



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

Distr.: General  
25 February 2022  
English  
Original: Spanish  
English, French and Spanish only

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

**Eighty-second session**

13 June–1 July 2022

Item 4 of the provisional agenda

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

**Replies of the Plurinational State of Bolivia to the list of issues  
and questions in relation to its seventh periodic report\*\*\***

[Date received: 8 July 2021]

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

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Women's access to justice

1. Under Act No. 045 of 8 October 2010, against racism and all forms of discrimination, complaints alleging sex- or gender-based discrimination can be filed through constitutional, administrative or disciplinary and/or criminal proceedings.

2. Complainants may also file their claims before the National Committee against Racism and All Forms of Discrimination, which will refer the case to the appropriate entities. A protocol for the receipt, processing and punishment of cases of racism and all forms of discrimination in the public administration was drawn up for that purpose, and the following resolutions were adopted to facilitate its implementation: CN-No. 004/2016, which provides that public and private institutions shall establish procedures for disciplinary administrative processes in coordination with the National Committee; and CN-No. 002/2016, by which use of the protocol in the public administration at the central and local levels is approved. There are departmental committees against racism and discrimination within the country's nine departments.

3. In Supreme Decree No. 4401 of 26 November 2020, measures for equal opportunities in access to employment and remuneration, and equal treatment at work, for women and men, are promoted in order to help to eliminate the wage gap.

4. The Supreme Court of Justice has been working on disaggregating the various reasons for which discrimination and racism have occurred. Since 2017, the State Judicial Academy has organized seven national and international courses on the subject, attended by 9,338 justice officials<sup>1</sup> (see annex 1).

5. Youth student brigades and awareness-raising workshops have been organized by the National Committee against Racism and All Forms of Discrimination in order to encourage women who face discrimination to file a report.

6. The Special Anti-Violence Force is organizing training for Bolivian police officers; awareness-raising activities for children and adolescents, public and private institutions, alternative education centres, social organizations and neighbourhood councils, among others; and fairs, campaigns and events for the general public (see annex 2).

7. The Ministry of Justice and Institutional Transparency has developed the following for persons with disabilities:

- Continuing training processes.
- Access plan for persons with disabilities and a training manual for justice officials.

8. The Special Anti-Violence Force established the Adela Zamudio Registry and Early Warning System, which was created by Supreme Decree No. 3834 of 13 March 2019 and has been used within the Force's nine departmental and two regional directorates since July 2019. Pursuant to Act No. 1173 of 3 May 2019, on summary criminal procedure and strengthening measures to combat violence against children, adolescents and women, a new computer system was developed, comprising a single complaint form.

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<sup>1</sup> State Judicial Academy. Accountability reports, 2017, 2018, 2019 and 2020. Available at <https://eje.gob.bo/page/adjuntos>.

## Impact of the pandemic on women's rights and gender equality

9. The Ministry of Justice and Institutional Transparency prepared the following instruments, aimed at the general public, to address cases of violence during the pandemic:

- Guidelines for women in situations of gender-based violence during the coronavirus disease (COVID-19) lockdown.<sup>2</sup>
- Guide on creating networks in neighbourhoods and communities to combat violence.<sup>3</sup>

10. The Special Anti-Violence Force launched the “Save this number now” campaign, for which it reinforced the toll-free line 800-140-348 and set up WhatsApp hotlines as mechanisms for preventing, reporting and responding to cases of violence. The Force also adopted a biosecurity protocol; organized training for its staff and received supplies donated by the United Nations Population Fund (UNFPA), among others;<sup>4</sup> and implemented the “Special Anti-Violence Force Recommends” platform for conducting online activities (see annex 3).

11. Supreme Decree No. 4399 of 26 November 2020,<sup>5</sup> amending Supreme Decree No. 2145 of 14 October 2014, regulating the Violence-Free Life for Women Comprehensive Act (Act No. 348 of 9 March 2013), was approved to strengthen the mechanisms for prevention, care and protection of women in situations of violence.

12. One of the significant measures set out in Supreme Decree No. 4399 is that the Ministry of Justice and Institutional Transparency will prepare a preliminary draft law to amend Act No. 348, for which it will receive and systematize proposals and promote forums for discussion, awareness-raising and consensus with public institutions that respond to and provide protection from acts of violence, and punish such acts, and with civil society organizations working to end violence against women. The process is currently under way.

13. The Ministry of Education signed a framework cooperation agreement with the Ministry of Justice and Institutional Transparency to outline and design educational policies with the Ana María Romero Plurinational Service for Women and for Dismantling the Patriarchy.

14. The following financial stimulus and support measures are aimed at mitigating the socioeconomic effects of the pandemic:

- Family grant, established by Supreme Decree No. 4197 of 18 March 2020<sup>6</sup> and Supreme Decree No. 4210 of 8 April 2020.<sup>7</sup>

<sup>2</sup> Available at <https://www2.unwomen.org/-/media/field%20office%20americas/documentos/publicaciones/2020/04/guia-violencia-comprimido.pdf?la=es&vs=3701>.

<sup>3</sup> Office of the Deputy Minister of Communication, The Ministry of Justice and the Swiss Agency for Development and Cooperation present a guide to promote community and neighbourhood networks to eradicate violence against women (2020). Available at <https://comunicacion.gob.bo/?q=20201012/30942>.

<sup>4</sup> With the support of Plan International, Diakonia and the Swedish Embassy.

<sup>5</sup> Official Gazette of Bolivia (2020), Supreme Decree No. 4399 (25 November 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1334NEC>.

<sup>6</sup> Official Gazette of Bolivia, Supreme Decree No. 4197 (18 March 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1247NEC>.

<sup>7</sup> Official Gazette of Bolivia, Supreme Decree No. 4210 (8 April 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1258NEC>.

- Financing for central government entities and autonomous territorial entities, provided under Supreme Decree No. 4205 of 1 April 2020.<sup>8</sup>
- Family basket, established by Supreme Decree No. 4200 of 25 March 2020.<sup>9</sup>
- Universal grant, established by Supreme Decree No. 4215 of 14 April 2020.<sup>10</sup>
- Advance payment of the 2020 dignity income bonus established by Supreme Decree No. 4303 of 31 July 2020,<sup>11</sup> authorizing the payment of the bonus to people over 60 years of age on an exceptional basis.<sup>12</sup>
- Juancito Pinto grant.
- Hunger grant, established by Act No. 1330 of 16 September 2020.<sup>13</sup>
- National Employment Reactivation Programme, established by Supreme Decree No. 4272 of 23 June 2020.

15. The following measures were taken to protect the health and labour rights of pregnant women, elderly women and mothers with children up to 5 years of age:

- By Joint Ministerial Decision No. 01/2020 of 13 March 2020, the Ministry of Health and Sports and the Ministry of Labour, Employment and Social Security laid down special working conditions.
- In Supreme Decree No. 4196 of 17 March 2020, preventive measures were established.
- By its communiqué No. 14/2020 of 8 April 2020,<sup>14</sup> the Ministry of Labour, Employment and Social Security prohibited the unjustified dismissal of workers during full lockdown.
- In Ministerial Decision No. 229/2020 of 18 May 2020, special leave was granted to the risk group comprising persons over 65 years of age and pregnant women.<sup>15</sup>
- In Supreme Decree No. 4451 of 13 January 2021, telework was established as a preferential option for people in vulnerable situations.<sup>16</sup>

16. The following measures were adopted to ensure women's access to sexual and reproductive health services during the pandemic:

- Protocol for the treatment of pregnant women during the COVID-19 pandemic.<sup>17</sup> In Ministerial Decision No. 0282 of 2020, the Ministry of Health set out specific guidelines for providing adequate, efficient, high-quality and

<sup>8</sup> Official Gazette of Bolivia, Supreme Decree No. 4205 (1 April 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1256NEC>.

<sup>9</sup> Official Gazette of Bolivia (2020), Supreme Decree No. 4200 (25 March 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1250NEC>.

<sup>10</sup> Official Gazette of Bolivia, Supreme Decree No. 4215 (14 April 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1259NEC>.

<sup>11</sup> Official Gazette of Bolivia, Supreme Decree No. 4303 (31 July 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1295NEC>.

<sup>12</sup> Public Long-term Social Security Management Body, Final public accountability reporting for 2020, pp. 7–14 (2020). Available at <https://www.gestora.bo/Transparencia/RendicionDeCuentas>.

<sup>13</sup> Public Long-term Social Security Management Body, Initial public accountability reporting for 2021, pp. 10–15 (2021). Available at <https://www.gestora.bo/Transparencia/RendicionDeCuentas>.

<sup>14</sup> <https://www.mintrabajo.gob.bo/?p=882>.

<sup>15</sup> <https://www.mintrabajo.gob.bo/wp-content/uploads/2020/05/rm-229-20pdf.pdf>.

<sup>16</sup> Official Gazette of Bolivia, Supreme Decree No. 4451 (13 January 2021). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1353NEC>.

<sup>17</sup> Ministry of Health, Protocol for the treatment of pregnant women during the COVID-19 pandemic (2020). Available at <https://www.minsalud.gob.bo/component/jdownloads/?task=download.send&id=444&catid=30&m=0&Itemid=646>.

supportive care to pregnant women with a suspected or confirmed case of COVID-19.

- Containment, mitigation and post-lockdown recovery plan in response to COVID-19.<sup>18</sup> The plan covered health care for pregnant women, newborns and breastfeeding mothers, sexual and reproductive health care and access to contraception.

17. The COVID-19 vaccination plan was established on the basis of epidemiological criteria.

## National machinery for the advancement of women

18. The Mechanism for Prevention and Immediate Response in Defence of the Rights of Women in Situations of Harassment and Political Violence is the body responsible for monitoring and enforcing compliance with women's political rights. The Mechanism was created in compliance with article 5 of Supreme Decree No. 2935 of 5 October 2016, regulating Act No. 243 of 28 May 2012 on political harassment and violence against women, in order to hear particularly serious cases of harassment or political violence against women.

## Resources

19. The monitoring and evaluation framework, coordination arrangements and reporting and impact assessment system for the effective implementation of the Multisectoral Plan to Promote the Dismantling of the Patriarchy and Women's Right to Live Well 2016–2020 is under final evaluation.<sup>19</sup>

20. The Sectoral and Intersectoral Council for a Life Free from Violence is a mechanism for coordination between State bodies and autonomous territorial entities aimed at organizing and defining the process for implementing Act No. 348 and its regulations. It is chaired by the Ministry of Justice and Institutional Transparency, and its other members are the Ministry of Labour, Employment and Social Security, the Ministry of Health and Sports, the Ministry of Education, the Ministry of Defence, the Ministry of Hydrocarbons and Energy, the Ministry of Mining and Metallurgy, the Ministry of Foreign Affairs, the Ministry of Cultures, Decolonization and Dismantling the Patriarchy, the Ministry of the Office of the President, the Ministry of Public Works, Services and Housing, the Ministry of the Environment and Water, the Ministry of Development Planning, the Ministry of Productive Development and the Plural Economy, the Ministry of the Interior, the Ministry of Economic Affairs and Finance, and the Ministry of Rural Development and Land.<sup>20</sup>

21. Also members of the Sectoral and Intersectoral Council are the Presidents of the Council of the Judiciary and the Supreme Electoral Court; the Attorney General; the General Commander of the Bolivian Police; the Director of the Special Anti-Violence Force; the nine governors of autonomous departments; and the nine mayors of departmental capitals and the mayor of the city of El Alto. The Council's key results are:

<sup>18</sup> Ministry of Health Active Community Monitoring Strategy: Containment, Mitigation and Recovery Plan following the COVID-19 Lockdown (2020). <https://www.minsalud.gob.bo/component/jdownloads/?task=download.send&id=550&catid=30&m=0&Itemid=646>.

<sup>19</sup> Multisectoral Plan to Promote the Dismantling of the Patriarchy and Women's Right to Live Well 2016–2020.

<sup>20</sup> Ministry of Justice and Institutional Transparency, Inter-institutional Coordination Bodies, Sectoral and Intersectoral Council for a Life free from Violence (2021).

- Creation of a technical secretariat.
- Implementation of a registry to monitor the implementation of Act No. 348 and Act No. 243.
- Effective coordination with the autonomous departmental and municipal governments.

### **Discriminatory gender stereotypes**

22. In the Political Constitution of the State, a participatory, representative and communitarian democratic form of government is established, with equivalent conditions for men and women, and the right of everyone, in particular women, to be free from physical, sexual or psychological violence, in the family and in society, is enshrined.

23. Children and adolescents are protected from forced marriages by the provision, in the Children and Adolescents Code,<sup>21</sup> that they have the right to express their opinion freely on matters that concern them and that their opinions should be taken into account. In accordance with the principle of equality and non-discrimination, children and adolescents are free and equal, with dignity and rights, and shall not be discriminated against for any reason. As a result, in 2018 the Ministry of Justice and Institutional Transparency launched mass campaigns to raise awareness of the rights of children and adolescents.

24. On 22 April 2021, as part of the “I Communicate while Protecting Children” programme, the Ministry of Justice and Institutional Transparency presented a guide for journalists on reporting cases of sexual violence against children and adolescents.

25. By Ministerial Decision No. 1508 of 24 November 2015, the Ministry of Health and Sports approved the Model of Comprehensive Care for Victims of Sexual Violence. The Plurinational Plan for the Prevention of Pregnancy among Adolescents and Young Persons 2015–2020 was also drawn up.

### **Gender-based violence against women**

26. The Public Prosecutor’s Office has 156 prosecutors’ offices specializing in gender-based and juvenile crime, and trafficking in persons and people smuggling, as well as joint prosecutors’ offices in 101 municipalities, which handle complaints regarding crimes related to Act No. 348, Act No. 263 and Act No. 243, within their jurisdiction and competence, which extend to urban and rural areas. The offices liaise with coordinating prosecutors from each department (see annex 4).

27. The Public Prosecutor’s Office employs prosecutors, support staff, psychologists and social workers to provide comprehensive care. The Directorate of the Prosecutor’s Office Specializing in Gender-based and Juvenile Crime provides guidance on strategic investigations and effective litigation, as well as ongoing training to specialized prosecutors.<sup>22</sup>

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<sup>21</sup> Official Gazette of Bolivia, Children and Adolescents Code, in Act No. 548 of 17 July 2014.

Available at <http://www.gacetaoficialdebolivia.gob.bo/ediciones/view/664NEC>.

<sup>22</sup> Attorney General’s Office, Report on road map No. 2955, “List of priority issues” (Convention on the Elimination of All Forms of Discrimination against Women) (2021).

28. In 2019, the Plurinational Legislative Assembly established the Special Mixed Commission for the Investigation of Delays in Handling and Resolving Femicide Cases in order to conduct investigations into delays in the administration of justice.<sup>23</sup>

29. In 2021, the Ministry of Justice and Institutional Transparency created the National Commission on the Monitoring of Cases of Femicide,<sup>24</sup> and on 8 March 2021, the Ministry of the Interior established the Bolivian Police Force Gender Unit.<sup>25</sup>

30. The Gender Committee of the Plurinational Judicial Branch, the Plurinational Constitutional Court and the State Judicial Academy have held three Competitions for Judicial Decision-making with a Gender Perspective.<sup>26</sup>

31. With the enactment of Act No. 1173,<sup>27</sup> the competencies of the police and administrative services assisting victims of violence were extended to provide protection measures for high-risk and urgent cases, subject to legal jurisdictional control.

32. On 13 January 2020, that year was declared the Year of the Fight against Femicide and Infanticide.<sup>28</sup> The mechanisms for the prevention, care and protection of women in situations of violence were strengthened by Supreme Decree No. 4399 of 26 November 2020.<sup>29</sup> The definition of marital rape is set out in Act No. 348.

### Trafficking and exploitation of prostitution

33. The implementation of the plurinational policy to combat human trafficking and smuggling for the period 2013–2017<sup>30</sup> led to the relevant legally mandated bodies and civil society becoming committed to the cause; the harmonization of regulations with international instruments; effective results through preventive and awareness-raising actions; the signature of bilateral agreements with Argentina and Peru; the approval and implementation of the Protocol on the Repatriation of Bolivarian Victims of Trafficking in Persons and People Smuggling, and the provision of consular assistance to Bolivian victims abroad who decide not to return; and the establishment of plurinational and departmental councils.

<sup>23</sup> M. Quispe, Parliamentary Assembly establishes the Special Mixed Commission for the Investigation of Delays in Handling and Resolving Femicide Cases, Chamber of Deputies, 17 September 2019. Available at <http://www.diputados.bo/prensa/noticias/asamblea-legislativa-conforma-la-comisi%C3%B3n-especial-mixta-de-investigaci%C3%B3n-sobre-la>.

<sup>24</sup> Ministry of Justice and Institutional Transparency, Press Unit, Ministry of Justice launches National Commission for the Monitoring of Cases of Femicide, 10 March 2021. Available at [https://www.justicia.gob.bo/portal/noticia\\_modal.php?new=onyu](https://www.justicia.gob.bo/portal/noticia_modal.php?new=onyu).

<sup>25</sup> C. Sanchez, Government creates the Bolivian Police Force Gender Unit, Oxigeno.bo, 8 March 2021. Available at <http://www.oxigeno.bo/pol%C3%ADtica/47096#:~:text=The%20minister%20of%20government%2C%20Eduardo,conforman%20la%20instituci%C3%B3n%20del%20orden>.

<sup>26</sup> State Judicial Academy (2021). Available at <https://eje.gob.bo/news/premian-a-ganadores-del-concurso-nacional-de-sentencias-con-perspectiva-de-g-nero-tercera-versi-n->.

<sup>27</sup> Official Gazette of Bolivia, Act No. 1173 of 3 May 2019, on summary criminal procedure and strengthening measures to combat violence against children, adolescents and women. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1162NEC>.

<sup>28</sup> *El Diario*, 2020 declared the Year of the Fight against Femicide and Infanticide, 14 January 2020. Available at <https://www.eldiario.net/movil/index.php?n=66&a=2020&m=01&d=14>.

<sup>29</sup> Official Gazette of Bolivia, Supreme Decree No. 4399 (25 November 2020). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1334NEC>.

<sup>30</sup> E. Rodríguez, M. Sánchez, G. Sosa and P. López, Plurinational policy to combat human trafficking and smuggling for the period 2013–2017: final evaluation – Summary report (2019). Available at <https://www.defensoria.gob.bo/uploads/files/informe-de-evolucion-de-la-politica-plurinacional-de-lucha-contra-la-trata-y-el-trafico-de-persona-2013-2017-de-bolivia.pdf>.

34. A national biosafety protocol was adopted to enable the country's 70,000 sex workers<sup>31</sup> to continue their work following the implementation of biosafety standards and disinfection and cleaning procedures defined by the autonomous territorial entities' health services (data from the Organization of Night Workers of Bolivia).

35. Act No. 263,<sup>32</sup> the Penal Code<sup>33</sup> and the Children and Adolescents Code provide the legal precepts to prevent and penalize the exploitation of women and girls through prostitution.

### Participation in political and public life

36. Act No. 1096 of 1 September 2018, on political organizations,<sup>34</sup> provided that such organizations had until 21 December 2021 to introduce into their rules a system to dismantle the patriarchy. The Supreme Electoral Court will work towards achieving that goal in 2021.<sup>35</sup>

37. In compliance with Supreme Decree No. 2935 of 5 October 2016, which regulates Act No. 243 and Act No. 1096, the Supreme Electoral Court has adopted the following measures to ensure parity and alternation, as well as a legal framework to address political harassment and violence against women:

- Decision TSE-RSP-ADM No. 0158/2017 of 3 May 2017: regulations for receiving complaints and resignations linked to harassment and political violence against women who are standing for election, have been elected or are exercising a public or political role.<sup>36</sup>
- Decision TSE-RSP-ADM No. 230/2019 of 24 May 2019: regulations governing the 2019 general elections.<sup>37</sup>
- Decision TSE-RSP-ADM No. 043/2020 of 23 January 2020: regulations governing the inscription and registration of candidatures for the 2020 general elections.<sup>38</sup>
- Decision TSE-RSP-ADM No. 21/2020 of 9 January 2020: regulations governing the 2020 general elections.<sup>39</sup>
- Decision TSE-RSP-ADM No. 135/2020 of 15 May 2020: regulations governing electoral offences and penalties.<sup>40</sup>

<sup>31</sup> J. Quispe, Sex workers propose biosafety protocol, *La Razón*, 2 May 2020. Available at <https://www.la-razon.com/ciudades/2020/05/02/trabajadoras-sexuales-propio-protocolo-bioseguridad/>.

<sup>32</sup> Official Gazette of Bolivia, Trafficking in Persons and People Smuggling Comprehensive Act (Act No. 263 of 31 July 2012). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/402NEC>.

<sup>33</sup> Legal Information System of the Plurinational State, Penal Code. Available at [http://www.silep.gob.bo/norma/4368/ley\\_actualizada](http://www.silep.gob.bo/norma/4368/ley_actualizada).

<sup>34</sup> Official Gazette of Bolivia, Act No. 1096 of 1 September 2018, on political organizations. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1095NEC>.

<sup>35</sup> Report of the Bolivian Electoral Body (2021).

<sup>36</sup> Ibid.

<sup>37</sup> Available at [http://www.coordinadoradelamujer.org.bo/protagonistas/archivos/normas/Reglamento\\_Elecciones\\_Generales\\_2019.pdf](http://www.coordinadoradelamujer.org.bo/protagonistas/archivos/normas/Reglamento_Elecciones_Generales_2019.pdf).

<sup>38</sup> Available at [https://www.oep.org.bo/wp-content/uploads/2020/01/Reglamento\\_Inscripcion\\_Candidaturas.pdf](https://www.oep.org.bo/wp-content/uploads/2020/01/Reglamento_Inscripcion_Candidaturas.pdf).

<sup>39</sup> Available at <https://www.oep.org.bo/wp-content/uploads/2020/01/RES-TSE-RSP-ADM-N-21-2020.pdf>.

<sup>40</sup> Available at <https://www.oep.org.bo/wp-content/uploads/2020/08/RES-TSE-RSP-ADM-N-135-2020.pdf>.



- Decision TSE-RSP-ADM No. 0379/2020 of 8 December 2020: regulations governing the registration of subnational candidatures for 2021.

38. Between 2016 and 2020, the Plurinational Electoral Bureau implemented the “Democracies in Practice” institutional strategic plan, under which the Gender Unit was created.<sup>41</sup> In compliance with the plan, the following prevention, response and punishment mechanisms were adopted for cases of harassment and political violence against women who are standing for election, have been elected or are exercising a public or political role:

- In the area of prevention and awareness-raising, the Supreme Electoral Court created the Democratic Parity Observatory in 2017.
- Training and discussion processes were carried out (see annex 5).<sup>42</sup>
- In the area of knowledge management, from 2015 to 2021, research, newsletters, radio advertisements, documentaries, magazines, compendiums, regulatory guides and educational campaigns were developed (see annex 6).
- A computerized registration system was established in the nine departmental electoral courts and the Supreme Electoral Court to receive resignations and complaints linked to harassment and political violence (see annex 7).

39. In 2021, there was one court ruling on political harassment, by which measures were taken to protect a female candidate who had complained, and a decision was issued penalizing a political organization for violating a female candidate’s political rights (see annex 8).<sup>43</sup> Between 2016 and 2020, the Public Prosecutor’s Office reported 112 cases involving crimes of political violence: 10 were at the preliminary stage, 2 were at the preparatory stage, 3 were at the trial stage and 97 had been closed (see annex 9).<sup>44</sup>

## Education

40. Under Supreme Decree No. 3178 of 10 May 2017 and Supreme Decree No. 3429 of 13 December 2017, since 2017, a total of 165 postgraduate study scholarships have been awarded to professionals who maintain academic excellence, 65 of which were granted to outstanding women in the scientific, technological and health fields.<sup>45</sup>

41. The social solidarity scholarships programme consists of university scholarships distributed by the Ministry of Education and granted by private universities to low-

<sup>41</sup> See [https://www.oep.org.bo/transparencia\\_oep/planificacion/pei/](https://www.oep.org.bo/transparencia_oep/planificacion/pei/).

<sup>42</sup> See <https://correos.justicia.gob.bo/file/2021-04-21-adj-MTY2MjY11.pdf>, p. 7.

<sup>43</sup> Plurinational Electoral Body, For the first time, a political organization has been punished for harassment and political violence against a candidate in the department of La Paz, *Fuente Directa*, 31 March 2021. Available at [https://fuentedirecta.oep.org.bo/noticia/por-primera-vez-una-organizacion-politica-es-sancionada-por-acoso-y-violencia-politica-a-una-candidata-del-departamento-de-la-paz/?fbclid=IwAR07YqDc3bTiG7UHe9obNWDZxhc\\_Nhr\\_heVJ0TEa-XrVaFuOXSpGhJHD1Rs](https://fuentedirecta.oep.org.bo/noticia/por-primera-vez-una-organizacion-politica-es-sancionada-por-acoso-y-violencia-politica-a-una-candidata-del-departamento-de-la-paz/?fbclid=IwAR07YqDc3bTiG7UHe9obNWDZxhc_Nhr_heVJ0TEa-XrVaFuOXSpGhJHD1Rs).

<sup>44</sup> Attorney General’s Office, Directorate of the Prosecutor’s Office Specializing in Gender-based and Juvenile Crime, Report on road map No. 2955, “List of priority issues” (Convention on the Elimination of All Forms of Discrimination against Women) (Report FGE/DRGYJ348. No. 027/2021) (La Paz, 2021).

<sup>45</sup> Ministry of Education, response to a request for information (2021).

income students, social organizations, indigenous and aboriginal campesino nations and peoples, and intercultural and Afro-Bolivian communities.<sup>46</sup>

42. A total of 3,043 social solidarity scholarships were awarded between 2014 and 2018; 717 solidarity scholarships were awarded in 2020; and 1,000 scholarships were awarded to low-income youth in 2021, of which 415 were given to young women.<sup>47</sup>

43. The following measures were taken to provide intercultural and bilingual education to indigenous girls:

- Public calls (2020–2021) were made for applicants for admission to teacher training colleges and their academic units.
- In the regulations governing the admission process for applicants to teacher training colleges and their academic units in 2021, the B1 modality was introduced for applicants belonging to indigenous and aboriginal campesino nations and peoples, and intercultural or Afro-Bolivian communities, and the B4 modality was introduced for applicants belonging to indigenous and aboriginal campesino nations and peoples, and intercultural or Afro-Bolivian communities, whose native language is not used in the teacher training college or academic bodies to which they are applying.<sup>48</sup>
- Regulations were issued governing training in an indigenous language and the alternative language, Bolivian sign language, at teacher training colleges and academic units.<sup>49</sup>

44. According to the System of Educational Statistics and Indicators, 87 per cent of male applicants and 88 per cent of female applicants were admitted in 2019. It has been established, by way of affirmative action, that a quota of 20 per cent of direct admissions to teacher training colleges must be high school graduates of the Plurinational Educational System who are members of indigenous and aboriginal campesino nations and peoples, or intercultural or Afro-Bolivian communities.<sup>50</sup>

## Employment

45. Article 7 of Act No. 1309 of 30 June 2020, enacted in response to the COVID-19 emergency, establishes the prohibition of dismissals or layoffs, a fundamental rule during a pandemic.<sup>51</sup>

46. Supreme Decree No. 4401 of 26 November 2020 was enacted to promote measures for equal opportunities in access to employment and remuneration, and equal treatment at work, for women and men, in order to help to eliminate the wage gap between women and men.

<sup>46</sup> Accountability report of the Office of the Deputy Minister of Higher Education for Vocational Training Management, p. 35 (2018). Available at [https://www.minedu.gob.bo/index.php?option=com\\_content&view=article&id=4269:rendicion-de-cuentas-del-vice-ministerio-de-educacion-superior-de-formacion-profesional-gestion-2018&catid=283&Itemid=1087](https://www.minedu.gob.bo/index.php?option=com_content&view=article&id=4269:rendicion-de-cuentas-del-vice-ministerio-de-educacion-superior-de-formacion-profesional-gestion-2018&catid=283&Itemid=1087).

<sup>47</sup> Ministry of Education, response to a request for information (2021).

<sup>48</sup> Ibid.

<sup>49</sup> Ministry of Education, response to a request for information (2021).

<sup>50</sup> Seventh periodic report submitted by the Plurinational State of Bolivia under article 19 of the Convention (CEDAW/C/BOL/7), p. 20.

<sup>51</sup> Ministry of Labour, Employment and Social Security, report submitted in response to a request (2021).

47. Pursuant to that Decree, the Ministry of Labour, Employment and Social Security is working on a preliminary draft law to amend Act No. 348, in order to recognize the gender wage gap as a form of property-related and economic violence.<sup>52</sup>

48. The Ministry of Productive Development and the Plural Economy approved the Sectoral Plan for Comprehensive Development for Living Well – Industry, Manufacturing and Handicrafts for the Period 2016–2020,<sup>53</sup> in which it recognizes women’s work in the plural economy, the strengthening of women’s productive role and men’s co-responsibility, and the forging of complementary relationships between men and women in the area of production.

49. Work was also carried out on the Project for Improving Quality of Life and Empowerment of Women in the Northern Amazon, with support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), which led to the implementation of 12 associative enterprises with the following characteristics: (a) women-led or composed mostly of women; (b) operating for at least one year; and (c) transforming non-timber products from the Amazon forest. The project directly benefited 169 women and 72 men.<sup>54</sup>

50. Act No. 977 of 27 September 2017, on employment and financial assistance for persons with disabilities,<sup>55</sup> is implemented through Supreme Decree No. 3437 of 20 December 2017,<sup>56</sup> which provides that persons with disabilities shall comprise 4 per cent of the total workforce at public institutions, as reported in the Mandatory Employer Registry of the Ministry of Labour, Employment and Social Security.

51. Every month, the Ministry of Labour, Employment and Social Security verifies compliance with that percentage and compiles a quarterly report. In the event of non-compliance, the Ministry notifies the relevant public institutions and urges them to meet the 4 per cent employment target. Persons with disabilities must make up at least 2 per cent of the total workforce of private sector companies with 50 or more workers. Those companies must report the figure in the Mandatory Employer Registry and the figure is verified by the Ministry on a monthly basis.

52. In both cases, the Directorate General of Employment, through the Public Employment Service, is the body responsible for monitoring employment using the database of public and private sector workforces of the Virtual Office for Procedures.<sup>57</sup> Supreme Decree No. 3437 is written using inclusive language.

53. By Supreme Decree No. 3610 of 4 July 2018,<sup>58</sup> persons with severe and very severe disabilities who are registered in the Eustaquio Moto Mendez System receive assistance in the form of monthly payments of 250 bolivianos (Bs.). Municipal governments make the monthly payments, and the Ministry of Labour, Employment

<sup>52</sup> Ministry of Labour, Employment and Social Security, report submitted in response to a request (2021).

<sup>53</sup> Available at <https://www.ibmetro.gob.bo/web/sites/default/files/2019-04/PSDI%20MDPyEP%20REFORMULADO.pdf>.

<sup>54</sup> M. González, *Evaluación Final Externa del Proyecto Mejoramiento de la Calidad de Vida y Empoderamiento de las Mujeres del Norte Amazónico, Mayo 2018–Septiembre 2020* (Final external assessment of the Project for Improving Quality of Life and Empowerment of Women in the Northern Amazon, May 2018–September 2020) (2020).

<sup>55</sup> Official Gazette of Bolivia, Act No. 977 of 27 September 2017. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/998NEC>.

<sup>56</sup> Official Gazette of Bolivia, Supreme Decree No. 3437 of 20 December 2017. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1022NEC>.

<sup>57</sup> Ministry of Labour, Employment and Social Security, report submitted in response to a request (2021).

<sup>58</sup> Official Gazette of Bolivia, Supreme Decree No. 3610 (4 July 2018). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1079NEC>.

and Social Security manages the system, facilitating access to a digital form on an online platform.

54. The Employment Support Programme, which was created in the context of affirmative policies for persons with disabilities, includes a training period at a public or private workplace, during which the beneficiaries receive a stipend equivalent to the national minimum wage for 6 months, paid by the programme. After that period, the employer must hire them as permanent employees. The programme yielded positive results in 2019 and 2020.<sup>59</sup>

55. The Racism and Discrimination Unit within the Fundamental Human Rights Section of the Ministry of Labour, Employment and Social Security takes action to raise awareness of labour rights and improve adherence to the principle of non-discrimination among salaried employees in both rural and urban areas, with a view to reducing the gap in access to violence-free employment. Through communiqué No. 26/2020 of 3 June 2020, the Ministry of Labour, Employment and Social Security reminded the population that salaried domestic workers are entitled not only to the payment of salaries but also to severance pay and labour benefits, and must be provided with biosecurity equipment during the pandemic.<sup>60</sup>

56. The Ministry of Labour, Employment and Social Security issued Ministerial Decision No. 196/2021 of 8 March 2021, establishing the procedure for reporting workplace harassment.<sup>61</sup> Periodic labour inspections are also carried out, and complaints by salaried workers of wrongful dismissal and non-payment of salaries, bonuses and severance payments, among others, are handled. Since the onset of the COVID-19 pandemic, there has been an increase in the number of complaints related to pay cuts.<sup>62</sup> To date, the Directorate General of Welfare Policies of the Ministry of Labour, Employment and Social Security is promoting the implementation of Act No. 2450, on salaried domestic workers, with the aim of ensuring their enrolment in the short-term social security system.<sup>63</sup>

57. In compliance with Plurinational Constitutional Court Ruling No. 0025/2017, the Ministry of Labour, Employment and Social Security, through Ministerial Decision No. 532/19, approved the Adolescent Labour Registration and/or Authorization Form and its protocol; undertakes specialized labour inspections conducted by personnel working to progressively eradicate child labour; and verifies that the rights of working children are respected.<sup>64</sup>

58. The Ministry of Labour, Employment and Social Security follows three strategies in relation to work performed by children under 14 years of age: prevention through capacity-building related to fundamental human rights, for children and adolescents in schools, parents, teachers, employees and employers; monitoring through labour inspections or comprehensive inspections in places where children

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<sup>59</sup> Ministry of Labour, Employment and Social Security, report submitted in response to a request (2021).

<sup>60</sup> Ministry of Labour, Employment and Social Security, report submitted in response to a request (2021).

<sup>61</sup> Available at <https://www.mintrabajo.gob.bo/?p=1666>.

<sup>62</sup> Ministry of Labour, Employment and Social Security, report submitted in response to a request (2021).

<sup>63</sup> Ministry of Labour, Employment and Social Security, Monitoring and evaluation of the Multisectoral Plan to Dismantle the Patriarchy and Promote Women's Right to Live Well 2016–2020 (2021).

<sup>64</sup> Ministry of Labour, Employment and Social Security, report submitted in response to a request (2021).

and adolescents are working; and direct action to protect working children and adolescents and restore their labour rights.<sup>65</sup>

59. The Ministry of Labour, Employment and Social Welfare has set up a system of temporary mobile offices in remote areas with the aim of restoring workers' rights. Through these offices, complaints are received, inspections are carried out, hearings are held, and information and training on the application of labour rights is provided to adolescents, young people, parents and the general public.

60. To prevent children from dropping out of school and reduce child labour, the Ministry has continued to implement the Juancito Pinto grant, the multigrade modular baccalaureate, the academic excellence grant, the programme for the care of child and adolescent workers, and higher education grants. One of the priorities of the Economic and Social Development Plan and the 2025 Patriotic Agenda is the eradication of child and adolescent labour and of labour exploitation.<sup>66</sup> Significant progress has been made, with the number of children and adolescents working in different labour activities decreasing by 3.3 percentage points.<sup>67</sup>

## Health

61. Women have access to contraceptive methods such as female condoms, copper intrauterine devices, implants (small rods, the size of a matchstick), pills, subdermal implants, quarterly injectables, hormonal methods, tubal ligation using local anaesthetic, and morning after pills at primary, secondary and tertiary health facilities.<sup>68</sup>

62. Act No. 1069 of 28 May 2018, amending Act No. 475 of 30 December 2013, on the provision of comprehensive health services by the Plurinational State of Bolivia,<sup>69</sup> was enacted to expand free sexual and reproductive health care to all women regardless of age.

63. Act No. 1152 of 20 February 2019, on the universal and free Single Health System, was enacted to provide access to sexual and reproductive health care, with priority given to women, children, adolescents, older adults, persons with disabilities, and members of indigenous and aboriginal campesino peoples and intercultural and Afro-Bolivian communities.

64. The provision of contraceptive methods is ensured through the Municipal Health Accounts and the National Health Compensation Fund, as well as funds from the National Treasury, as established by Act No. 1152<sup>70</sup> for the provision of health services.

<sup>65</sup> International Labour Organization, Individual case (Committee on the Application of Standards) – Discussion: 2018, publication: 107th session of the International Labour Conference (2018), Minimum Age Convention, 1973 (No. 138) – Bolivia (Plurinational State of) (Ratification: 1997). Available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID,P13100\\_LANG\\_CODE:3953291,es](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:3953291,es).

<sup>66</sup> Fourth periodic report submitted by the Plurinational State of Bolivia under article 40 of the International Covenant on Civil and Political Rights, due in 2018 (CCPR/C/BOL/4).

<sup>67</sup> Available at <https://www.ine.gob.bo/index.php/estadisticas-sociales/empleo-mercado-laboral/en-na-cuadros-estadisticos/>.

<sup>68</sup> Ministry of Health and Sports, Women of childbearing age are entitled to free contraceptive methods. Available at <https://www.minsalud.gob.bo/2643-mujeres-en-edad-fertil-por-derecho-pueden-adquirir-gratis-metodos-anticonceptivos>.

<sup>69</sup> Official Gazette of Bolivia, Act No. 1069 of 28 May 2018. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1069NEC>.

<sup>70</sup> Official Gazette of Bolivia, Act No. 1152 of 20 February 2019. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1144NEC>.

65. The Ministry of Health and Sports, in its Ministerial Decision No. 0132 of 27 March 2019,<sup>71</sup> which governs Act No. 1152, sets out a list of health products that includes the contraceptive pill, emergency contraception, the subdermal implant, a quarterly injectable (Depo-Provera), tubal ligation using local anaesthetic, and the female condom.

66. On 5 October 2020, the Ministry of Health, with the support of UNFPA, the Pan American Health Organization and the World Health Organization, launched a campaign entitled “Si te cuidas ganas” (If you look after yourself, you win), aimed at ensuring sexual and reproductive health services for, providing support to and preventing violence against girls and adolescents. The campaign urges institutions to strengthen efforts to prevent pregnancy in girls and adolescents, ensuring access to sexual and reproductive health services for adolescents in municipalities and promoting comprehensive sexuality education from home, during the COVID-19 pandemic.<sup>72</sup>

67. According to a comparative analysis for the period 2019–2020, a project developed by the Pan American Health Organization, the World Health Organization, and the Bill and Melinda Gates Foundation, in collaboration with the Ministry of Health and Sports, using the National Health Information System, resulted in significant developments, including in relation to a 3 per cent reduction in the use of modern contraceptive methods by women of childbearing age; a 1 per cent reduction in the use of modern contraceptive methods among adolescents; a 23 per cent reduction in institutional childbirth coverage; a 25 per cent reduction in prenatal coverage before the fifth month of pregnancy; and reports of institutional maternal mortality.<sup>73</sup>

68. The National COVID-19 Vaccination Plan defines prioritization criteria, the first being the risk related to exposure and strategic function (for example, health personnel and essential services). Affirmative action is thus being taken to protect the life and health of health workers during the pandemic.<sup>74</sup>

69. Following the adoption of Plurinational Constitutional Court Ruling No. 0206/2014, the following advances have been made:

- Ministerial Decision No. 027/2015, on the technical procedure for providing health services,<sup>75</sup> regulates the provision of such services, including legal and safe abortions, and enshrines the right of women to access timely and quality services.
- Ministerial Decision No. 1508/2015, on a model of comprehensive care for victims of sexual violence,<sup>76</sup> determines comprehensive preventive care and treatment for victims of sexual violence.
- Ministerial Decision No. 72/2017, on a protocol for preventing, addressing and punishing violations of the sexual integrity of children and adolescents (see

<sup>71</sup> Available at <https://www.minsalud.gob.bo/component/search/?searchword=reglamento%201069&searchphrase=all&Itemid=518>.

<sup>72</sup> Pan American Health Organization. (2020). “Si te cuidas ganas” (If you look after yourself, you win) is a campaign aimed at ensuring sexual and reproductive health services and care services, and preventing violence against girls and adolescents throughout Bolivia. Available at <https://www.paho.org/es/noticias/6-10-2020-si-te-cuidas-ganas-campana-que-aboga-por-que-se-garanticen-los-servicios-salud>.

<sup>73</sup> Available at <https://snis.minsalud.gob.bo/>.

<sup>74</sup> Available at <https://oiss.org/wp-content/uploads/2021/04/PLAN-DE-VACUNA-COVID19.pdf>.

<sup>75</sup> Available at <http://www.clacaidigital.info/bitstream/handle/123456789/766/Bolivia.%20Ministerial%20resolution27-2015.pdf?sequence=5&isAllowed=y>.

<sup>76</sup> Available at <https://www.comunidad.org.bo/assets/archivos/herramienta/d0fe93060eb1bbcaf7fc40c90ffcd9ea.pdf>.

annex 28),<sup>77</sup> provides that children and adolescents whose pregnancy is the result of rape, incest or statutory rape only need to submit a police complaint in order for health services (public or private) to perform an abortion lawfully. In cases of sexual violence, parental consent is not required for health services to provide emergency contraception and/or to perform an abortion lawfully.

- Plurinational Plan for the Prevention of Pregnancy among Adolescents and Young People 2015–2020.<sup>78</sup>
- “My Body, My Territory” municipal plan on sexual and reproductive rights for the period 2014–2019.<sup>79</sup>

70. On 28 May 2018, the predecessor of the Ministry of Health and Sports declared 2018 the Year of Maternal and Neonatal Mortality Monitoring. It also presented the Perinatal Plus Computer System for registering information on maternal and child health and monitoring sexual and reproductive health indicators, as part of a strategy to rapidly reduce maternal mortality.<sup>80</sup>

71. According to the 2016 Demographic and Health Survey, 89 per cent of women give birth in health facilities and are attended by qualified medical personnel.<sup>81</sup> According to data from the Ministry of Justice and Institutional Transparency, the number of adolescent pregnancies decreased by 45 per cent from 2015 to 2019.<sup>82</sup>

72. In Act No. 223 of 2 March 2012, for persons with disabilities, access to sexual and reproductive health information services is enshrined for persons with disabilities, and compulsory sterilization and the provision of compulsory contraceptive methods are prohibited. The right of persons with disabilities to control and resolve issues related to their sexuality and sexual and reproductive health freely, responsibly and without coercion, discrimination or violence is recognized.<sup>83</sup>

73. The Ministry of Education issued Ministerial Decision No. 0112/2021 of 16 March 2021, in compliance with the judgment of 30 November 2016 delivered by the Inter-American Court of Human Rights in the case of *I.V. vs. Bolivia*. Article 1 of Ministerial Decision No. 0112/2021 provides that private universities, productive intercultural community Bolivian indigenous universities, and universities with a special regime must, if they are the subject of a supreme decree for the establishment and operation of institutions and a ministerial decision on the establishment of academic programmes, include, in their elective courses or modules, topics related to informed consent, gender-based discrimination, stereotypes and gender violence.

<sup>77</sup> Ministry of Justice and Institutional Transparency (2017). Available at <https://bolivia.unfpa.org/sites/default/files/pub-pdf/PROTOCOLO-sancion-integridad-sexual.pdf>.

<sup>78</sup> Available at [https://consejoderedaccion.org/webs/opendata/docs/PLAN%20PLURINACIONAL%20PREVENCION%20EMBARAZO%20ADOLESCENTE%20\(3\).pdf](https://consejoderedaccion.org/webs/opendata/docs/PLAN%20PLURINACIONAL%20PREVENCION%20EMBARAZO%20ADOLESCENTE%20(3).pdf).

<sup>79</sup> United Nations Population Fund, *Sexual and reproductive rights, the most human of rights*, p. 37 (2017). Available at <https://bolivia.unfpa.org/sites/default/files/pub-pdf/derechos-Los-mas-humanos-de-los-derechos.pdf>.

<sup>80</sup> Pan American Health Organization, *Bolivia declares 2018 the Year of Maternal Death Monitoring and Launches the Perinatal Plus Computer System* (2018). Available at [paho.org/sites/default/files/2020-05/presentacin-SIP-compilado-19-5.pdf](http://paho.org/sites/default/files/2020-05/presentacin-SIP-compilado-19-5.pdf).

<sup>81</sup> Available at [snis.minsalud.gob.bo/images/web/EDSA-2016.pdf](https://snis.minsalud.gob.bo/images/web/EDSA-2016.pdf).

<sup>82</sup> <https://www.defensoria.gob.bo/noticias/defensoria-del-pueblo-pide-a-los-tres-niveles-de-gobierno-asegurar-los-resultados-en-la-prevencion-del-embarazo-adolescente-establecidos-en-el-ppeaj-2015-2020#:~:text=De%20acuerdo%20a%20los%20datos,47.212%20en%20la%20gesti%C3%B3n%202019.>

<sup>83</sup> Available at <https://comunicacion.gob.bo/sites/default/files/docs/ley%20N%C2%B0%20223%20Ley%20General%20para%20personas%20con%20discapacidad.pdf>.

## Economic empowerment of women

74. In March 2021, the Productive Development Bank reported that it had financed the following projects aimed at women in Bolivia:

- The Women Heads of Household financial product, created in May 2017 to promote and strengthen productive activities carried out by women across the country and improve the income and family welfare of women who are single, independent heads of household. Since 2017, a total of 286 billion Bs. and 4,721 operations have been linked to the financial product.<sup>84</sup>
- From 2017 to 2020, the Women Heads of Household Credit benefited 4,429 women across the country,<sup>85</sup> representing 28 per cent of the total portfolio of the Productive Development Bank to 2021.
- By Ministerial Decision No. 055 of 10 March 2017, the Ministry of Economic Affairs and Finance established that all full-service banks and banks for small and medium-sized enterprises must devote 3 per cent and 6 per cent respectively of their 2016 net profits to the establishment of the Seed Capital Fund and approve its regulations. Paragraph III of the fifth transitional provision states that the Productive Development Bank will be responsible for Seed Capital Fund operations.<sup>86</sup> As at 30 March 2021, 36 per cent of operations involving Seed Capital Fund resources were granted to women.

## Rural women

75. A total of 534,466 families have benefited from the My Water I, II, III, IV and V projects of the Ministry of the Environment and Water, which have been implemented in the nine departments of Bolivia, and 65,760 families have benefited from the “More Investment for Irrigation” programme.<sup>87</sup>

76. Between 1997 and 2017, land titles granted (only) to women accounted for 21 per cent of the total, those granted to both women and men accounted for 44 per cent and those granted (only) to men accounted for 31 per cent. Land titles granted to legal entities accounted for 4 per cent. In 2018, land titles granted to women accounted for 45.6 per cent (1 million) compared to 52.6 per cent (1.2 million) granted to men.<sup>88</sup> A total of 1.7 per cent (39,000) were granted to legal entities.<sup>89</sup> According to data from the Ministry of Rural Development and Land, from November 2019 to June 2020, 10,519 land titles were granted to women, representing 44 per cent of the total, while 53 per cent were granted to men and 3 per cent were granted to legal entities.<sup>90</sup>

<sup>84</sup> Productive Development Bank, Report on women heads of household and Seed Capital Fund for Women (2021).

<sup>85</sup> Bulletin of the Productive Development Bank, p. 4 (2021). Available at [https://www.bdp.com.bo/biblioteca/documentos/BDP-Productivo/6\\_BOLET%C3%8DN%20PRODUCTIVO%20DICIEMBRE.pdf](https://www.bdp.com.bo/biblioteca/documentos/BDP-Productivo/6_BOLET%C3%8DN%20PRODUCTIVO%20DICIEMBRE.pdf).

<sup>86</sup> Productive Development Bank, Report on women heads of household and the Seed Capital Fund for Women (2021).

<sup>87</sup> Ministry of the Environment and Water, Final 2019 accountability report, p. 14 (2020). Available at <https://www.mmaya.gob.bo/transparencia/rendicion-de-cuentas/>.

<sup>88</sup> Ministry of Justice and Institutional Transparency, Activity report of the Ninth Sectoral and Intersectoral Council. Available at <http://www.348.justicia.gob.bo/noticias/noticia3.php>.

<sup>89</sup> Gender gaps, March 2019.

<sup>90</sup> Ministry of Rural Development and Land, Initial 2020 accountability report (2020). Available at [http://www.inra.gob.bo/InraPb/upload/oficialRPCI2020\\_final.pdf](http://www.inra.gob.bo/InraPb/upload/oficialRPCI2020_final.pdf).



77. Under Plan 175, the Ombudsman's Office prepared four commercials on the topics mentioned, in the Guarani, Quechua, Aymara and Spanish languages.<sup>91</sup>

### Indigenous and Afro-Bolivian women

78. The Sectoral Plan for Comprehensive Development of what is now the Ministry of Cultures, Decolonization and Dismantling the Patriarchy, approved on 3 October 2017 by the Ministry of Planning and Development, sets out the following actions:

- Central level: develop policies for the prevention and eradication of racism and cultural intolerance.
- Departmental and municipal autonomous governments: develop programmes and projects aimed at implementing policies to combat racism and discrimination.
- Indigenous and aboriginal campesino peoples: promote customs and traditions to consolidate a State free from discrimination.
- Other: develop institutional actions to combat racism and discrimination.<sup>92</sup>

79. The implementation plan for the Decade for Bolivian People of African Descent 2016–2024 was incorporated into the sectoral plan of the Ministry of Cultures and Tourism.<sup>93</sup>

80. In 2018, the Ombudsman's Office, with support from UNFPA, developed a module related to the Decade for Bolivian People of African Descent, aimed at empowering the Afro-Bolivian population to exercise their rights and strengthen their participation in the implementation of Act No. 848 at the various levels of the State, in particular in the autonomous territorial entities.<sup>94</sup>

81. At the international level, Bolivia advocated at the United Nations the approval of General Assembly resolution 71/178, in which 2019 was proclaimed the International Year of Indigenous Languages.<sup>95</sup> Decision No. 845 of 26 May 2019, on the Andean Five-Year Plan for 2019–2024, for the implementation of the proclamation of the International Decade for People of African Descent 2015–2024, was approved at the forty-fifth meeting of the Andean Council of Ministers for Foreign Affairs.<sup>96</sup>

82. The Supreme Electoral Court created mechanisms to curb harassment and political violence. Sessions held to raise awareness among relevant social actors were, for the first time, supported by indigenous advocates in the special and mixed constituencies of indigenous and aboriginal campesino nations and peoples.<sup>97</sup>

83. On 2 February 2021, the Ombudsman's Office and the National Afro-Bolivian Council signed a framework agreement on inter-institutional collaboration in order to

<sup>91</sup> Available at <https://www.defensoria.gob.bo/documentos/31>.

<sup>92</sup> Available at <https://derechodelacultura.org/documentacion/bolivia-plan-sectorial-de-desarrollo-integral-ministerio-de-culturas-y-turismo/>.

<sup>93</sup> National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Plurinational State of Bolivia (2019).

<sup>94</sup> Ombudsman's Office, Empowerment module for the Decade of the Afro-Bolivian People (2018). Available at <https://www.defensoria.gob.bo/uploads/files/modulo-de-empoderamiento-del-decenio-del-pueblo-afroboliviano.pdf>.

<sup>95</sup> Available at <https://undocs.org/es/A/RES/71/178>.

<sup>96</sup> Available at <http://www.comunidadandina.org/Normativa.aspx>.

<sup>97</sup> Available at [https://www.oep.org.bo/wp-content/uploads/2020/12/INF\\_RENDICION\\_CUENTAS\\_2020.pdf](https://www.oep.org.bo/wp-content/uploads/2020/12/INF_RENDICION_CUENTAS_2020.pdf).

work together to implement actions in the context of the Decade for Bolivian People of African Descent.<sup>98</sup>

### Women with disabilities

84. Between 2014 and 2018, the following work was carried out:

- Free health insurance was provided.
- Special education training courses were established in teacher training colleges.
- The number of special education centres increased.
- Access to bank loans and special housing programmes was provided.
- The Employment and Financial Assistance for Persons with Disabilities Act and its regulations were enacted.<sup>99</sup>

85. The information system of the Comprehensive Plurinational System for the Prevention, Punishment and Elimination of Gender-based Violence includes disability as a variable for the identification of victims of violence.<sup>100</sup>

86. The Ministry of Justice and Institutional Transparency implemented the following actions and measures to support persons with disabilities between 2018 and 2020:

- Legal and social training and support was provided.
- A draft supreme decree was developed on the qualification of persons with disabilities, for very severe cases.
- The right to be issued a disability card was upheld, and renewal times were extended.
- A draft law on the creation of the Plurinational Disability Service was proposed, for the establishment of an integrated specialized entity to ensure the effective inclusion of persons with disabilities.<sup>101</sup>

87. The following operations were carried out:

- Mainstreaming of the issue.
- Generation of statistical data and information systems.
- Legal and social case management.
- Implementation of the Access to Justice Plan through the Training Manual for Justice Officials.
- Adoption of a community-based rehabilitation strategy.

88. The National Committee for Persons with Disabilities,<sup>102</sup> which promotes and fosters joint actions in collaboration with different sectors of society, provides advice and develops public policies, programmes and projects in the field of disability, achieved the following:

<sup>98</sup> <https://www.defensoria.gob.bo/noticias/defensoria-del-pueblo-y-conafro-firman-convenio-para-promover-acciones-conjuntas-en-beneficio-del-pueblo-afroboliviano>.

<sup>99</sup> Report of the Plurinational State of Bolivia at the thirty-fourth session of the Human Rights Council's Working Group on the Universal Periodic Review.

<sup>100</sup> Directorate General for the Prevention and Elimination of All Forms of Gender and Generational Violence, technical report MJTI-VIO-DGPETFVRGG-AIPPI No. 108/2020.

<sup>101</sup> Available at [https://www.justicia.gob.bo/cms/files/MJTI%20RPC%20Final%202019\\_0wig1unc.pdf](https://www.justicia.gob.bo/cms/files/MJTI%20RPC%20Final%202019_0wig1unc.pdf).

<sup>102</sup> Available at [https://www.justicia.gob.bo/cms/files/RPC2018\\_dzsd89bw.pdf](https://www.justicia.gob.bo/cms/files/RPC2018_dzsd89bw.pdf).

- An information system on benefits for persons with disabilities was implemented and a manual on best practices for the proper treatment of persons with disabilities in justice services was produced.
  - A project entitled “Community Day Centre and Residential Home for Persons with Mental Disabilities” was delivered.
  - A proposal for a disability awareness campaign on social inclusion was prepared.
  - A course was developed on coping with distress caused by the COVID-19 crisis, aimed at ensuring that persons with disabilities and their families receive effective and supportive care.
89. The Ministry of Health and Sports took the following actions to support persons with disabilities:
- A total of 19,550 persons with disabilities were registered nationwide.
  - A total of 24 medical professionals, psychologists and social workers were recruited to form eight disability qualification teams and implement a congenital anomalies surveillance system in 11 maternity clinics nationwide.<sup>103</sup>
  - A total of 7,458 persons with disabilities were registered; 1,968 were qualified; 156,055 free rehabilitation services were provided; and 149 chromosomal and molecular genetic studies were performed.<sup>104</sup>
90. The following actions were carried out in the area of access to justice:
- National and departmental/municipal workshops were organized (see annex 10).
  - The Access Plan for Persons with Disabilities was approved.
  - The Training Manual for Justice Officials was published.
91. Violence against persons with disabilities is prohibited and penalized in the Constitution,<sup>105</sup> Act No. 223 and its regulations, contained in Supreme Decree No. 1893,<sup>106</sup> and Act No. 348.<sup>107</sup>
92. The sexual and reproductive rights of persons with disabilities are enshrined in Act No. 223, reaffirming such persons’ right to control and resolve issues related to their sexuality freely, responsibly and without coercion, discrimination or violence, including by ensuring access to information in the public health service, prohibiting sterilization or the provision of mandatory contraceptive methods and providing specialized family planning services to prevent unwanted pregnancies. Article 16 of Supreme Decree No. 1893 provides that the Ministry of Health and Sports will strengthen sexual and reproductive health counselling for persons with disabilities.<sup>108</sup>

<sup>103</sup> Available at [https://www.minsalud.gob.bo/images/Descarga/Transparencia/RENDICION\\_DE\\_CUENTAS-FINAL-2018a.pdf](https://www.minsalud.gob.bo/images/Descarga/Transparencia/RENDICION_DE_CUENTAS-FINAL-2018a.pdf).

<sup>104</sup> Available at [https://www.minsalud.gob.bo/images/Descarga/Transparencia/Rendicin\\_de\\_cuentas\\_Final\\_2019.pdf](https://www.minsalud.gob.bo/images/Descarga/Transparencia/Rendicin_de_cuentas_Final_2019.pdf).

<sup>105</sup> Official Gazette of Bolivia, Constitution of the Plurinational State of Bolivia (2009). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/NCPE>.

<sup>106</sup> Bolivian Official Gazette, Supreme Decree No. 1893 of 12 February 2014. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/617NEC>.

<sup>107</sup> Official Gazette of Bolivia, Act No. 348 of 9 March 2013. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/494NEC>.

<sup>108</sup> Available at [https://www.comunicacion.gob.bo/sites/default/files/dale\\_vida\\_a\\_tus\\_derechos/archivos/LEY%20223%20ACTUALIZACION%202018%20WEB.pdf](https://www.comunicacion.gob.bo/sites/default/files/dale_vida_a_tus_derechos/archivos/LEY%20223%20ACTUALIZACION%202018%20WEB.pdf); see also the Compendium of Regulations for Persons with Disabilities. Available at <http://fnse.gob.bo/normativa-para-pcd/>.

93. The Ministry of Justice and Institutional Transparency has prepared a draft bill for the recognition of Bolivian sign language as an official language of deaf persons in the Plurinational State of Bolivia.<sup>109</sup>

### **Climate change and disaster risk reduction**

94. A gender perspective for disaster risk management and reduction, as well as for relief and recovery in the context of climate change, has been in place since the enactment of Act No. 300 of 15 October 2012, on Mother Earth and comprehensive development for living well.

95. One of the principles of Act No. 602 of 14 November 2014, on risk management, is to provide priority care to vulnerable populations, ensuring that preferential support during disasters and/or emergencies be given to pregnant women and girls, among others.<sup>110</sup> Supreme Decree No. 2342,<sup>111</sup> which regulates Act No. 602, provides that one of the functions of the National Emergency Operations Committee is to establish, through damage assessment instruments, the needs of the affected regions, sectors and population, and to assess the affected population's level of vulnerability to a given hazard.

96. The Plurinational State of Bolivia ratified the Paris Agreement through Act No. 835 of 17 September 2016,<sup>112</sup> which mainstreams a gender perspective into the activities mentioned, which must be carried out in compliance with articles 7 and 11 of the Agreement.

### **Women human rights defenders and environmental activists**

97. The Public Prosecutor's Office reports that, on the basis of a review of the data contained in the JL.1 system, there are no disaggregated data on personal situations; in other words, the system does not provide the option of recording details such as whether people are activists.<sup>113</sup>

98. Through Act No. 1182 of 3 June 2019,<sup>114</sup> Bolivia ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean to protect indigenous defenders of land, territory and the environment who are in highly vulnerable situations.

### **Lesbian, bisexual, transgender and intersex women**

99. Plurinational Constitutional Court Ruling No. 0076/2017 of 9 September 2017 and Plurinational Constitutional Order No. 0028/17 of 22 November 2017, which

<sup>109</sup> Ministry of Justice and Interinstitutional Transparency (2021).

<sup>110</sup> Official Gazette of Bolivia, Act No. 602 of 14 November 2014. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/699NEC>.

<sup>111</sup> Official Gazette of Bolivia, Supreme Decree No. 2342 (29 April 2015). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/748NEC>.

<sup>112</sup> Official Gazette of Bolivia, Act No. 835 of 17 September 2016. Available at: <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/894NEC>.

<sup>113</sup> Attorney General's Office, Directorate of the Prosecutor's Office Specializing in Gender-based and Juvenile Crime, Report on road map No. 2955, "List of priority issues" (Convention on the Elimination of All Forms of Discrimination against Women) (Report FGE/DRGYJ348. No. 027/2021) (La Paz, 2021).

<sup>114</sup> Official Gazette of Bolivia, Act No. 1182 of 3 June 2019. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1168NEC>.

provide that the rights to marriage, free or de facto union, adoption, gender parity and equity in elective processes, and confidentiality must be regulated through legislative measures of the Plurinational Legislative Assembly, in compliance with international commitments.

100. The Plurinational State of Bolivia has adopted the following measures against discrimination and violence based on sexual orientation and gender identity in teacher training colleges:

- Ministry of Education Institutional Strategic Plan for 2020–2024.
- Regulations on the selection and appointment of teachers and administrative and service personnel at public and religious schools in the regular education subsystem, and schools in the alternative and special education subsystem (2021).
- Inclusion, in manuals on the organizations, functions and organic structure of the Ministry of Education, of strategic objective No. 1, on opportunity and equity, since 2016.<sup>115</sup>
- Complementary training programme for teachers in the Plurinational Educational System of Bolivia.

101. To combat discrimination and violence based on sexual orientation and gender identity, teacher training colleges organize workshops with their legal adviser in coordination with the Directorate General of Academic, Teaching and Administrative Staff.<sup>116</sup>

## Women in detention

102. In 2017, the Ministry of the Interior allocated 4,917,561 Bs. to strengthen the national prison system through management tools for regulatory and technological development and the specialization of human resources; 1,754,457 Bs. to expand and restore the prison infrastructure in coordination with the autonomous territorial entities with a view to improving the living conditions of persons deprived of liberty; and 1,886,712 Bs. for the rehabilitation and social reintegration of persons deprived of liberty through health, education, work, sports and cultural programmes in collaboration with public and private institutions and civil society.<sup>117</sup>

103. By Presidential Decree No. 4461 of 18 February 2021,<sup>118</sup> amnesties and pardons are granted for humanitarian reasons to persons deprived of liberty who have a severe or very severe disability and have in their sole care or custody one or more children who are under the age of 12 years or have a duly certified severe or very severe disability, and to women who are pregnant on the date of publication of the Presidential Decree.

104. The Palmasola prison complex in Santa Cruz and the Qalahuma men's and women's prisons in Viacha, La Paz, have been improved and equipped.

<sup>115</sup> Available at [https://www.minedu.gob.bo/index.php?option=com\\_content&view=article&id=4258:manual-de-organizacion-de-funciones-mof&catid=180&Itemid=856](https://www.minedu.gob.bo/index.php?option=com_content&view=article&id=4258:manual-de-organizacion-de-funciones-mof&catid=180&Itemid=856).

<sup>116</sup> Ministry of Education, IN/VESFP report No. 0020/2021.

<sup>117</sup> Ministry of the Interior, Ministerial Decision No. 212/2016. Available at <https://www.mingobierno.gob.bo/sites/default/files/2020-12/poa2017.pdf>.

<sup>118</sup> Bolivian Official Gazette, Presidential Decree No. 4461 of 18 February 2021. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/1361NEC>.

105. Prisons have lawyers who provide legal assistance to inmates (see annex 11), and medical professionals who offer health support.<sup>119</sup>

106. From January 2017 to February 2021, a total of 6,755 women and men deprived of liberty enrolled in 50 occupational therapy training and employment programmes, the most popular of which were in the areas of agronomy and agriculture. In addition, between 2017 and 2019, a total of 1,485 women enrolled in an alternative technical education programme. Between 2016 and 2019, a total of 469 women attended technical training courses, the most popular of which focused on sewing and laundry services.<sup>120</sup>

107. Measures were adopted from 2015 to 2021 to improve the conditions of women prisoners, including in the following areas:

- Prevention of sexually transmitted infections and HIV.
- Prison psychiatry.
- Access to rehabilitation centres for drug addicts.
- Primary health care.<sup>121</sup>

108. Affirmative measures have been established for the release of children and adolescents living with their parents in prisons, in order to ensure the comprehensive development of the child or adolescent, in coordination with the Office of the Ombudsman for Children and Young Persons. Once they reach the age of six years and one day, they are released and placed with family members. As a result of those measures, the number of children and adolescents in prison facilities has decreased by 30 per cent since 2017 (see annex 12).

### **Migrant, asylum-seeking and refugee women**

109. In the Constitution<sup>122</sup> and Act No. 045,<sup>123</sup> discrimination based on sex and nationality is prohibited and punished. Moreover, the free and effective exercise of the rights enshrined in the Constitution and international human rights laws and instruments is ensured. In Act No. 251,<sup>124</sup> the non-discrimination principle is enshrined, provision is made for the most favourable treatment to be accorded to refugees and asylum seekers, and the gender, age and diversity of refugee claimants is taken into account. In article 29 of the Constitution, Act No. 370<sup>125</sup> and Act No. 251, the right of foreign migrants to request and receive asylum or refuge is recognized. The rights of asylum-seeking and refugee women to non-discrimination and gender equality are respected and protected in Bolivian law.<sup>126</sup>

110. Article 44 of Supreme Decree No. 1440<sup>127</sup> of 20 June 2012, which regulates Act No. 251, provides that the National Refugee Commission has the duty to take and promote effective and permanent action to address the health problems of refugees,

<sup>119</sup> Ministry of the Interior, DDRP-FRLB report No. 012/2020.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Constitution of the Plurinational State of Bolivia of 7 February 2009, art. 14.II.

<sup>123</sup> Act No. 045 of 8 October 2010, against racism and all forms of discrimination, arts. 5 (a) and 281 ter.

<sup>124</sup> Act No. 251 of 20 June 2012, on the protection of refugees, arts. 13.II and 16.

<sup>125</sup> Official Gazette of Bolivia, Act No. 370 of 8 May 2013. Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/523NEC>.

<sup>126</sup> Ministry of Foreign Affairs, Information related to the issues prior to submission of the seventh periodic report of Bolivia to the Committee (2021).

<sup>127</sup> Official Gazette of Bolivia, Supreme Decree No. 1440 (19 December 2012). Available at <http://www.gacetaoficialdebolivia.gob.bo/edicions/view/402NEC>.

among others. Protection measures for foreigners are set out in Act No. 1152, on comprehensive health services in the Plurinational State of Bolivia.

111. Under the aforementioned laws, in 2019, the National Refugee Commission approached the Ministry of Health and Sports about providing refugees with support and protection in accessing health care. As a result, the Ministry issued circular MS/DGP/SNIS/SNIS-VE/CR/3/2020 of 10 January 2020, reminding public institutions of the obligation to include refugees in the Single Health System.<sup>128</sup>

112. In compliance with article 35 of Act No. 251, the National Refugee Commission provides refugee claimants, once they are registered, with a temporary document that allows them and their family members to exercise the rights to education, health care and employment.<sup>129</sup>

113. The National Refugee Commission, in coordination with the Office of the United Nations High Commissioner for Refugees, conducts training workshops for civil servants at public institutions on refugee issues, Act No. 251 and Supreme Decree No. 1440. The National Refugee Commission is currently developing a work plan for training processes.<sup>130</sup>

## **Marriage and family relations**

114. In the Family and Family Procedure Code of 19 November 2014, the rights of families, family relations, and the rights, duties and obligations of family members are regulated and promoted without discrimination or distinction of any kind.<sup>131</sup>

115. A person (man or woman) may freely enter into marriage or a free union once he or she has reached the age of majority (18 years of age). Exceptionally, persons may enter into marriage or a free union at 16 years of age, provided that they have written authorization from those who exercise parental authority or have guardianship or custody over them, or, in their absence, from the Office of the Ombudsman for Children and Young Persons.<sup>132</sup>

116. The same rights and responsibilities of men and women are enshrined in marriage and free union, and the marriage bond is terminated by the death or declaration of presumed death of the spouse, or by reason of divorce or separation.

117. The community property of spouses is constituted from the moment they enter into a union, and both spouses administer their common property; it cannot be relinquished or modified by private agreements, and family assistance is provided to a spouse only if he or she lacks sufficient means as a result of severe or very severe health conditions. Child guardianship in divorce cases can be voluntarily agreed upon or judicially determined.<sup>133</sup>

118. Personal property acquired, and inheritances received, by one of the spouses prior to entering into marriage or a free union, and property received by inheritance, bequest or donation during the marriage, are treated as that spouse's own property.<sup>134</sup>

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<sup>128</sup> Ministry of Foreign Affairs, Information related to the issues prior to submission of the seventh periodic report of Bolivia to the Committee (2021).

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Family and Family Procedure Code, art. 2, in Act No. 603 of 19 November 2014.

<sup>132</sup> Ibid., art. 139.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.