (through article 8.II) as a fundamental value that should guide the State administration at all levels.⁵

5. The design, approval and implementation of the comprehensive public policy for a decent life for Bolivian women for implementation in the areas of justice, education, health, work, communication, security and culture, was led by the Ministry of Justice and Institutional Transparency. Noteworthy advances in the implementation of the Convention include the establishment of the Special Office for Combating Violence against Women and Children and the Ana María Romero Plurinational Service for Women and for Dismantling the Patriarchy.⁶

6. The most notable advances of 2019 included the launch of the list of “ten commandments” declaring the fight against femicide and violence against women, girls and female adolescents, through ten intersectoral pacts, under the slogan: “Let’s make a pact!”. Other landmarks in the ongoing drive to eliminate discrimination and violence against women include “Let’s Live Without Violence”,⁷ the recent approval of strategies to promote awareness-raising days to prevent violence, and compulsory training on preventing violence against women for public servants, military personnel and public-sector enterprises.⁸

⁴ Extract from the speech of the Constitutional President of Bolivia, Evo Morales Ayma (22 January 2019).

⁵ The Bolivian Constitution, as a guarantee of women's rights and in an effort to reduce the inequality, exclusion and discrimination that persisted and took root during the past history of the republic, establishes in its article 9.1, as an end and essential function of the State, “to establish a just and harmonious society, founded on decolonization, free of discrimination or exploitation, with full social justice, in order to consolidate plurinational identities”; article 11 defines the system of Government, adding “a democratic, participatory, representative and communal form of government, with equal conditions for men and women”. Article 14 establishes the principle of equality, prohibiting and punishing all forms of discrimination “(...) based on sex, colour, age, sexual orientation, gender identity, origin (...)”. Article 15 states “All persons, and in particular women, have the right not to suffer physical, sexual or psychological violence, in the family as well as in society” and article 26 states that political participation “(...) shall be equitable and under equal conditions for men and women”. More specifically, Article 45.V confirms the right of women to safe motherhood, with an intercultural vision and practice; article 66 guarantees the unrestricted exercise of their sexual and reproductive rights; article 79 specifies that education must promote gender equity, non-differentiation of roles, non-violence and the full observance of human rights; In Article 338, the State recognizes the economic value of household work as a source of wealth, and that it must be quantified in public accounts.

⁶ Supreme Decree No. 3774 of 16 January 2019 established the Ana María Romero Plurinational Service for Women and for Dismantling the Patriarchy and consolidated the status of the Special Office.

⁷ Adopted on 15 July 2019 (table entitled “Let’s Make a Pact, Let’s Live Without Violence” – Annex 1).

⁸ Supreme Decrees Nos 3980 and 3981, both issued on 15 July 2019.

7. The Act on Summary Criminal Procedure and Strengthening Measures to Combat Violence against Children and Women radically alters the system for the protection of women and the comprehensive fight to eliminate all forms of violence against women, incorporating new regulations and strengthening existing regulations.⁹ Also worthy of note are the obligation for public servants staffing the “Genoveva Ríos” Special Anti-Violence Force (FELCV) to obtain qualifications and training in violence prevention, and the establishment of the “ADELA” early warning system.¹⁰

8. The last five years have seen the adoption of a number of important items of legislation that are in the process of being applied and implemented. All are aimed at the recognition and translation into action of women’s rights and represent unprecedented progress in the history of the country.¹¹

Protective institutional and public policy framework for the exercise of women’s rights in Bolivia

9. The 2025 Bicentennial Patriotic Agenda (“Agenda 2025”), was built around 13 pillars and stands as the long-term development plan for the most significant steps for the empowerment of women.¹² These include the eradication of extreme poverty, socialization and universalization of basic services; and health, education and sport for the making of a whole human being. In connection with Pillar 1, the 2016–2020 Economic and Social Development Plan, in the framework of the path to comprehensive development for “living well”, provides: “The Plurinational State of Bolivia has generated conditions and opportunities to progress in the eradication of violence against women, as a springboard for the reduction of social and spiritual poverty”; the sectoral development plans and policies of the central authorities and autonomous territorial authorities make the eradication of all forms of violence against women and girls, the fight against extreme poverty, and the empowerment of women a supreme and unshakeable priority for Bolivia.¹³

10. The National Equal Opportunity Plan entitled “Women Building a New Bolivia for Living Well” is linked to these public policies; it is the product of consultation and corresponds to a vision in which “In 2020, Bolivia recognizes the contribution of women to the country’s development.¹⁴ 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, technological and heritage resources, and thus creates the conditions for living a life free from gender-based violence”.

11. In order to implement this plan, the Ministry of Justice and Institutional Transparency, as the body taking the lead role in this area, heads the Sectoral and Intersectoral Council¹⁵ “For a Life Free of Violence”, which in turn approved the

⁹ Act No. 1173, promulgated on 26 April 2019, with the aim of strengthening the mechanisms and measures for protection, prevention, investigation and punishment provided for in Acts 548 and 348, including those relating to special protection measures (which differ from precautionary measures and may result in preventive detention of an abuser who fails to abide by those special protection measures); preventing reoffending; facilitating the issuance of medical certificates and the effective collection of evidence; distinct criminal handling for women in custody; comprehensive resolution.

¹⁰ Supreme Decree No 3834 of 13 March 2019.

¹¹ (Table entitled “legislation in force regarding this subject” – Annex 1).

¹² Raised to the rank of a law (No 650 of 19 January 2015).

¹³ All linked to the Comprehensive State Planning System, brought into force by Act No 777 of 21 January 2016.

¹⁴ Approved by Supreme Decree No 29850 of 10 December 2008.

¹⁵ Executive instrument providing connection and coordination for the effective implementation of Acts 348 and 243, constituted on 5 March 2015 and in session until 2017.

2016–2020 Multisectoral Plan to Eliminate Patriarchalism and Promote Women’s Right to Live Well (Multisectoral Plan to Eliminate Patriarchalism)¹⁶ and the comprehensive public policy for a decent life for Bolivian women, among other mechanisms to address gender violence and discrimination against women.¹⁷

12. The Multisectoral Plan to Eliminate Patriarchalism covers economic, productive and labour matters and was established with the aim of generating the conditions for a life free of gender-based violence and of punishing the discriminatory practices of exclusion and deprivation of power, through institutional mechanisms and regulatory instruments.¹⁸ It determines that all policies, programmes and actions of the State, in its various manifestations and levels of authority, should include an effort to eliminate patriarchy and should make it possible to create the conditions for the recognition and respect of women’s rights in all areas.

13. The comprehensive public policy for a decent life for Bolivian women, meanwhile, has established for the State a goal to be achieved by 2020, namely that all bodies, autonomous territorial authorities and entities involved, must reduce the rates of violence against women and impunity of abusers, by building a culture of non-violence.

14. The Agenda to Eliminate Patriarchy and Promote Women’s Right to Live Well emerged from meetings of Bolivian women from the country’s nine departments and representatives of various social sectors and State institutions, who gathered to draw up this document focusing on political, economic, social and cultural rights, the right to information and communication, the rights of young women and the issue of justice and violence, with a view to bringing about structural change in society in all areas.¹⁹

15. For the purpose of monitoring compliance with all these measures, Coordination Councils were established to promote public policies in all areas, including the Sectoral and Intersectoral Coordination Council for a Life Free from Violence, the Sectoral and Intersectoral Coordination Council for Children and Adolescents, the Sectoral Coordination Council for a Decent Old Age, the Sectoral and Intersectoral Coordination Council for Persons with Disabilities, the Plurinational Council to Combat Trafficking in Persons and the Plurinational Youth Council.

16. The country’s autonomous administrative structure has also been used as a basis to generalize the obligation to promote strategies and actions for equity and equality of opportunities for men and women; the government of each department has established gender-focused entities and entities for the care and protection of victims. Also in operation are the municipal integral legal services and the Ombudsmen for Children and Youth. Laws with a gender perspective have also been adopted at the departmental and municipal levels; reception centres and temporary shelters for women and children who are victims of violence have been established, with staffing by specially trained multidisciplinary personnel.

17. The Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence with sociocultural connections (SIPPASE-VRG) was established as the public mechanism focusing on action against gender-based violence; it is one of the most significant lines of action undertaken with the

¹⁶ Inter-ministerial Resolution 02/2016 of the Sectoral and Intersectoral Council.

¹⁷ Supreme Decree No. 3106 of 8 March 2017 establishing the Inter-institutional Commission responsible for implementing the comprehensive public policy for a decent life for Bolivian women in the areas of justice, education, health, communication, security, culture and work.

¹⁸ 2016–2020 Multisectoral Plan to Eliminate Patriarchy and Promote Women’s Right to Live Well.

¹⁹ The Agenda was presented on 11 October 2018 in the city of Cochabamba and included the outcome of a national inclusive meeting of women.

State Academy for Judges, the State Academy for Prosecutors, the Police University and the Special Anti-Violence Force (FELCV) to develop a curriculum on gender-based violence.

18. The National Observatory for Citizen Security, which centralizes information on insecurity and violence and generates statistics for the development of public policies, the National Health Information System, the Geo-referenced Information System for Handling Complaints and Monitoring Cases, the Observatory for the Enforcement of Women's Rights and the Observatory for Democratic Parity are signals of progress in the area of monitoring.

19. There are 92 FELCV offices, overseen by the Bolivian Police, in the department capitals and El Alto, and 10 decentralized services; all are constantly bolstered using at least 5% of the budget allocated to the autonomous territorial authorities for public security in terms of infrastructure, equipment and technology.²⁰

Implementation of the Convention

Part I

Article 1

20. The sections above have listed and emphasized the constitutional and legislative progress made in fulfilling the international commitment to adopt the definition of "discrimination against women" as determined by the Convention. The combined fifth and sixth reports also explained that the constitutional framework in force since 2009, and its development through legislation, have made it possible to give concrete expression to this obligation assumed by the State.

Article 2²¹

Accountability mechanisms

21. Article 235, paragraph 4, of the Constitution made accountability an obligation for public servants, and Title VI of the Constitution²² established as a right of the sovereign people, developed through the Law on Participation and Social Control,²³ in which articles 33, paragraphs 5, 37 and 38 provide for the obligation of the State at all levels to periodically undertake demonstrations of public accountability to society in general and the those exercising social control in particular, in accordance with the procedure, modalities and frequency provided for in law. Article 10, paragraph 5, of the Transparency and Anti-Corruption Units Act²⁴ also specifies the functions of these Units, which all public sector entities and companies must establish, and consist in planning, coordinating, organizing and supporting the supreme executive authority in the public accountability process.

22. In accordance with article 15 of the Comprehensive Act on Guaranteeing Women a Life Free of Violence (Act No. 348),²⁵ the Ministry of Justice and

²⁰ Supreme Decree No. 29354 of 28 November 2007.

²¹ The Committee's observations (9, 11 and 19) include additional recommendations made in 2018 on paragraphs 19 (a) and (e).

²² Articles 241 and 242 of the Constitution.

²³ Act No. 341 of 5 February 2013.

²⁴ Act No. 974 of 4 September 2017.

²⁵ Act No. 348, the Comprehensive Act on Guaranteeing Women a Life Free of Violence, of 9 March 2013.

Institutional Transparency presented to civil society through the Deputy Minister for Equal Opportunity the results of the action and steps taken in 2018 to implement the conventions and laws governing women's rights.²⁶

23. With the same legal mandate, the Ministry of the Interior, as the sector lead department and the body responsible for generating policies on public security, and the Bolivian police, make yearly accountability reports, indicating concrete action taken to strengthen the prevention, investigation and punishment of acts of violence against women and preventive campaigns to disseminate the regulations and protocols governing the issue.

Implementation, training, awareness-raising, dissemination of the Convention and measures to eliminate all forms of discrimination against women

24. A campaign to disseminate and build awareness of the Convention, its Optional Protocol and the Committee's recommendations took place between October 2017 and June 2018, through various channels in the national government, sub-national governments, civil society, institutions, social organizations, indigenous peoples, justice officials and university students, gathering input on progress in implementing the observations and generating commitments for action.²⁷

25. Information and coordination meetings and departmental workshops were held with the autonomous departmental governments in La Paz, Cochabamba and Santa Cruz, and autonomous municipal governments in La Paz, Cochabamba and Sucre, mainly with department assembly members, municipal councillors, staff of gender and equal opportunities departments, staff of the municipal integral legal services and the Ombudsmen for Children and Youth, FELCV officials, the Public Prosecutor's Office and the Council of the Judiciary.

26. Meetings, in-depth interviews, a national workshop and an inter-institutional workshop were held with officials responsible for gender or similar issues in the Ministries of Education, Justice and Institutional Transparency, Cultures and Tourism, Health, Communication, Labour, Employment and Social Security, Economy and Public Finance, Development Planning, Rural Development and Land, Productive Development and the Plural Economy, Defence and the Plurinational Legislative Assembly.

27. Information and coordination meetings and workshops were held in advance with civil society in the form of women's and mixed organizations, anti-violence networks, bar associations, non-governmental organizations, local university federations, student centres, law and social work professionals, the Association of Councillors of La Paz, Cochabamba, Santa Cruz, Chuquisaca, sexual diversity organizations and journalists.

28. A total of ten workshops, totalling 628 participants, were held: one national workshop in La Paz, four departmental workshops in Santa Cruz, Cochabamba, La Paz and Sucre, two workshops with indigenous peoples in Camiri and Santa Cruz – Andrés Ibáñez, one workshop with universities in La Paz, one intersectoral workshop with ministries in La Paz and one workshop with the FELCV. All these events raised awareness of the history, content and meaning of the Convention and the Optional Protocol, the Committee's recommendations, the mapping of inter-institutional responsibilities, the analysis of progress: laws, plans and programmes, and commitments to action for local and national implementation.

²⁶ (Table entitled "CEDAW awareness-raising" – Annex 1).

²⁷ Through the "Building Tools" project led by the Ministry of Justice and Institutional Transparency, 13 August 2018.

29. The State Academy for Judges provided a vehicle for training activities for judges and tribunal members on policies relating to the Convention and its Optional Protocol and on women's human rights in all judicial areas.²⁸ This resulted in a virtual course with partial face-to-face instruction entitled "Why judge with a gender perspective?" conducted in 2017 in six districts by women facilitators from the Office of the United Nations High Commissioner for Human Rights (OHCHR). The high rate of participation of the judicial authorities confirmed that the judicial branch has an institutional policy of gender equality, aimed at incorporating gender and human rights approaches in all actions and areas, and at all levels of the administration of justice, and at establishing an organizational culture that guarantees reciprocal relations of respect in diversity and harmony between men and women.

30. All public and private universities have incorporated international law and human rights into their curricula; The available postgraduate courses also include these subjects, pursuant to article 24, section I, of Act 348. A Diploma course in international and national law relating to the combating of structural violence is currently being evaluated. Also available are the third version of a similar Diploma course relating to the prevention of gender violence, taught by the Police University, and a Diploma on the same subject taught by the Plurinational School of Public Management.

31. Work to raise women's awareness of the recognition and exercise of their rights is permanently ongoing, and takes the form of disseminating printed, digital and audiovisual material that seeks to promote the eradication of all forms of violence and discrimination against women. Act No. 348 is being promoted and disseminated through the "Bring Your Rights to Life" communication strategy. A Protocol for reporting on gender-based violence against women was also printed and publicized as part of a campaign for violence-free journalism. In recent years, campaigns have taken place to promote women's rights, and to combat gender violence and machismo. Most of the materials produced emphasize various sections of Act No.348 and other standards through specific campaigns and special events.²⁹

32. During 2018, a wide variety of audiovisual advertising materials were produced and disseminated; one example was the widely-distributed material spreading awareness of the Summit of Women Parliamentarians in Cochabamba. The radio station Illimani Patria Nueva produced five multimedia clips on the subject of combating violence against women. Targeted communications projects for the advancement of women and the training of journalists were undertaken. The issues of dismantling the patriarchy and of decolonization were made cross-cutting subjects of the "Atando Cabos" ('connecting the dots') programme broadcast daily on Radio Revolución, part of a chain of 90 radio stations debating the political situation and providing coverage throughout the nine departments of the country, in connection with dismantling the patriarchy in daily news.³⁰

33. The current policies led and executed by the Ministry of Justice and Institutional Transparency include a community based rehabilitation programme which constitutes the strategy to achieve rehabilitation, equal opportunities, poverty reduction and social integration for persons with disabilities, in their own communities, and with priority given to women with disabilities.³¹ Also being implemented is the 'community education at home for persons with disabilities' programme of the Ministry of Education, the aim of which is to contribute to education and humanist

²⁸ Council of the Judiciary of Bolivia, CITE OF DPCM N° 932/2019.

²⁹ Ministry of Communication, MC-VPC-DGIG-VGIG.INF-0071/2019.

³⁰ (Table entitled "Dissemination of Advertising Material – Annex 1).

³¹ Office of the Deputy Minister for Equal Opportunity, Directorate-General for Persons with Disabilities, Internal Note MJTI-VIO-DGPCD N°249/2019.

technical instruction for persons with disabilities; that includes adjustments, adapted methods and institutional educational materials to give persons with disabilities discrimination-free access to education.

Access to justice and legal remedies, establishment of specialized courts

34. Twenty-three courts dealing with anti-corruption and violence against women, three civil and criminal examining courts dealing with violence against women, one sentencing court dealing with anti-corruption and violence against women, and two criminal sentencing courts dealing with anti-corruption and violence against women have been established nationwide.³² Additionally, in the provinces, the criminal courts deal with cases of violence against women as a matter of priority.³³

35. To facilitate accurate and direct communication between women and the judicial authorities, article 115 of the Judiciary Act provides for the establishment of a yearly public roster of experts, interpreters and translators, who must prove their suitability in accordance with the rules of procedure for the register of experts, interpreters and translators; the provisions expressly include the eventuality of indigenous women facing judicial proceedings, thus guaranteeing communication between the speaker and the listener (between the woman and the judge).³⁴ Interpreters and translators providing services specifically for indigenous women are available nationwide. However, these services are not available in all courts: in the case of the Agricultural and Environmental Court, interpreters are not required, because the Judiciary Act obliges actual or prospective judges in that court to speak the dominant language of the place or region where the related functions are exercised.

Training of judges and other public servants

36. Programmes of academic study for a number of professions have been adjusted to accommodate the exercise of judicial, and judicial and administrative, support roles. In accordance with article 220 of the Judiciary Act, the State Academy for Judges was conceived as a decentralized entity for the technical training of judicial officials. The Council of the Judiciary, meanwhile, approved the regulations on the judicial profession which govern the institutional posts in the Judiciary by determining the selection processes for judges of the ordinary and agricultural and environmental courts; the regulations establish equality and gender criteria for judicial appointments.

37. The Judiciary (Supreme Court of Justice, Agricultural and Environmental Court and Judiciary Council) has put into effect the protocol for mainstreaming a gender perspective in court judgments.³⁵ The State Academy for Judges has developed training activities for judges and tribunal members on policies relating to the Convention and its Optional Protocol and on women's human rights in all areas.³⁶ During the virtual courses implemented in 2016, 2017, 2018 and the present year (2019), effective connections were established with more than 15 countries in Central and South America. In addition, the Plurinational Constitutional Court held a seminar on "Decolonizing Gender and Constitutional Justice" in November 2017.³⁷

³² (Table entitled "Establishment of courts dealing with violence against women" – Annex 1).

³³ Council of the Judiciary, Report CM-JNPG No. 45/2019.

³⁴ Act No. 025 of 24 June 2010.

³⁵ Full Chamber Agreement 126/2016, SP.TA Agreement No 23/2016 and Agreement No 193/2016.

³⁶ Information received from the judiciary, Cite: Pres. No 344/2019.

³⁷ Information submitted by the Plurinational Constitutional Court, CITE: TCP-DESP-PRES-PFC 0756/2019.

Strategies and steps to prevent violence against women

38. The priority attached to the development of a strategy to prevent violence against women was addressed with the creation of the Inter-Institutional Commission responsible for implementing the comprehensive public policy for a decent life for Bolivian women, and its objective was fulfilled in October 2017 with the presentation of the content and development of this strategic instrument.

39. The 2022 Action Plan provides a road map, goals, strategies and actions to be implemented in the period to 2022. It is based on a matrix approach that incorporates action areas, competencies and the types of violence that women face.³⁸ Leadership is provided by an Inter-institutional Commission made up of the highest executive authorities (Ministers) of the Ministries of Justice and Institutional Transparency, Education, Health, Communication, Government, Cultures and Tourism, Labour, Employment and Social Security, responsible for approving, strengthening and/or updating this policy every five years.³⁹

40. The annex to the comprehensive public policy for a decent life for Bolivian women sets out three strategic lines of action: (a) building a culture of a life free of violence for Bolivian women; (b) building networks of specialized comprehensive services; and (c) building the institutional framework for comprehensive public management.⁴⁰

41. In the framework of Act No. 348, the Ministry of Justice and Institutional Transparency is serving as the competent body for generating policies to prevent, address and punish of all forms of violence and discrimination against women; since 28 February of the current year, the issuance of gender-based violence certificates has been entrusted to the Judiciary Council, the judiciary's administrative and disciplinary body, which is also responsible for certifying criminal records.⁴¹

42. Since its establishment in 2014, SIPPASE-VRG⁴² has built specialized instruments for action against violence and developed an information system aimed at strengthening the 339 municipalities and nine governorates in the country and the bodies that are directly involved in prevention, care, protection, prosecution, punishment and reparation of harm to women in situations of violence, such as FELCV, the Public Prosecutor's Office, the specialized courts dealing with violence, the Plurinational Comprehensive Judicial Services and the Plurinational Service for Assistance to Victims and indirect bodies such as the Ministries of Health, Education, Cultures and Tourism.

43. Specialized instruments for action against violence were implemented, designed and executed in 2015 by experts on the subject; awareness-raising was conducted in 2016 by a team specialized in women's human rights. This constitutes a model for dealing with gender violence.⁴³ Also in 2015, the autonomous departmental

³⁸ It plans to develop a range of actions focusing on prevention, including information, communication, advocacy and mobilization, to contribute to a culture of peace and rights that eliminates patriarchal practices that normalize violence against women; creating conditions to care for and protect women experiencing violence, until the abusers are punished, according to the appropriate procedures, in order to eliminate impunity; outcome indicators will be used to monitor the actions.

³⁹ Supreme Decree No. 3106 of 8 March 2017, article 3, paragraph III.

⁴⁰ Submitted by the Inter-institutional Commission in 2017.

⁴¹ Act No. 1153 of 25 February 2019.

⁴² Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence.

⁴³ (Table entitled "awareness raising for instruments to combat gender violence" – Annex 1).

governments of Chuquisaca and Cochabamba issued regulations on the declaration of alerts to combat violence against women.⁴⁴

44. Plan 175, entitled “Meeting the People” and implemented by the Ombudsman’s Office aims to promote compliance with minimum human rights standards for the protection and care of women in mainly rural municipalities, in order to identify progress and obstacles that prevent the implementation of mechanisms for dealing with political harassment and violence, violence against women, and care of children and adolescents; as well as economic and financial issues connected with the exercise of economic, social and cultural rights. It seeks to promote respect for, and protection of, rights. The methods used are awareness-raising and training, the establishment of a network of human rights communicators, the conclusion of agreements with community radio stations and the handling of complaints.⁴⁵

Allocation and training of human resources

45. In collaboration with the State Academy for Judges, the State Academy for Prosecutors, the Police University and FELCV, SIPPASE-VRG has created a curriculum to develop specialized sentencing, investigation and reporting skills, with a focus on gender-based violence, in response to the need for a “Specialized Training Programme on Gender-based Violence”.⁴⁶

46. To date, public administration officials have been offered three diploma courses (two in the city of La Paz and one in the city of Cochabamba) on policies and procedures for dealing with gender-based violence, and around 200 government employees have completed the course.

47. The Plurinational Constitutional Court heard a case on femicide and violence against women, which was resolved by Plurinational Constitutional Court decision (SCP) 0062/2015 of 16 July. As part of its interpretative role and task of guaranteeing the protection of human rights, the Court regularly establishes precedents aimed at safeguarding women’s rights and takes a cross-cutting approach to analysing the problems raised (SCP 0010/2018 of 28 February). There are also normative standards of protection and jurisprudence in place concerning the rights of children and adolescents (SCP 0019/2018-S2 of 28 February) and the protection of girls and female adolescents in criminal proceedings (SCP 0394/2018-S2 of 3 August).

Investigations, sanctions and strengthening of mechanisms and actors involved

48. The Plurinational Comprehensive Judicial Services have 27 offices nationwide that provide legal guidance and sponsorship, and extrajudicial conciliation services. They handled 258 cases in 2015; 4,167 in 2016; 4,877 in 2017; and 8,940 in 2018.

49. Legal aid services were provided in 517 cases in 2015; 2,926 in 2016; 2,813 in 2017; and 2,637 in 2018.

50. Since March 2013 (the year Act No. 348 was enacted), a record has been kept of the number of femicide cases,⁴⁷ criminal proceedings during the preliminary and preparatory investigation stages and court cases that are under way.⁴⁸ The Bolivian Police also records the number of complaints of violence against women made at the

⁴⁴ (Table entitled “legislation of the autonomous departments” – Annex 1).

⁴⁵ (Table entitled “Plan 175: Ombudsman’s Office” – Annex 1).

⁴⁶ (Table entitled “Specialized gender training programme modules” – Annex 1).

⁴⁷ (Table entitled “Femicide cases” – Annex 1).

⁴⁸ (Table entitled “State of femicide 2013–2019” – Annex 1).

national level, by year and age, from 2015 to the present day, as well as the number of femicide cases, also by year and age.⁴⁹

51. Under the *nomen juris* “Prohibition of Conciliation”, Act No. 348 expressly prohibits conciliation with regard to the reported facts or to the life and sexual integrity of the victim, if they have been placed at risk. It also provides that no institution that handles complaints, nor the staff of that institution, can encourage conciliation or formulate agreements between a woman and her abuser, under pain of liability.⁵⁰

52. In its role as a constitutional body responsible for addressing and proposing solutions to conflicts, the Office of the Ombudsman received allegations of violence against women, mainly concerning the right to personal integrity, psychological integrity, physical integrity, sexual integrity, maternity protection, labour rights and guarantee of due process, brought against private individuals, the Bolivian police, the Public Prosecutor’s Office and the judiciary, in that order. The Observatory for the Enforcement of Women’s Rights was re-established with the aim of ensuring social control mainly through the Public Prosecutor’s Office and the judiciary, and it has a large database to monitor such cases.⁵¹

53. Of the total resources allocated to public security by the autonomous territorial authorities, at least 5 per cent were allocated to FELCV for infrastructure, equipment, technology and strengthening of the police force.⁵² In the period 2015–2019, it was assigned a budget of Bs. 190,000 solely for equipment. As a result of an agreement signed with the Embassy of Denmark for the implementation of the thematic programme entitled “Exercise of Rights and Access to Justice”, it received a budget of Bs. 14,462,513 for the period 2016–2018.⁵³

54. The Division of Mobile Units for the Care of Victims of Violence was included in the organizational structure of FELCV. The units, supported by the regional directorates, provide prevention services and handle complaints in rural areas in coordination with other police units. The 36 platforms that assist victims of violence operate in permanent integrated police stations in urban areas and in mobile stations in rural areas.

55. Training and awareness-raising courses are regularly held on women’s rights, discrimination and violence, including an induction programme for staff joining FELCV; a training course for instructors in combating violence against women and families; and courses on forensics, the FELCV protocol for dealing with cases under Act No. 348, quality care for victims of gender-based violence, containment techniques, qualifying facts, interview techniques, taking police statements, preparing police investigation reports, the geo-referenced computer system and quality care for women in situations of violence.⁵⁴

56. The Public Prosecutor’s Office set up 23 specialized prosecutors’ offices within each department to provide priority attention. It also designed and implemented several documents and instruments to facilitate the handling of cases of violence against women, including protocols for forensic medical assessment in sexual crimes; specialized forensic medical care in violence against women; specialized forensic psychological care for women victims of violence; and criminal prosecution in cases

⁴⁹ Bolivian Police, Sgral.Cmdo.Gral.CITE:N°1131/19.

⁵⁰ Article 46 (Prohibition of Conciliation), Act No. 348.

⁵¹ Information from the Office of the Ombudsman, according to note DP/AVEDH No. 307/2019.

⁵² Supreme Decree No. 2610 of 25 November 2015, amending Supreme Decree No. 2145.

⁵³ Bolivian Police, Sgral.Cmdo.Gral.CITE:N°1131/19.

⁵⁴ Bolivian Police, Sgral.Cmdo.Gral.CITE:N°1131/19, report No. 094/2019, FELCV National Directorate.

under Act No. 348.⁵⁵ The Forensic Research Institute has 68 professionals who provide specialized care for victims and perform autopsies.

Article 3⁵⁶

Strengthening public policies with the inclusion of civil society in their design and implementation

57. As the lead entity for gender, with responsibility for the design and implementation of public policies aimed at eliminating all forms of discrimination against women, the Ministry of Justice and Institutional Transparency, through the Office of the Deputy Minister for Equal Opportunity,⁵⁷ prepares, issues and disseminates mandatory public sector regulations, including at the departmental level through the departmental gender directorates or units and, at the municipal level, the municipal integral legal services, victim support services and the local Ombudsman for Children and Youth.

58. The vision set forth in the National Equal Opportunity Plan,⁵⁸ as a State policy, 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, technological and heritage resources, and thus creates the conditions for living a life free from gender-based violence”. The National Equal Opportunity Plan lays out a development strategy with six distinct themes.⁵⁹

National machinery for the advancement of women

59. As part of the implementation of the National Equal Opportunity Plan, the Agenda to Eliminate Patriarchalism and Promote Women’s Right to Live Well led to the establishment of the first special cabinet to combat violence against women and children. In addition, the Ana María Romero Plurinational Service for Women and for Dismantling the Patriarchy was created as a decentralized public-law entity with its own assets and administrative autonomy, designed to monitor, follow up and assess compliance with public policies aimed at dismantling the patriarchy.

60. Its main functions are to monitor, follow up and assess compliance with the relevant regulations and public policies; promote, propose and recommend the creation of public policies aimed at dismantling the patriarchy and mainstreaming economic, political, social, cultural, communication and other rights; coordinate with the sector’s leading agencies in the preparation and implementation of programmes and projects for women’s access to employment, credit, land, technology, information, public and other services that promote the full enjoyment of women’s rights; provide support in publicly relevant cases of violence against women; coordinate with the relevant bodies to provide social support for women, girls, adolescents, older women, imprisoned women, women with disabilities and other women in vulnerable situations; and promote coordination and exchanges with women in a position of power at the central, departmental, regional, municipal and campesino indigenous levels and with social, trade union and grassroots organizations with a view to implementing public policies. It finances its activities with resources

⁵⁵ Public Prosecution Service, REF. Reply to record MJTI-DESP No. 407/19.

⁵⁶ Recommendation of the Committee contained in paragraph 13.

⁵⁷ Supreme decree No. 29894 of 7 February 2009, on the organization of the Executive Branch.

⁵⁸ Approved by Supreme Decree No. 29850 of 10 December 2008.

⁵⁹ (Table entitled “Themes of the National Equal Opportunity Plan” – Annex 1).

from the National Treasury, internal or external credits and/or donations and other sources of funding.

Article 4⁶⁰

Temporary special measures to accelerate substantive equality between men and women

61. The obligation set out in article 4 refers to temporary measures. In compliance with this provision, the State has implemented policies and legislative measures to accelerate equality between men and women. These policies and measures primarily consist of affirmative actions that promote equal opportunities for women facing structural inequalities. Temporary measures require political participation and capacity-building and will therefore be developed in articles 7, 10, 11 and 12.

Article 5⁶¹

Strategies to eliminate stereotypes, patriarchal attitudes and discriminatory practices against women

62. The Office of the Deputy Minister for Decolonization, under the Ministry of Cultures and Tourism, was created to address patriarchal attitudes and gender-based stereotypes, with powers to develop policies for the prevention and eradication of all forms of discrimination, racism, xenophobia and cultural intolerance. The General Directorate for Combating Racism has also been set up, under which the Depatriarchalization Unit is responsible for “dismantling the patriarchy in 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”, thus making 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.

63. The Permanent Council of the National Committee against Racism and All Forms of Discrimination approved the 2016–2020 Multisectoral Plan of the Plurinational State of Bolivia to Combat Racism and All Forms of Discrimination,⁶² aimed at improving the quality of life of vulnerable population groups, in accordance with the Economic and Social Development Plan and the 2025 Patriotic Agenda. In addition, the “Routes for Depatriarchalization” programme was launched in the fourth quarter of 2018.⁶³

64. The “Gender Plan in the Defence Sector”,⁶⁴ prepared under the Ministry of Defence, set out seven legal instruments as guidelines for action: the Gender Council within the defence sector; mainstreaming of Act No. 348 within disciplinary regulations of the armed forces; a protocol for dealing with cases of mobbing, harassment and sexual harassment at work in the defence sector; a protocol for dealing with cases of domestic violence in the defence sector; an administrative manual for gender units in the armed forces; a manual of good practices on administrative

⁶⁰ Recommendation of the Committee contained in paragraph 15.

⁶¹ Recommendation of the Committee contained in paragraph 17.

⁶² Approved by resolution of the Special Session of the Permanent Council CN-No. 001/2016 on 7 December 2016.

⁶³ Ministry of Culture and Tourism MDCyT-VD-DESP. No. 108/2019.

⁶⁴ Ministry of Defence, report DG.DD.HH E INT.FF.AA. No. 09/2019.

language with a gender perspective in the defence sector; and an inspection guide on gender in the defence sector.⁶⁵

65. The Comprehensive Multisectoral Development Plan-Plurinational Plan for Children and Adolescents was created to guarantee the full enjoyment of children's rights, with intersectoral tasks undertaken by the public and private sectors at all levels of the State.⁶⁶ The plan was the outcome of an interactive dialogue among committees for children and adolescents of the nine departments, representatives of the executive branch, the autonomous departmental governments, autonomous municipal governments, civil society and other institutional representatives.

66. In October 2017, the campaign entitled "Being a Girl. Towards the Equality, Protection and Empowerment of Girls and Adolescents" was launched to raise awareness among the general population of the problems faced by girls and female adolescents and the manner in which they are exposed to various forms of discrimination, social disadvantage and even violence.

67. The National Meeting of Women for the Agenda to Eliminate Patriarchalism and Promote Women's Right to Live Well was held in Cochabamba on 11 October 2018, concluding with the adoption of seven central themes: political rights; economic rights and poverty eradication; social rights; cultural rights and identity; justice and eradication of violence; the right to information and communication; and young women's rights.

Article 6⁶⁷

Evaluation of the trafficking situation: policies, strategies and awareness policies

68. In order to tackle trafficking, the National Conference on Combating Human Trafficking and Smuggling was institutionalized in 2018 as a local meeting to be held annually at the national, departmental and municipal levels, under the auspices of the Ministry of the Interior, in cooperation with the Office of the Deputy Minister for Public Security and the Directorate-General for Combating Human Trafficking and Smuggling.⁶⁸

69. The progress and achievements of the Plurinational Council to Combat Human Trafficking and Smuggling⁶⁹ include the adoption of the Plurinational Policy to Combat Human Trafficking and Smuggling, which was the first instrument on the subject, the National Plan to Combat Human Trafficking and Smuggling 2015–2019 and the Comprehensive Multisectoral Development Plan to Combat Human Trafficking and Smuggling 2016–2020.⁷⁰

70. The National Plan to Combat Human Trafficking and Smuggling, which was the instrument for the first cycle involving the creation and inter-institutional development of State policy in that area, provided a synthesis of the progress made in setting up indicators, research studies and specialized trafficking and smuggling

⁶⁵ Adopted by Ministerial Decision No. 840 of 3 November 2016.

⁶⁶ The Plan was approved on 7 April 2007 at the five-yearly Congress on the Rights of Children and Adolescents.

⁶⁷ Recommendation of the Committee contained in paragraph 21.

⁶⁸ In compliance with Act No. 263 of 30 July 2012.

⁶⁹ The highest coordinating and representative body responsible for formulating, approving and implementing the plurinational policy to combat human trafficking and smuggling and related offences in a manner that is in line with the principles of gender and generational and intercultural equality.

⁷⁰ Ministry of Government CITE:MG-DESP No. 1099/2019.

units at all levels of the State.⁷¹ It was updated at the end of 2016 with the adoption and launch of the Comprehensive Multisectoral Development Plan to Combat Human Trafficking and Smuggling 2016–2020,⁷² focusing on multi-year and inter-institutional planning and based on eight initiatives that were aligned with the framework policies. Resulting from a national dialogue, the inter-institutional participation plan aims to contribute to a significant reduction in trafficking, smuggling and related crimes, which is one of the goals of the Economic and Social Development Plan, in the framework of the path to comprehensive development for “living well”.

71. The National Plan to Combat Human Trafficking and Smuggling sets out prevention, care and criminal prosecution measures with a gender, generational and equity approach to promoting respect for human rights, through the following actions: awareness-raising and education on combating human trafficking and smuggling; generation of conditions for victim reintegration; safeguarding of rights; training of judicial officials and administrators; prompt and effective justice in cases of human trafficking and smuggling; promotion of international coordination mechanisms against human trafficking and smuggling; production and management of knowledge; and creation of an institutional environment conducive to combating human trafficking and smuggling.

72. In addition, the Plurinational Council to Combat Human Trafficking and Smuggling, with the support of the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP) began the final external evaluation process for the Plurinational Policy for 2013–2017, with the purpose of analysing and assessing its design and effectiveness with a gender, human rights, generational and intercultural perspective.

73. Since 2013, the Council has presented annual reports on the progress made in implementing the policy, in accordance with its legal mandate.

74. To raise awareness of trafficking in persons in rural areas, the campaign “One informed person is one less victim” was run in 2016 and 2019, with around 20,000 people taking part in over 20 activities. In 2018, border and rural activities were organized, including prevention work with community defenders in La Paz and Oruro to combat human trafficking and smuggling, educational campaigns at events organized by the Ministry of the Interior and the Chamber of Deputies, and the hosting of multisectoral fairs.⁷³

75. In reviewing the penalties applied to the victims of human trafficking and smuggling, it is necessary to assess the national and case-by-case context in each situation, given that cases have been identified in which victims of such crimes, through fraudulent conduct, have committed the crime of using forged documents (identity card, birth certificate, passport and others), which carries a sentence of between one and six years’ imprisonment. However, in such cases the rules of criminal procedure provide for alternative solutions, plea deals or other legal mechanisms to reduce sentences and allow defendants, who are also the victims of trafficking and smuggling, to be promptly released. Migrants who present fake or forged documents are simply deported from Bolivian territory. This may be an option in order to avoid applying the aforementioned penalty of imprisonment.

76. The Bolivian Migration Act does not use the term “illegal migration” to describe migrants who are in Bolivian territory without authorization to reside (temporarily or permanently) in the manner that it is applied in other countries. Instead, it describes

⁷¹ By Council Resolution CPCTTP No. 003/2015.

⁷² By Council Resolution CPCTTP No. 001/2017.

⁷³ Act No. 263, Supreme Decree No. 1486 and Act No. 264.

their situation as “irregular”.⁷⁴ In other words, the illegal situation of migrants is not penalized; instead, their irregular situation is regulated following the procedures and modalities set out in the applicable norms.

77. International cooperation was also established in this area, with the signing of bilateral cooperation agreements with Peru, Argentina and Paraguay on human trafficking and smuggling and illegal trafficking in migrants. Proposals for agreements with Chile, Brazil, Uruguay and Russia are also on the agenda. The preventive campaign “Not all dreams cross the border” was launched in cooperation with Peru, a neighbouring country. Participation in the joint commissions against drugs and related crimes was encouraged. The joint commissions held discussions on combating human trafficking and transnational crimes related to drug and arms trafficking, and important agreements were reached with Chile and Brazil to combat that scourge.

78. The Regional Project for Capacity-Building to Combat Human Trafficking and Smuggling, developed with the participation of Bolivia, Peru, Chile, Brazil, Colombia and Paraguay, includes a diploma course, national and international technical working groups, simulated trials on trafficking in persons in Colombia and the exchange of experiences and good practices for combating those crimes.⁷⁵

79. There are a number of instruments aimed at assisting victims: a single protocol of specialized care for victims of human trafficking and smuggling and a procedure for intervention; a protocol for the repatriation of Bolivian victims of trafficking and smuggling; a guide to migration action for the early detection of situations of human trafficking and smuggling and protection mechanisms; a programme for the employment of victims of human trafficking and smuggling crimes; and a manual for investigations into human trafficking and smuggling crimes.

Part II

Article 7⁷⁶

Participation of women in political and public life; statutory quotas; combating stereotypes in politics; specialized programmes; sanctions

80. Women’s participation in political and public life is visible in Bolivia, which has a higher proportion of women in parliament (52.4 per cent) than any other country in South America. Following the 2014 national elections, Bolivia became the third most equal country in the world, only ahead of Rwanda, which has over 61 per cent of women parliamentarians, and Cuba, which is in second place with 53.2 per cent. Two important aspects had a bearing on those results: (a) the exercise of the right to vote, with 49 per cent of men and 51 per cent of women on the electoral roll (according to the figures for the period up to 2017); and (b) the exercise of the right for women to stand for election.

81. In the first six months of the present Government’s term of office, prominent young women were elected as President of the Agricultural and Environmental Court, President of the Senate and to fill the role of Ombudsman. Also, and for the first time, primary elections were held to select presidential candidates for the 20 October 2019 national elections.

⁷⁴ Act No. 370 of 8 May 2013.

⁷⁵ Ministry of Government CITE:MG-DESP No. 1099/2019.

⁷⁶ Recommendation of the Committee contained in paragraph 23.

82. The Political Organizations Act was passed to promote and protect women's political participation in decision-making forums. In addition to regulating the constitution, functioning and internal democracy of political organizations, the Act provides for the establishment of a system to dismantle the patriarchy within political organizations with a view to promoting parity and alternation, equal opportunities and the implementation of affirmative action through an internal body as part of its decision-making structure.⁷⁷ It requires political parties to make a declaration of principles that includes respect for the political rights of women and rejects racism and all forms of discrimination. Internal democracy must respect democratic and parity procedures, the latter being guaranteed in the nomination process.

83. At the internal level, political organizations must apply plurinationality, interculturality, parity, equality, diversity and institutional and political pluralism, while combating racism and all forms of discrimination. Failure to comply with the principle of parity and alternation between women and men in the drawing up of lists of candidates for electoral processes, delegations, leaderships or others, as well as failure to prosecute and/or punish cases of very serious political harassment and violence, proven by an enforceable criminal judgment, are classified as serious violations.⁷⁸

84. The adoption of key electoral regulations⁷⁹ on gender parity and equity led to the creation of the Gender Unit, under the Bolivian Supreme Electoral Court, and the adoption of an Institutional Strategic Plan 2016–2020, with strategic guidelines geared towards deepening intercultural and parity democracy.

85. The Observatory for Democratic Parity,⁸⁰ which deals with political participation, compliance with parity and women's political rights in representative, participatory and community democracy, has made it possible to disseminate the national and international regulatory framework, monitor the progress made in women's political participation, promote studies and research, create forums for debate and reflection, draft reports and facilitate the monitoring and oversight of harassment and political violence, among others. From January 2016 to June 2019, a total of 133 women councillors filed complaints or resigned owing to political harassment and violence, and seven departmental assembly members and one native indigenous campesino authority, making up a total of 141 women, used the mechanisms created to assert their rights.

86. The Act against Political Harassment and Violence⁸¹ includes mechanisms to support and protect women who experience political harassment and violence and to prevent such cases. The rules for handling resignations and complaints of harassment or political violence submitted by women who are standing for election, have been elected or are exercising a public or political role were approved, setting out the

⁷⁷ Act No. 1096 of 1 September 2018.

⁷⁸ Act 243 aims to establish mechanisms to prevent, address and punish individual or collective acts of political harassment and/or violence against women, in order to ensure that women can fully exercise their political rights.

⁷⁹ (Table entitled "Electoral regulations on parity and gender" – Annex 1).

⁸⁰ Publicly launched on 8 March 2017, soon after, it was successfully developing and processing indicators on parity, political rights, political participation in political organizations and electoral processes, and political harassment and violence, which were published on the website of the electoral branch.

⁸¹ Supreme Decree No. 2935 of 5 October 2016, the goal of which is to establish strategies, mechanisms and procedures for the implementation of Act No. 243.

procedures for handling such cases at the national, departmental and municipal levels.⁸²

87. The “Campaign for Women to Remain in Office without Facing Political Harassment or Violence” was launched over the radio and on social media: two radio broadcasts were created and broadcast in Spanish, Aymara and Quechua on nine radio stations in all departments in the country; social media banners were created; and posters were distributed with substantial information on the procedures adopted. In order to raise awareness of the relevant regulations, eight workshops were held in which 823 women members of assemblies, councillors and representatives of political and women’s organizations took part. The First National Meeting for the Exchange of Experiences on Women’s Participation in the Process of Building Indigenous Autonomies (2017) was also organized.⁸³

Article 8⁸⁴

Equality and full access to international state representation

88. As reported in the combined fifth and sixth periodic reports, the rule on 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.

89. Article 266 of the Bolivian Constitution refers to gender parity and equality and the exercise of the same rights by men and women, stipulating that “the representatives of Bolivia to supranational parliamentary bodies emerging from integration processes shall be elected by universal suffrage”.

90. On the subject of gender equity, it is stipulated in article 12 of the Act on Direct Election of Representatives to Supranational Parliamentary Bodies⁸⁵ that, under the Constitution, direct election of representatives to supranational parliamentary bodies shall respect and ensure gender equity and equal opportunities for women and men.

Article 9

91. The recommendations set out in the combined fifth and sixth periodic reports were duly followed, and the right to retain one’s nationality of origin in all cases has been consolidated in articles 141 and 143 of the Constitution.

⁸² Approved by Supreme Electoral Court resolution TSE-RSP-ADM- No. 0158 of 3 May 2017, which covers all the departmental electoral courts and the Supreme Electoral Court, through Chamber secretaries and advisors, who in addition to registering cases, provide advice to the denouncing or resigning authorities and monitor the respective cases.

⁸³ EPO-ESO-UG Report No. 06/2019 sets out six strategic themes: (i) institutionalization of parity democracy in the Plurinational electoral branch; (ii) system for the monitoring and follow-up of the advancement of women’s political participation; (iii) system for protection and follow-up of political harassment and violence; (iv) strengthening of women’s political participation and representation; (v) inclusion of parity democracy in the political system (political organizations); and (vi) democratization of social organizations and the private sector with the aim of contributing to the full exercise of women’s political rights in all their diversity and plurality, with a view to strengthening democratic parity.

⁸⁴ Recommendation of the Committee contained in paragraph 23 (a).

⁸⁵ Act No. 716 of 13 July 2015, amending Act No. 522.

Part III

Article 10⁸⁶

Information on women’s access to education, special programmes, assessments and surveys on dropout rates, stereotypes and protective measures against sexual violence

92. The 2016–2020 Sectoral Plan for the Comprehensive Development of Education to Live Well and the Avelino Siñani-Elizardo Pérez Act led to the development of educational policies with a decolonizing, depatriarchalizing intracultural and intercultural approach to ensure comprehensive training for women and men, valuing and respecting their differences, as well as the enjoyment of fundamental rights in all areas.⁸⁷ Implemented on the basis of the productive social and community education model with a gender perspective in the three areas: ordinary, alternative and special and higher, one of the most important achievements are changes to the ordinary-, university- and post-university-level curriculum.

93. A system of educational statistics and indicators, aimed at conducting assessments on access and retention of students in the plurinational education system; especially in the mainstream education and alternative and special education subsystems, has been implemented through the Ministry of Education, in order to design and execute educational and social public policies to ensure the realization of the right to education.⁸⁸ The database information is generated through the registration or update form or the uniform student registration system completed by students at the beginning of every school year in order to design and execute educational and social public policies.⁸⁹

94. According to the system, in 2018 for every 100 students matriculated in mainstream education only 3 dropped out, and although the highest dropout rate is for males, the right to equitable education prevails because for every 100 boys, 87 attend school and for every 100 women, 88 did so in 2019.

95. For every 100 students, 95 were promoted in the mainstream education system; women accounted for 51 per cent of graduates in 2018. If the information is reviewed by gender, both men and women have improved their status; however, women reflect greater success after completion of their studies. Not only does sustained growth in the number of students completing secondary education reveal a greater number in the system, but success on completion of their studies is becoming greater and greater.

96. As regards the solidarity scholarship programme, pursuant to current regulations,⁹⁰ private universities that provide professional education in the country, whether at the bachelor’s or higher technical level, must provide cash grants equivalent to 10 per cent of the total of its students, in the same conditions as the institutes and academies that issue graduation certificates at the pre-university and higher technical level; such incentives are distributed in coordination with social organizations.⁹¹

⁸⁶ Recommendation of the Committee contained in paragraph 25.

⁸⁷ Act No. 070 of 20 December 2010.

⁸⁸ Ministry of Education, NE/DGP/UPIIP No. 103/2019.

⁸⁹ (Table entitled “Statistical systems, educational indicators” – Annex 1).

⁹⁰ Supreme Decree No. 23425 of 15 March 1993.

⁹¹ Confederación de Pueblos Indígenas de Bolivia (CIDOB), Confederación Sindical Única de Trabajadores Campesinos de Bolivia (CSUTCB), Trade Union Confederation of Intercultural Communities of Bolivia (CSCIB), National Council of Ayllus and Markas of Qullasuyu (CONAMAQ), “BS” CNMCIQB CONAFRO and Bolivian Workers Centre (COB), and other organizations.

97. Similarly, another more recent regulation⁹² provides for 100 postgraduate scholarships for professionals who maintain academic excellence in strategic, productive and health areas in the world's most prestigious universities. They cover the most important expenses, such as matriculation, tuition, airline tickets, monthly stipend and research expenses. Upon completion of their studies, the professionals must provide their professional services in public enterprises, public entities and tertiary-level hospitals and fourth-level institutes, for twice the duration of the study grant they received.

98. Indigenous women have access to education through 350 private-university scholarships a year for young students from low-income backgrounds that the Ministry of Education provides to social, indigenous and aboriginal and Afro-Bolivian organizations.

99. In order to promote and strengthen the higher education of campesino native indigenous and Afro-Bolivian students, a modality "B" was introduced for direct admission to teacher training colleges, aimed at graduates of the plurinational education system who are from campesino native indigenous nations or peoples or intercultural and Afro-Bolivian communities. Twenty per cent of the total number of places in the specialities open to graduates under modality "B" are allocated to those students with such ties who have obtained the best averages in the final four years of study of Productive Community Secondary Education in a rural State or charter school.

100. Under article 93 of the Constitution, indigenous universities have been established and are currently operating in three strategic regions of the country. The universities have launched professional and preferential training for young people from campesino native indigenous nations or peoples.⁹³ These universities teach courses related to productivity and community development: agronomy of the high plateau, textile industry, animal husbandry, veterinary science, the food industry, tropical agronomy, forestry, fish farming, veterinary science, hydrocarbons, forestry and eco-friendly fish farming.

101. Administrative and remedial measures were implemented under the Social Programme of Support for Socially Disadvantaged Students in the Mainstream and Alternative and Special Education Subsystems to enable school dropouts to return to education, depending on age and educational level.⁹⁴

Article 11⁹⁵

Women's access to formal employment, managerial and leadership positions, awareness-raising campaigns, system for complaints and redress, child labour

102. Women's access to formal, and/or transition from informal, employment is being promoted cross-sectorally. As a result, according to information from the Ministry of Productive Development and the Plural Economy, no effort has been spared to incorporate the gender perspective and depatriarchalization into institutional management, by creating an institutional history based on gender mainstreaming on the basis of a range of actions.⁹⁶

103. A gender strategy to empower women in the productive, industrial and commercial sectors was presented in 2018 and applied in all the agencies and

⁹² Supreme Decree No. 2100 of 1 September 2014 and Supreme Decree No. 3178 of 10 May 2017.

⁹³ (Table entitled "Indigenous Campesino Universities" – Annex 1).

⁹⁴ Established by Ministry of Education Decision No. 275/2014.

⁹⁵ Recommendation of the Committee contained in paragraph 27.

⁹⁶ (Table entitled "Incorporating a Gender Approach" – Annex 1).

enterprises under the umbrella of the aforementioned Ministry of Productive Development and the Plural Economy. The activities scheduled under the National Urban and Peri-urban Agriculture Programme included women's participation as part of achieving the goals of improving food and nutritional security and income generation in poor households in urban and peri-urban areas of the country. This programme, applied nationwide, also brings a gender focus to family productive units among the campesino native indigenous peoples.⁹⁷ It was implemented in seven departments, with financing allocated and drawn from the budget of the Autonomous Departmental and Municipal Governments. As at 2017, 1,499 women entrepreneurs, 80 per cent of the project's total number of beneficiaries, have received support in vegetable production.

104. The gender perspective is also being strengthened in the Regulations for the Authorization and Use of the Made in Bolivia and Bolivian Social Seals which, in relation to the gender issue, stipulate "that the activities carried out by productive units must be carried out in accordance with Act No. 045 against Racism and All Forms of Discrimination and Act No. 348, which prohibit any discriminatory practice and the use of any form of violence within productive units that violate the economic, social and cultural rights of persons, because of gender".⁹⁸

105. The Technological Revolution in Education programme has been in effect since 2014 and 187,776 Kuaa computers have been delivered to students nationwide, including 89,569 women, 47% of the total, as at 14 September 2018. A guide to corporate social responsibility has been adopted to implement socially responsible practices in the social, environmental and economic spheres in productive manufacturing units,⁹⁹ incorporating aspects related to the focus on gender.

106. ProBolivia¹⁰⁰ is working on a project to empower and improve the quality of life of women in the northern Amazonian region. The project has a gender perspective, aimed specifically at the socioeconomic empowerment of women in the productive sector.

107. In addition, a biscuit manufacturing programme has been introduced at the Empresa Boliviana de Almendra y Derivados (Bolivian Brazil Nut and Derivatives Company – EBA)¹⁰¹ through its corporate social responsibility unit. Operating since late in 2014, the programme has resulted in one contract and five agreements. In 2018, five more agreements were signed that comply with all quality standards and highlight the Company's commitment and responsibility.

108. Other progress in this field may be seen in the "My first decent job" programme, the Employment Support Programme, phases I and II, and the Employment Generation Plan, all under the Ministry of Labour, Employment and Social Security. The "My first decent job" programme aims to help poor unemployed young women

⁹⁷ See Ministry of Productive Development, report INF/MDPyEP/DGP No. 0183/2019 E-MDPyEP/2019-05151.

⁹⁸ Adopted by a Joint Decision of the Ministry of Productive Development and the Plural Economy and the Ministry of Rural Development and Land, on 9 November 2016.

⁹⁹ Ministry of Productive Development and the Plural Economy, Department of Medium and Large-scale Industrial Production, Administrative Decision No. 001/ 2018.

¹⁰⁰ Established by Supreme Decree No. 29727 and aimed at promoting change in the national production matrix by increasing the value added to primary production, technological transformation, increased productivity and diversification of production and greater generation of surpluses and income in artisanal, agro-industrial, manufacturing and industrial production, by participating in creation, consolidation, modernization and technification in all of the country's urban and rural productive units.

¹⁰¹ An agency strategic to the Bolivian Amazonian region created by Supreme Decree No. 225 of 29 July 2009, responsible for leading the Brazil-nut collection, production and commercialization process.

and men between 19 and 29 years old to find their first jobs, by improving their employability through training and internships. As at 2014 it had benefited 2,590 women.

109. The Employment Support Programme, in both of its phases, helps those over 18 years of age who are seeking a first job to find work in the economic and productive units of the private sector. The benefits of phase I of the programme reached 19,580 people and phase II aimed to benefit 21,000 people over 18 years of age. The scope of the programme is nationwide and it is operating in the country's nine departmental capitals, plus the city of El Alto.

110. Finally, the Employment Generation Plan aims to combat unemployment and generate employment opportunities through 5 programmes, namely: the Seed Capital Fund, the Urban Infrastructure Programme, the Programme for the Protection and Strengthening of Areas of Production and Incentives for Hiring Employees in Public Procurement. This Plan also implements the Labour-Market Participation Programme, which offers significant incentives to companies that hire young people between the ages of 17 and 26 who have not finished secondary school and tradespersons with or without academic training and/or work experience, between the ages of 17 and 35. Forty-nine per cent of the people registered in this Plan are women, of whom 48 per cent were helped to join the ranks of the employed.

111. With regard to the promotion of women to managerial positions, a real commitment has been made to truly dismantle the patriarchy through concrete actions implemented by the Ministry of Labour, Employment and Social Security.¹⁰² Another important result in terms of equivalence and equal opportunities is the fact that in the elections for the high authorities of the judiciary and particularly the agricultural and environmental courts held in 2017, out of the 5 members of the plenary of the Agricultural and Environmental Court, for the first time 3 are women. Indeed, in 2019 one of them presided over the Court.¹⁰³

112. In accordance with Act No. 243, new criminal offences were introduced; these included political harassment against women and political violence against women, punishable by prison terms of 2 to 5 years and 3 to 8 years, respectively. Conciliation in crimes of political harassment and/or violence is expressly prohibited.

113. Two important steps have been taken in relation to complaints of harassment: (a) The establishment of the Intrainstitutional Committee on Gender and Depatriarchalization, with the general objective of mainstreaming the gender and depatriarchalization approach throughout the Ministry of Labour, Employment and Social Security so that it can be applied in all annual operating programming activities; and (b) A pilot plan to guarantee women sources of employment free from all forms of violence, which has been implemented through the establishment of focus groups with women civil servants from the Ministry, with the ultimate aim of replicating it in other State institutions, so as to ensure that the public sector is a safe place for Bolivian women.

114. With regard to domestic workers and remedies for filing complaints, under the premise that all Bolivian women have the right to a decent life and work, Bolivia has ratified International Labour Organization Convention No. 189 concerning decent work for domestic workers, adopted on 16 June 2011 by the 100th International Labour Conference.¹⁰⁴ Ratification of that international instrument entailed assuming responsibility for guaranteeing domestic workers such basic rights as daily and

¹⁰² (Table entitled "Actions taken by the Ministry of Labour, Employment and Social Security" – Annex 1).

¹⁰³ Agro-Environmental Court, Report UDNYGJ No. 33/20169.

¹⁰⁴ Ratified by Act No. 309 of 20 November 2012.

weekly rest hours (at least 24 hours), a minimum wage and holidays. In this connection, specific actions are coordinated with domestic workers' trade union sectors to ensure the dissemination of their rights.

115. With regard to the minimum age for access to employment, article 129.I of the Children's and Young Persons' Code establishes the minimum age for work at 14 years. It is important to note that the exceptional application of article 129.II, which authorized the work by children aged from 10 to 12, was declared unconstitutional on 21 July 2017 by SCP No. 0025/2017 of 21 July 2017, which also abrogated other related provisions that allowed children under 14 to work.¹⁰⁵ As a result, in the light of the binding and mandatory nature of the decisions and judgments of the Plurinational Constitutional Court, established in article 203 of the Constitution, article 130 and article 131; article 132.VI; article 133.III and article 133.IV; article 138.I and article 138.II; article 140, subparagraph (b); and subparagraphs (f) and (g) of article 188 of Act No. 548 were amended, striking references to minors aged from 10 to 12.¹⁰⁶

Article 12¹⁰⁷

Mortality rate, obstetric, sexual and reproductive health care for women; decriminalization of abortion

116. With regard to measures to reduce the maternal mortality rate, efforts are being made to guarantee effective access to health services for all women through welfare policies geared towards wealth redistribution. Of note is the Universal Maternal and Child Insurance scheme, which up until this year has been providing universal and free health benefits to women during pregnancy and up to six months after childbirth and to children under the age of 5. The Single Health System Act was introduced to expand free health care coverage, also including additional women in need of sexual and reproductive health care, pregnant foreign women, older women and women with disabilities.¹⁰⁸ Through this scheme, free health coverage is progressively being offered to all Bolivian women and men, including those who are not insured under social security, such as those in the informal sector of the economy, where there are large numbers of women.

117. Pre-natal and neo-natal care coverage also grew in urban and rural areas, strengthened by the Juana Azurduy subsidy and the Universal Prenatal "For Life" Subsidy, which contribute to the health of pregnant women and nursing mothers. Older women receive the "Carmelo" dietary supplement.

118. Public policies were also formulated, such as the "Accelerated Reduction of Maternal Death" policy, that included a national diagnosis related to the subject of maternal morbidity and mortality surveillance. As a result, 2018 was declared the "Year for Monitoring Perinatal and Neonatal Maternal Mortality".¹⁰⁹ That year, 700,899 pregnant women were given full doses of iron. Throughout the country, 80,060 obstetric drugs, magnesium sulfate, calcium gluconate, oxytocin and misoprostol were donated and distributed in line with pre-established distribution protocols.¹¹⁰

¹⁰⁵ Act No. 548 of 17 July 2014.

¹⁰⁶ Act No. 1139 of 20 December 2018.

¹⁰⁷ Recommendation of the Committee contained in paragraph 29(a) and new recommendations issued by the Committee after assessment of the follow-up to subparagraphs 29(b) and (c).

¹⁰⁸ Act No. 1152 of 20 February 2019, amending Act No. 475 and Act No. 1069.

¹⁰⁹ Ministerial Decision No. 944 of 17 December 2017.

¹¹⁰ Ministry of Health MS/DPCH/CE/833/2019.

119. All but one of the nine departments constantly analyse and coordinate efforts in maternal and neonatal health; 300,000 perinatal clinical records have been updated and distributed to the nine Departments; 78,537 pregnant women and 37,728 post-partum women had access to initial oral hygiene consultations in 2016 (followed by 83,269 pregnant women and 37,078 postpartum women in 2017 and 618,485 pregnant women and 33,786 post-partum women in 2018); and preventive activities were conducted for women under 60.

120. A campaign to distribute contraceptives was launched in the country's nine departments, with a total investment of Bs 1,926,334. Eight hundred health professionals and technicians in the nine departments received training in contraceptive technology, with an investment of Bs 875,000; educational outreach materials (samples and leaflets) on contraceptive methods were distributed, also in the nine Departments, to focus groups (adolescents and young people), an investment of Bs 350,000. In addition, 38,000 booklets and leaflets containing information on informed consent and sexual and reproductive rights were produced and distributed in the country in compliance with the operative part of the judgment issued by the Inter-American Court of Human Rights, in the case *I.V. v. Bolivia*.

121. Pursuant to article 266 of the Consolidated Text of the Bolivian Criminal Code,¹¹¹ under the nomen juris permissible abortion, no penalty shall apply when an abortion has been the result of an offence of rape, abduction not followed by marriage, statutory rape or incest. There is also no punishment if the abortion was carried out for the purpose of preventing a danger to the life or health of the mother and if such danger could not be avoided by other means. In both cases, the abortion must be performed by a doctor, with the consent of the woman.

122. The technical procedure for the provision of health-care services in the framework of SPC 0206/2014¹¹² was implemented, taking into account the fact that the constitutional judgment extends the grounds for legal abortion, eliminates the need for legal authorization for the legal practice of an abortion when the pregnancy was the result of acts classified as crimes, namely, sexual assault, pregnancy resulting from sexual intercourse with a relative or pregnancy of a minor with an adult. In these cases, the victim is authorized to have the pregnancy terminated upon submission of a copy of the complaint to the competent authorities. Furthermore, the judgment confirms that abortions performed in cases of pregnancies that pose a risk to the health and life of the pregnant woman shall not be punishable.

123. Since 2018, the Ombudsman's Office has intervened in eight cases of lawful termination of pregnancy, subject to the above-mentioned SCP 0206/2014 judgment and the technical procedure for the provision of health-care services, the protocol being complied with in all cases.

Article 13¹¹³

Economic empowerment of women

124. As regards strengthening its programmes to combat poverty, the Government of Bolivia can report that a Productive Development Bank (BDP) has been established which, among its principles, recognizes gender equity in the distribution of resources for productive investment, a principle which is reflected in the allocation of 50 per

¹¹¹ Approved by Supreme Decree No. 0667 of 8 October 2010.

¹¹² Approved by Ministry of Health Decision No. 0027/2015.

¹¹³ Recommendation of the Committee contained in paragraph 31.

cent of all economic resources to women.¹¹⁴ In 2018, 11,202 women received general technical assistance, (12,577 men received such assistance that year). Between 2015 and 2018, workshops were held on financial education, productive and commercial management and climate change, with a total of 76,249 participants, 44 per cent of them women and 56 per cent, men.

125. Specific financial programmes were implemented that benefit women, such as the Seed Capital Fund, in which a large number of women entrepreneurs, technicians and professionals, and micro and small production units, received basic funding for micro and small productive units; the Women Heads of Household Credit, aimed at strengthening women's productive activities throughout the country and improving their income; Manufacturing and Processing, aimed at men and women producers in the manufacturing sector and activities involving the transformation of raw materials into processed goods; and Agricultural Credit, designed to support all activities involving cultivation and agricultural production in general, livestock raising and obtaining products of animal origin, marketing and services linked to agricultural activity.

126. The Act on Employment and Financial Assistance for Persons with Disabilities¹¹⁵ stipulates that at least 4 per cent of the staff of public sector institutions must be persons with disabilities or family members or guardians caring for disabled minors or persons with severe or very severe disabilities. This provision also extends to the private sector, with the obligation to employ at least 2 per cent of total staff. Article 2.V of the aforementioned legal norm contains a guarantee of immunity from dismissal for such persons.

127. A Pilot Programme for the Inclusion of Persons with Disabilities in the Labour Market is being implemented, with the aim of incorporating this population group in positions in the private sector. Also, phase II of the Employment Support Programme includes women with disabilities among its target population. The aforementioned Act on Employment has also established the obligation for autonomous municipal governments to grant a monthly stipend financed with resources from the autonomous municipal authorities and the National Solidarity and Equity Fund.

128. Through the Ministry of Energy,¹¹⁶ programmes are being implemented that directly benefit women, such as the Renewable Energy-Based Rural Electrification Programme; the Access to Electrical Energy and Renewable Energy Project, the Renewable Energy Programme; the Rural Electrification Programme, and the Harvesting Water, Sowing Light Programme. Through access to electrical power, women benefit by having more time for their education, mainly girls, adolescents and young people, and to conduct other productive economic activities.

129. The State Housing Agency, an entity under the Ministry of Public Works, Services and Housing, carries out concrete and specific actions to benefit women and women heads of household throughout the country with social housing programmes.¹¹⁷ Over the last five years (from 2014 to 2018), 38,426 women have received housing settlements and 8,889 women heads of household, single mothers, received social housing.

¹¹⁴ Information submitted by the Productive Development Bank, established by Supreme Decree No. 28999 as a financial entity of the Central Government, in the framework of the National Development Plan, which stipulated that national productive development shall focus on promotion and financing based on solidarity and encouragement, by facilitating financing in line with the production cycle of the various sectors and regions.

¹¹⁵ Act No. 977 of 26 September 2017.

¹¹⁶ Ministry of Energy, CITE: MEN-02212/VMEEA.

¹¹⁷ Ministry of Public Works, Services and Housing.

Article 14¹¹⁸**Access to land, protection of rural women's interests, basic services and infrastructure, health care, education, public transportation, food, sanitation and opportunities**

130. Access to land for rural women constituted and remains one of the most significant aspects of progress in terms of economic rights and combating extreme poverty and the constitutionalization of women's right to own land, benefiting original indigenous campesino women through the consolidation, on their behalf, of productive heritage. A large number of rural women, including girls and young women, work in the agricultural and livestock sector, making women and their relationship to the land a key element in guaranteeing food sovereignty, one of the main factors in overcoming poverty in the country.

131. From 2015 to 2018, a total of 399,202 women¹¹⁹ were granted title deeds in accordance with the principle of equity in the distribution, administration, tenure and use of land to benefit women, pursuant to the Community-Based Agrarian Reform Renewal Act.¹²⁰

132. In the framework of the productive community social economic model, women benefited from land endowment and titling, and this measure is coupled with the results of water access, risk mitigation and climate change programmes. These programmes include the "Pachamama" Universal Agrarian Insurance scheme, to provide insurance coverage for losses to agricultural production. In the period between 2014 and 2018, the central Government developed and successfully implemented versions 3, 4 and 5 of the MIAGUA (my water) Programme and the Más Inversión para RIEGO (more investment for irrigation) Programme, directly benefiting women.¹²¹

133. As a result of these efforts, in rural areas basic services are being provided through the MIAGUA and MIRIEGO programmes, which have made it possible to cover the needs for access and quality in the provision of drinking water and sanitation services, as well as productive and agricultural needs, guaranteeing food sovereignty. Additionally, under the Cosechando Agua Sembrando Luz (harvesting water, planting power) programme, water service coverage was increased in rural areas. The following programmes are also important: the Conservation and Sustainable Use of Agro-Biodiversity to improve Human Nutrition in 5 Macro-Regions Project; and the National Programme for the Conservation and Sustainable Use of the Vicuña (vicugna vicugna). and the National Programme for the Conservation and Sustainable Use of the Caiman (caiman yacaré).

Indigenous and Afro-Bolivian women

134. With reference to the prior consultation procedure, article 30.II.15 and article 32 of the Constitution grant campesino native indigenous nations and peoples, as well as Afro-Bolivian people, the right "to be consulted through appropriate procedures, and in particular through their institutions, whenever legislative or administrative measures likely to affect them are planned. In this framework, the right to obligatory prior consultation by the State, in good faith and in a mutually agreed manner, regarding the exploitation of non-renewable natural resources in the territory that they inhabit shall be respected and guaranteed".

¹¹⁸ Recommendations of the Committee contained in paragraphs 33, 35 and 37.

¹¹⁹ (Table entitled "Women's allocation of land" – Annex 1).

¹²⁰ Act No. 3545 of 28 November 2006.

¹²¹ Ministry of the Environment and Water, Despacho No. 0861/2019.

135. Pursuant to those articles, on 29 July 2012, the Ministry of Public Works, Services and Housing and the Ministry of the Environment and Water undertook the prior consultation of the indigenous peoples of the Isiboro Sécure Indigenous Territory and National Park to determine whether or not this should be a protected area and to establish the position regarding the construction of the Villa Tunari-San Ignacio de Moxos highway, and also to define accurately the safeguards for the Indigenous Territory and National Park designed to prohibit and immediately evict from the illegal settlements, respecting the borders of the area in question, in accordance with article 4 of the Act.

136. In its Article 9 the Act establishes the stages of the consultation process, which include the preparation of the timetable and protocol for the consultation, the collection of information, prior notification, dissemination of the consultation and the provision of information, before the later installation and consultation with the Mojeño-Trinitario, Chimane and Yuracaré peoples, and the immediate presentation of the results, including the signing of minutes of conclusions and the notification of decisions.

137. As a result of this first prior, free and informed consultation, out of 69 indigenous communities in the area, 57 rejected protection and 55 accepted the construction of the Villa Tunari-San Ignacio de Moxos highway,¹²² 1 community requested a continuation of the protection and 3 expressed their opposition to the highway. Such consultations are an appropriate mechanism for the assertion of collective rights.

138. In accordance with General Assembly resolution 68/237, in 2016 the period from 2015 to 2024¹²³ was declared the Decade for Bolivian People of African Descent. The goals of the Decade include the protection and realization of the human rights of people of African descent, through the promotion of greater respect for cultural diversity and stronger legal frameworks. It calls for concrete measures to combat racism, taking into account the particular situation of Afro-Bolivian women and girls.

139. The Plan of Action for the Decade has also been implemented, focusing on the three themes of recognition, justice and development. As part of the Plan, intensive campaigns will be designed and disseminated to respect Afro-Bolivian women, with an emphasis on mainstreaming gender and sexuality and preventing the obstetric violence suffered by Afro-Bolivian women and combating harassment and political violence.

Migrant and refugee women

140. In order to address human trafficking and other transnational crimes, the Bolivian Police identified 39 vulnerable spots on Bolivia's borders in order to combat and neutralize transnational organized crime and assist with border security by supporting the Strategic Operational Command and other competent institutions.

141. Through the Ministry of Justice and Institutional Transparency, a Guide to Migration Action for the Early Detection of Situations of Human Trafficking and Smuggling and Protection Mechanisms, an instrument approved on 25 February 2016, is being applied to establish guidelines for migration action at the national level for the prevention of the crimes of trafficking and smuggling of persons, the early

¹²² Act No. 180 of 24 October 2011 on the Protection of the Isiboro Sécure Indigenous Territory and National Park – TIPNIS was repealed by Act No. 969 of 13 August 2017, on the Protection and Integral and Sustainable Development of the Isiboro Sécure Indigenous Territory and National Park – TIPNIS.

¹²³ Pursuant to Act No. 848 of 27 October 2016.

detection of possible victims, the identification of presumed traffickers and/or smugglers, the application of protection mechanisms, as well as the recording of this information, for application by the Directorate-General of Migration, which carries out migration operations to control the entry and exit of nationals and foreigners into and from Bolivian territory, and others who assist in these operations, such as the officers of the migration control police unit.

142. This mechanism can be implemented for all potential victims of the crimes of human trafficking and smuggling without discrimination on the basis of sex; colour; age; sexual orientation; origin; culture; nationality; citizenship; language; religious belief; marital status; economic, social or health status; profession; occupation or trade; level of education; different abilities; pregnancy status; irregular migration status in the case of foreign persons; and other grounds intended to undermine the recognition, enjoyment or exercise of rights recognized in the Constitution and international law.

143. With reference to consular support abroad for Bolivian women, girls and female adolescents,¹²⁴ a total of 186 women have been repatriated: 56 from Chile, 42 from Brazil, 30 from Spain, 22 from Argentina and 16 from Italy. These cases come under three categories: repatriation of mortal remains, minors and persons in vulnerable situations.

Part IV

Article 15

144. The paragraphs above have reported and reiterated the constitutional and legislative progress made towards meeting the international commitment to acknowledge that women and men are equal under the Convention. The combined fifth and sixth reports also explained that the constitutional framework in force since 2009, and the statutes to which it has given rise, have made it possible for Bolivia to fulfil this obligation.

Article 16¹²⁵

Marriage and family relations

145. Specifically with reference to the age of marriage, it should be noted that the current Family and Family Procedure Code provides that persons may freely enter into marriage or a free union once they reach the age of majority at 18, and exceptionally provides for adolescent girls and boys to enter into marriage or free union at 16, provided that they have the permission of those exercising parental authority, guardianship or tutelage or, in the absence of such authorization, of the competent authority, with the possibility of the authority annulling refusals.

¹²⁴ Ministry of Foreign Affairs, report VGIC-DGAC-UPC-Ni-292/2019.

¹²⁵ Recommendation of the Committee contained in paragraph 39.