



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

Distr.: General
14 November 2007
English
Original: Spanish

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

Pre-session working group

Fortieth session

14 January -1 February 2008

**Responses to the list of issues and questions with regard to
the consideration of periodic reports**

Bolivia *

* The present document is being issued without formal editing.

Responses to the list of issues and questions on the 2006 report of Bolivia to the Committee on the Elimination of Discrimination against Women

During the period from 2005 to 2007 the country underwent major political and social changes, which were reflected in the succession of three Presidents and the consequent changes in development plans and policies. The national mechanism, the Department for Gender and Generational Affairs, retained its vice-ministerial level in the hierarchy, but was transferred from the Ministry for Sustainable Development to the Ministry of Justice.

1. Please provide information on the implementation of the 2000 -2010 National Plan for the Progressive Elimination of the Worst Forms of Child Labour and on the possible incorporation of the human rights treaties relating to children. Please also provide information on the number of child workers.

The results of the medium-term assessment, done in 2005, of the implementation of the 2000 -2010 plan led to the conclusion, in essence, that, while the plan offered guidelines and suggestions and created opportunities for carrying out projects, it did not allow for specific monitoring and follow-up. In that regard, the assessment concluded that neither the national plan nor the operational plans resulting from it prepared by the national inter-agency Commission for the Progressive Elimination of Child Labour could provide a precise answer to the question: "How many children or adolescents ceased to do hazardous work as a result of the implementation of these plans?" These weaknesses in design, together with difficulties in procuring funding, are the reasons why there have been no promising results from the implementation of the National Plan for the Progressive Elimination of the Worst Forms of Child Labour.

In view of the results of the assessment, the Department for Generational Affairs and the Commission for the Elimination of Child Labour established by the Bolivian Central Labour Organization, civil society organizations dedicated to helping child labourers, international cooperation agencies and Government agencies with responsibilities in the matter began the task of revising and adjusting the 10-year plan, while private organizations did diagnostic studies of the problems of child labourers, both boys and girls. These efforts made it possible to identify the worst forms of child labour, and in addition to contribute to the preparation of the United Nations Children's Fund (UNICEF) 2005 Child Development Index.

2. Please provide information about laws that discriminate against women and proposals for redrafting, revising and examining them. Please provide updated information on the status of those procedures and laws. In particular, indicate the content of the Law against Political Harassment (para. 139) and what stage of approval it has reached.

(a) *Draft bill amending the Code of Labour Procedure*. In connection with paragraph 41 of the report, we can report that the Ministries of Justice, Labour and Finance have prepared a draft bill to amend the Code of Labour Procedure with respect to reintegration of working mothers. The purpose is to monitor and protect the rights of the pregnant female worker and her unborn child or newborn up to one year of age in order to guarantee a working mother job security against direct or indirect dismissal.

(b) *Act No. 2410 of August 2002 on the Need for Reforms to the Political Constitution of the State* incorporates in the Constitution the principle of equality of men and women (art. 6) and a prohibition against sexual and domestic violence (art. 12); in relation to nationality it provides that Bolivian men or women married to foreigners retain their nationality and that foreign men or women married to Bolivians may acquire Bolivian nationality, provided they reside in the country and express their consent, and they do not lose Bolivian nationality when they are widowed or divorced. This law is now in force.

(c) *Family Code*. The Ministry of Justice and the Department for Gender and Generational Affairs have included in their Management Plan the elaboration of a draft bill that would thoroughly overhaul the Family Code in such areas as the minimum age for contracting matrimony, division and allocation of property, custody of children, family assistance and other matters relating to women's rights within the family. Bids have already been solicited for consultant services.

(d) *The Benefits for Brazil Nut Harvesters Bill (Bill No. 090/04/05)* was promoted by the Department for Women's Affairs, the Office of the Ombudsman, the Centro de Estudios para el Desarrollo Laboral y Agrario (Centre for Studies on Labour and Agricultural Development) (CEDLA), Articulación de Mujeres por la Equidad y la Igualdad (Women's Equity and Equality Network) (AMUPEI), the Centro de Investigación y Promoción del Campesinado (Research Centre for the Advancement of Small-scale Farmers) (CIPCA) in Riberalta, Senator Lilian Calderón and Senator Alicia Muñoz. The bill has been passed by the Senate, and the Human Development Committee of the Chamber of Deputies has issued its report favouring passage of the bill and its signing into law to secure the labour rights of women Brazil nut harvesters and provide other benefits.

(e) *New Political Constitution*. A national meeting was held to bring together the proposals of women of indigenous, native and African descent for the Constituent Assembly; the meeting reached agreement on a thematic agenda for women's issues and the special act to convene the Constituent Assembly and decided on courses of action to follow up on the proposals.

(f) *Act No. 3325 of 18 January 2006 on Trafficking in Persons and Related Offences* was signed into law by former President Eduardo Rodríguez. It created a chapter V entitled "Trafficking in persons" under title VIII, "Offences against life and physical integrity", of the Penal Code as amended by Act No. 1768 of 11 March 1997.

(g) *The Gender-based Political Harassment and Violence Bill* seeks to raise awareness about and prevent and punish psychological harassment and violence against women serving as political representatives. It was approved in its general lines in August 2006 and is currently being reviewed in detail in the congressional Committee on the Constitution with a view to approval.

(h) *The Act against Sexual Harassment in the Work and School Environment* emerged from the 2002-2007 congressional agenda on women's issues of the Committee on Labour, Gender and Generational Affairs promoted by the Department for Women's Affairs and Senator Alicia Muñoz, Chairperson of the Committee on Labour, Gender and Generational Affairs of the Bolivian Senate. It is currently being disseminated to those in the women's movement preparatory to its presentation.

(i) *The Code of Commerce* is currently under review with the aim of developing a proposal.

(j) *The Pensions Act*. A proposal was elaborated by the Department for Women's Affairs, and events were held to promote discussion and debate among the cooperatives. It emerged as a proposal from the cooperative sector itself and is still under discussion.

The Gender-based Political Harassment and Violence Bill seeks to safeguard, defend and guarantee the exercise of women's political rights at the national, departmental and municipal levels and to prevent and punish harassment and violence against women serving as political representatives. It was approved in its general lines in August 2006 and is currently being reviewed in detail in the congressional Committee on the Constitution with a view to approval.

3. Please provide information on why the Law on Sexual and Reproductive Rights is blocked in the legislature, including information on its content, on the obstacles preventing this Law from being adopted and on current efforts to achieve its speedy adoption and implementation.

The framework Law on Sexual and Reproductive Rights was put forward and was passed by the National Congress in 2004. Immediately the Catholic Church, joined by other churches and conservative groups, organized active opposition to the law; the Government asked Congress to reconsider; public hearings were held, in which there were bitter confrontations between opposing groups; and the process was "frozen". There is now debate about whether to try to break the stalemate or to await the decisions that will emerge from the Constituent Assembly, a new forum for debate on these rights. The Law takes as its basis the principle of non-discrimination and recognition of the right of all women and men, without distinction based on class, age, religion, gender, ethnic origin, sexual orientation or any other grounds, to enjoy and exercise their sexual and reproductive rights.

4. The report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2003/75/Add.1, para. 1302) indicates that article 317 of the Penal Code provides that there shall be no punishment in cases of rape, sexual abuse or kidnapping when perpetrators marry their victims with free consent. Please describe the efforts made to amend this article.

Article 317 of the Penal Code refers to abduction, statutory abduction and abduction for purposes of marriage, which are categorized separately from rape, child rape or kidnapping; the latter three offences are punishable under the Penal Code. The authorities have taken no specific action with respect to this article, but they do take an integrated approach to sexual violence. The Department for Women's Affairs has implemented policies to prevent, punish and eradicate gender-based sexual violence by raising awareness of this issue among municipal authorities throughout the country. The model of care for cases of gender-based domestic and sexual violence has been endorsed and implemented through normative instruments such as the guide for assisting victims of violence.

The authorities have continued to implement the project on comprehensive care for adolescents. Rules and procedures for comprehensively addressing sexual violence have been adopted for the health, police and forensic medicine sectors and have been supported by ministerial decisions formalizing these sectors' application

of such rules and procedures, which have been transmitted to providers of health, police, legal, psychological and social services. In addition, a domestic and sexual violence information and reporting system has been implemented to gauge the magnitude and prevalence of this scourge (bimonthly bulletin of the Communication and Culture Unit of the Department for Women's Affairs).

Currently the Department for Gender and Generational Affairs is carrying out a comprehensive programme to combat gender-based violence and, in drawing up a national plan to combat such violence, is collecting inputs concerning the intercultural approach and the incorporation of alternative models that can be of benefit in addressing cases of violence in rural areas.

5. Please clarify how Act No. 1674 was revised, what factors prevented this from being a punitive law and what actions were taken in that respect. In addition, please indicate what measures have been taken to promote the new law and to ensure its effective application, and what the impact of the law has been to date.

In its transitional report, the Department for Women's Affairs indicates that, together with the Office of the Ombudsman, it has formed working groups at the national level with public entities in the executive, legislative and judicial branches, the Attorney-General's Office, the prefectures, municipal councils, the National Police, the Family Protection Units, NGOs, municipalities, municipal integral legal services, the Department for Women's Affairs, the Ministry of Justice, grass-roots women's organizations and organizations of rural, indigenous and young women and students; these groups have been active for nearly four years. The main topics of discussion are the preventive nature of the Act, types of violence and procedural adjustments.

It should be noted that cases of domestic violence that amount to offences are punishable under criminal law in accordance with article 390 of the Code of Criminal Procedure. In addition, certain aspects of the Act, such as lenient penalties, the manner of enforcing judgements and the fact that it is more urban than rural in scope, are not related to its preventive or punitive nature, but are more structural. In this connection, a new proposal is being prepared and will be submitted to the legislature.

(a) Measures to promote the "new law"

The bill has not yet been submitted to the legislature because the process of consultation with civil society is still under way. However, ongoing measures have been taken to spread awareness of the law currently in force (Act No. 1674). The subjects of such information and awareness-raising initiatives are women's rights and domestic and sexual violence. Information on these issues is disseminated in four indigenous languages through the mass media (radio and television), pamphlets and other written materials. Dissemination activities are supported by international cooperation.

Since 2006 the national mechanism on violence has focused its work on rural areas. The projects currently under way are the AYRA Programme for the empowerment of rural women, which is aimed at the implementation of public policies in rural areas, and the Comprehensive Programme to Combat Gender-based Violence, which uses prevention and care strategies to combat violence and takes a

dual approach to the design and implementation of public policies. These programmes are supported by international cooperation.

(b) Impact of Act No. 1674

Since the Act's promulgation in 1994, the implementation of dissemination activities and, primarily, the introduction of municipal integral legal services to deal with domestic violence have helped to put the issue of domestic violence against women on the public agenda and to frame it in terms of recognizing women's right to non-violence.

Over the past five years the Department for Women's Affairs and, especially, civil-society institutions such as the Centro de Promoción de la Mujer Gregoria Apaza (Gregoria Apaza Centre for the Advancement of Women) (CPMGA), the Centro de Información y Desarrollo de la Mujer (Information and Development Centre for Women) (CIDEM), women's shelters, Promoción Integral de la Mujer y la Infancia (Comprehensive Advancement of Women and Children) (INFANTE), the Office of Women's Affairs and the Office of the Ombudsman, among others, have carried out a variety of studies and assessments of the implementation of Act No. 1674. These studies have revealed weaknesses in both the implementation and the nature of the Act: delays in the application of rules and penalties; a shortage of psychotherapeutic services; weaknesses in the establishment of penalties for repeat offenders; lack of clarity on the use of conciliation in operational entities; the need to specify that domestic violence is not subject to conciliation; and weaknesses in the application of penalties for financial and economic abuse. It has also been found that, while there are specific community penalties defined in accordance with customary practices, there are no explicit mechanisms for following up on their enforcement.

The most important element of these studies is the formulation of recommendations for amending the Act's nature, scope and coverage; making changes in the alternative measures and complementary measures; establishing special courts to hear cases of this type; strengthening the Family Protection Units and the municipal integral legal services; and designing regulations better suited to the rural environment and the situation of indigenous women.

Below are data on the number of reported cases of gender-based domestic violence, disaggregated by type of violence.

Type of violence	2000	2001	2002	2003	2004	2005	2006	Total
Physical	10 555	8 876	7 514	9 467	8 686	8 877	14 416	68 391
Psychological	10 929	9 729	11 760	12 624	14 220	19 957	29 705	108 924
Physical - psychological	9 218	8 598	10 394	9 747	10 144	14 218	No data	62 319
Sexual	94	84	108	129	125	145	166	851

Source : National Police Command, Department of Statistics.

6. The report indicates that the minimum age for contracting matrimony is 16 years for males and 14 years for females (para. 367). Please state whether there are plans to amend this law in order to specify the same minimum age for

men and women and to comply with the provisions in the Convention on the Rights of the Child.

The Ministry of Justice and the Department for Gender and Generational Affairs, in accordance with their annual operating plan, intend to develop, in the near future, a preliminary draft Family Code based on a process of review and consultation and aimed at amending articles that discriminate against women, girls and adolescents, such as those concerning the minimum age at marriage, the division and allocation of property, guardianship, family assistance, etc.

While this reform process was begun previously, with a national consultation, by the former Department for Gender, Generational and Family Affairs in 2002-2003, the changes that have taken place make it necessary to examine issues relating to equality of rights and obligations for spouses, free and de facto unions, the conduct of oral proceedings, the expeditiousness of such proceedings and opportunities for indigenous women's organizations to participate in the debate and contribute proposals for the relevant adjustments.

7. The report indicates that Decree No. 24864 on Hierarchical Standing of Departmental Gender Units has been adopted (para. 49). Please indicate what the implementation status of this Decree is and whether it has facilitated gender mainstreaming in departments and municipalities.

Decree No. 24864 is a comprehensive legal instrument that promotes the exercise of women's human rights and provides for gender mainstreaming in public policies and institution-building for gender-related entities at the national, departmental and municipal levels. It has not been widely disseminated or implemented by the various public institutions to which it refers. However, on the basis of this Decree, inter-ministerial and cross-sectoral commissions such as the Health, Education, Justice and Planning Commissions have been established to deal with and follow up the issue of equal rights. Gender mainstreaming processes have been encouraged, especially in education and health.

As to the hierarchical standing of departmental gender units, Decree No. 24864 of 10 October 1997 provided for institution-building for gender-related entities at the national, departmental, local and sectoral levels. In addition, Decree No. 28162 made it possible to raise departmental gender units to the level of directorates, as the promulgation of Decree No. 25060 of 2 June 1998 had removed gender entities from that level, instead making them part of the departmental social management services, which report to the social development directorates. Under Decree No. 26767 of 9 August 2002 amending Decree No. 25060, social development directorates were moved to the operational executive level, within which the social management services are located. With this measure, the gender units were downgraded to the operational level within the social management services, with the result that they no longer have decision-making authority or influence over departmental policies. Today there are only two departmental gender directorates, located in the Departments of Tarija and Cochabamba.

8. Please provide more details about cases of aggression, ill-treatment and sexual abuse of street girls and acts of violence against women coca growers and the measures taken in that respect.

The criminalization of coca leaf cultivation under Act No. 1008 was accompanied by the development of police and law enforcement mechanisms that have resulted in frequent human rights violations in coca-growing areas.

The Department for Gender Affairs, in cooperation with the Ombudsman, the Federation of Coca Growers and the Cochabamba Federation of Women Coca Growers, has since 1999 set up ombudsman units for the promotion and protection of human rights in Chapare.

The first 60 services dealing with domestic violence and sexual violence against women include the integrated legal services set up in the Cochabamba coca-growing area. In 2005, the Department for Women's Affairs, as part of the 2004-2007 plan, took action to increase and expand the coverage of services for the prevention of domestic violence and gender-based sexual violence and the care of victims in the five coca-producing municipalities. Such action included training for local authorities and service providers and the provision of equipment and means of transport.

Another important initiative by the Department for Women's Affairs is the development of a political participation component aimed at disseminating rights and norms favourable to women and at training women and enhancing their leadership skills and political participation. This component is directed at grassroots organizations, peasant and indigenous communities, women miners, women coca growers and urban women and is supported by non-governmental organizations and international cooperation.

Although domestic violence assistance services in coca-growing areas receive complaints of violations of the human rights of women coca growers, so far no official study has been conducted into the situation of violence against such women.

The ongoing efforts of both the Federation of Coca Growers and the Federation of Women Coca Growers to uphold human rights and the right to grow coca leaf contributed decisively to the formation of the Political Instrument for the Sovereignty of the Peoples (IPSP) and, subsequently, the Movement Towards Socialism (MAS), which culminated in the triumph of Evo Morales in the 2005 elections as the first indigenous peasant to become President of Bolivia and in the election of representatives of indigenous peasants and, in particular, coca growers to the legislature and the current Constituent Assembly. At least 60 per cent of MAS members of Congress and members of the Constituent Assembly are indigenous persons, peasants and coca growers. Women coca growers' leaders such as Leonilda Zurita currently represent coca growers in Congress.

9. What specifically has been done to disseminate and implement the Law on Protection of Victims of Crimes against Sexual Freedom? Please indicate the level of coverage and whether the efforts include women from rural areas and indigenous women.

The Department has drafted norms and protocols for assisting victims of sexual violence. Its activities have included using Law No. 2033 as a benchmark and disseminating it through inter-institutional coordination with integrated legal services and children's defence offices.

An integrated approach is being taken to sexual violence. The efforts of the Department for Women's Affairs have included the implementation of policies for

the prevention, punishment and eradication of gender -based sexual violence by raising the awareness of municipal authorities throughout the country and disseminating normative instruments such as the guide for assisting victims of violence, legislative instruments (Law No. 2033) and international instruments for the defence of women's human rights) and norms, protocols and procedures for the provision of integrated care to victims of sexual violence for the health , police and forensic medicine sectors. In the latter connection, norms have been transmitted to providers of health, police, legal advice and psychological and social counselling services. In rural areas, the issue of sexual violence has been addressed by disseminating norms to health services, Departmental Gender Units and municipalities.

The Department is currently implementing a comprehensive programme to combat gender violence and is drawing up a National Plan to Combat Gender Violence in order to gather inputs on the issue of interculturalism and incorporation of alternative models that could be useful to rural areas in dealing with cases of violence.

10. In her report, the Special Rapporteur expresses concern about the fact that in cases of domestic violence the authorities give priority to family integrity, forcing reconciliation of the parties in the name of the well-being of the children, and that women face the problem of providing evidence of domestic violence in cases where there are no physical marks. She also mentions that the [Family Protection] Brigades have been assuming functions that are not within their purview and are accepting cases that should be dealt with by judges (E/CN.4/2003/75/Add.1, para. 1309). What action has been taken to address these problems?

The current Family Code establishes as the guiding principle for judges and authorities in settling matters brought before them that they must take into account the status of the individuals concerned as members of the family group and ensure that the interest of the family prevails over that of its individual members and third parties (article 3 of the Family Code). Article 4 of the Code establishes that the family, marriage and motherhood enjoy the protection of the State and that the interest of the family therefore prevails over that of the individual when settling a family dispute.

However, given that violence is a human rights violation, the Department for Women's Affairs, in all gender -training, dissemination and awareness -raising activities for judicial personnel concerning Act No. 1674 and its implementing regulations, promotes women's rights and non -conciliation in cases of violence, on the basis of article 11 of the regulations prohibiting agreements that legitimize acts of violence and agreements requiring victims to waive their rights.

With regard to the second question, on 31 May 2006 the Police Command, together with the Family Protection Units, updated the rules on the organization and functioning of the Units and produced a Unit police procedures manual with instructions on the design of plans, campaigns and programmes for preventing violence and norms and protocols for dealing with cases of domestic violence. The Unit's duties include the immediate referral of cases that are not within its competence, which is to investigate the facts and in no circumstances to enforce conciliation .

11. Indicate what has been the impact of the Programme for the Prevention of Violence at School.

Despite the development of training and awareness-raising methodologies and contents, the Programme has not been included among the courses offered by the Ministry of Education.

The Department for Women's Affairs, supported by international cooperation, carried out pilot experiments in Catholic schools which ended in 2003. Subsequently, it developed a teacher training module on violence at school which is being taught at a teacher training college.

Under the National Public Policy Plan for the Full Exercise of Women's Rights, 2004-2007, a guide for handling domestic violence within the school context was drawn up and promoted jointly with the Department for School and Alternative Education. The guide is aimed at schoolteachers and is designed to help prevent, identify, report and monitor cases of domestic violence and child abuse that have an impact at school.

Work remains to be done on the design and implementation of specific, sustained measures for the elimination of violence at school and the design of indicators for measuring impact.

12. Please indicate the stage reached in the initiative to sign an agreement with the Southern Common Market (MERCOSUR) countries with a view to eliminating the trafficking of women.

The Inter-institutional Council for the Elimination of Human Trafficking (chaired by the Ministry of Justice) was set up in May 2006 following the adoption of Law No. 3325 of 18 January 2006 on the ratification of international treaties. The Council has developed an action strategy which, in the legislative sphere, includes the adaptation and implementation of legal norms, the training of judicial personnel at the three levels of government and the development of dissemination, awareness-raising and victim protection activities. As part of the strategy, the legislative committee has drafted a bill that would amend and expand Law No. 3325 to make it more comprehensive by giving greater visibility and protection to women victims of trafficking and by making human trafficking an offence under the Criminal Code.

Although progress has been made at the national level, the initiatives proposed within MERCOSUR have not reached a stage where agreements could be signed.

13. The report refers to a study on children and adolescents carried out by Defence for Children International in 1998. Please indicate whether more studies have been carried out on this topic and whether there are plans to establish a permanent information monitoring mechanism. Furthermore, if the Trafficking in Children Act has been drafted, please provide information about its discussion and approval process.

The International Organization for Migration (IOM) has carried out three quantitative and qualitative studies. The first two, carried out in 2004, yielded information on the phenomenon of human trafficking, identifying routes, frequencies, forms of trafficking, forms of sexual and labour exploitation, servitude and organ extraction.

In 2007, the third quantitative study was carried out in the cities of La Paz and El Alto to determine the incidence of trafficking and the numbers involved. This study is in the process of being published.

The entity responsible for monitoring and reporting on the problem is the National Council against Human Trafficking, composed of private and public bodies.

IOM provides training to law enforcement personnel, carries out protection and prevention activities and assists victims of trafficking.

The Tarija branch of the Office of the Ombudsman also carried out a study on commercial and sexual violence against children and adolescents, which has yet to be published.

A Human Trafficking Unit has been set up within the National Police and police have been trained to identify and handle cases of trafficking. The National Migration Service is responsible for monitoring migrant flows.

The National Council against Human Trafficking in Bolivia was set up in 2006 under the responsibility of the Ministry of Justice. Its strategies include legislation, training of judicial personnel, protection and awareness-raising.

The Ombudsman has also worked on the issue and has taken joint action with IOM, the Department for Gender and Generational Affairs and civil society bodies, thereby ensuring that the legislative agenda includes the amendment of Law No. 3325 so that it penalizes trafficking more severely and more effectively. A referral and counter-referral link has been established with the Human Trafficking Unit of the National Police for all known cases involving this crime.

An Ombudsman unit on human trafficking has been set up and has distributed Law No. 3325 among owners and managers of nightclubs and karaoke bars, pimps, and the like.

Lastly, a proposed comprehensive anti-trafficking bill has been presented to Congress and is currently before the congressional Human Rights Committee. It includes the innovative measure of punishing users of services resulting from human trafficking and incorporates feedback from various institutions.

14. According to the report, a set of policy measures is being drawn up to provide protection to women who engage in prostitution. Please provide more information about this set of policy measures and indicate what has been done to identify the causes of this phenomenon and to determine the profile of the women (age, ethnic origin and so forth) who engage in prostitution. Please also indicate to what extent the research mentioned in paragraph 126 of the report is related to these efforts.

In 2005 the Department for Women's Affairs conducted a study on prostitution as one of the most abominable forms of sexual exploitation of female sex workers; the resulting recommendation was that a policy measure should be drawn up to protect the human rights of female sex workers. However, there is currently no specific law in Bolivia on prostitution beyond what is set forth in Law No. 2033 and the law on human trafficking. Prostitution is not prohibited in Bolivia, but it is regulated by laws on health and relations with the police and local government. As for the profile of the women involved in this activity, there is a widely held view that only those in the lower socio-economic strata engage in prostitution; however,

it has been proved that prostitution is practised by women of various social classes. No information is available on the ethnic origin of prostitutes. As for age profiles, it is also commonly believed that only adult males use these services. In this connection, municipal governments have issued ordinances and resolutions to exert greater control over the sale of alcoholic beverages to minors in public bars.

One noteworthy development has been the establishment of the National Organization for the Emancipation of Women in a State of Prostitution (ONAEM), which recognizes prostitution as an occupation rather than just a form of work; the organization's mission is to fight for human and constitutional rights and the emancipation of prostitution. In this connection, Ministerial Decision No. 0668 of 30 August 2007, on health, was issued in order to prevent epidemics. The same year, in April 2007, the Ministry of Justice issued a document entitled "Men and women excluded from the Constituent Assembly".

15. Please provide indicators showing the impact of efforts to promote gender equity in education through a cross-cutting approach, and indicate what other measures have been taken to eliminate stereotypes and cultural patterns that discriminate against women, including whether there are initiatives involving the media.

Efforts to promote gender equity in education through a cross-cutting approach have been focused on three main elements: (a) development of a gender policy in the educational reform process set in motion by the Educational Reform Act; (b) inclusion of gender in the design of the primary school curriculum; and (c) definition of competencies aimed at enhancing gender equity in curricular plans and programmes; these competencies include achievement indicators to show how much progress is being made. Indicators of the cross-cutting approach to gender equity can thus be seen at the level of curriculum planning. We cannot report precisely on the impact of the gender-based approach on education, because cross-cutting impact indicators have not been fully dealt with in the Educational Reform Programme.

The work with educational units in the rural areas of five of the country's departments under the ActionAid programme shows that gender competencies and indicators, such as the use of non-sexist language, are being incorporated to some extent. In other cases, educational curriculum projects that prioritize the relationship between gender and the environment, language and the life sciences have been identified. These results appear to be linked to teacher training and the work of non-governmental organizations in promoting cross-cutting approaches. At this exploratory stage, based on an analysis of the ActionAid experiment, it is clear that stereotypes and cultural patterns of discrimination persist in all geographical areas and educational units of the ActionAid programme.

Until 2004, under the Educational Reform Programme, communication and dissemination campaigns — involving especially the mass media — provided information on cross-cutting programmes and topics covered by the Programme.

The activities of the National Public Policy Plan for the Full Exercise of Women's Rights (2004-2007) included the design of a proposed gender-based curriculum for secondary education and the monitoring and implementation of the incorporation of the cross-cutting gender approach into the reform process. One of the outcomes thus far has been the inclusion of a cross-cutting gender approach in

the teacher training curriculum of the Teacher Training College in the Department of La Paz (2004-2005).

The new “Avelino Siñani and Elisardo Perez” Education Act of 2006 does not explicitly endorse the incorporation of the cross-cutting gender approach and draws attention to some difficulties that hinder progress in education. It includes proposals to encourage girls and adolescents to enrol and stay in school, such as the establishment of community centres/training schools (*ciudades educativas*).

Despite the difficulties and weaknesses encountered in incorporating the cross-cutting gender approach into education, some important activities have been carried out, such as the inclusion of the gender approach in curricular design, the preparation of educational materials for public primary schools and teacher training and the use of the gender approach in the curriculum of teacher training centres; these measures, which are geared to modifying society's understanding of the definition of “masculine” and “feminine” and eliminating discriminatory cultural stereotypes and patterns, have achieved significant results. These have not been directly measured, but they can be seen, for example, in the variations in the rate of school enrolment and completion among girls at the primary level.

A major component of the work of the Department for Women's Affairs consists of taking steps to encourage rural girls to enrol and remain in school, focusing on the dissemination of information and the offer of material incentives. To that end, as part of the 2004-2007 plan, a specific communications strategy will be developed, including activities involving the production and distribution of printed and audio-visual materials in four indigenous languages.

Another measure aimed at fostering school attendance and completion is the implementation of the Juancito Pinto scholarship. The national Government, beginning in November 2006 and as part of its policies aimed at redistribution of the social product, gave Bs 200 (US\$ 25) to each 6- to 12-year-old child as an incentive to stay in school. Similarly, free programmes for the obtaining of identity cards and birth certificates are also helping to improve access to education.

16. Please indicate whether studies have been carried out to identify and examine the reasons for the failure of girls and adolescents to remain in school. If so, please include the results and provide gender-disaggregated statistical data on school retention and dropout rates by age, level of education and rural and urban area. Also indicate the main reasons that girls and adolescents drop out of school.

Another component of the cross-cutting gender approach to the process of educational reform is the programme to encourage girls to attend and remain in school. This programme has revealed new aspects of the problem, by analysing both causes and effects, and has thus helped promote better understanding of the phenomenon; it has also favoured the establishment of indicators linked to gender-disaggregated statistics in the entire system of data on public education.

In the period 2000 to 2002, three studies were carried out. They were important in terms of both their nature — statistical, sociological and ethnographic — and coverage (seven out of nine departments). The main results with regard to the factors restricting access and retention not only confirm the initial hypotheses concerning the persistence of discriminatory cultural patterns but also

reveal new aspects of these patterns that are crucial to an understanding of the problem. The following are some examples:

- The construction of an inequality index, which allows for the classification of municipalities on the basis of the deficit in equality of access to education and indexes of female and male marginality. The study found, for example, that female marginality stands between 18 and 40 per cent, compared to a male marginality rate of 19 per cent.
- The ethnographic study reconstructs the systems of social exclusion and the collective imagination in respect of whether girls enrol, remain and succeed in school in rural areas where there are large populations of indigenous peoples, such as Aymaras and Quechuas.
- The impact of the indirect and opportunity costs of education on whether girls and adolescents have access to education and remain in school has been identified.
- The absence, shortage or inadequacy of the supply of educational services is again an important variable for access and retention.
- Bilingualism in the Quechua regions is a positive factor in promoting access and retention, while the same variable in the Aymara Andean region shows a different behaviour, linked to the type of production in the area.
- Work as a primary means of socialization of boys and girls in rural areas, together with the gender-based division of roles, is a factor in early school leaving that can also be interpreted as a lack of adaptation of the educational supply to the forms of production and time spent on production in rural areas.
- Another factor is early entry into the labour market and, of course, the presence of common patterns of discrimination based on the sexual and social division of labour, and hence the stereotyped concept of masculine and feminine.

These studies have helped to identify many factors that either discourage or promote access to education and remaining in school.

The 2006 UNICEF thematic report on human development in Bolivia provides other indicators that help identify the reasons for not having access to and dropping out of school. These include demographic changes, internal migration, early pregnancy, access to civil registration and levels of urbanization.

Trends in school attendance by children and adolescents (selected figures):

C1. Urban areas: trends in primary school enrolment, by sex

<i>Level</i>	<i>Enrolment</i>	<i>Enrolment</i>	<i>Enrolment</i>
<i>Primary</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Girls	511 003	517 126	514 443
Boys	524 245	528 577	526 535
Total	1 035 248	1 045 703	1 040 978

Source : Educational Information System (SIE), 2007.

C2. Urban areas: trends in secondary school enrolment, by sex

<i>Level</i> <i>Secondary</i>	<i>Enrolment</i> <i>2004</i>	<i>Enrolment</i> <i>2005</i>	<i>Enrolment</i> <i>2006</i>
Girls	192 548	199 756	203 234
Boys	198 111	204 357	204 641
Total	390 659	404 113	407 875

Source : SIE, 2007.

C3. Total pupils actually attending primary school, by sex

<i>Level</i> <i>Primary</i>	<i>2004</i>		<i>2005</i>		<i>2006</i>	
	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>
Girls	511 003	489 101	517 126	495 214	514 443	490 316
Boys	524 245	498 883	528 577	503 383	526 535	498 257
Total	1 035 248	987 984	1 045 703	998 597	1 040 978	988 573

Source : SIE, 2007.

C4. Total pupils actually attending secondary school, by sex

<i>Level</i> <i>Secondary</i>	<i>2004</i>		<i>2005</i>		<i>2006</i>	
	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>
Girls	192 548	176 890	199 756	184 491	203 234	187 647
Boys	198 111	176 697	204 357	183 500	204 641	183 655
Total	390 659	353 587	404 113	367 991	407 875	371 302

Source : SIE, 2007.

C5. Pupils dropping out of school, by sex and educational level

<i>Level</i>	<i>2004</i>		<i>2005</i>		<i>2006</i>	
	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>
Primary	21 902	25 362	21 912	25 194	24 127	28 278
Secondary	15 658	21 414	15 265	20 857	15 587	20 986
Total	36 750	46 776	37 177	46 051	39 714	49 264

Source : SIE, 2007.

Rural areas**C6. Rural areas: trends in primary school enrolment, by sex**

<i>Level</i> <i>Primary</i>	<i>Enrolment</i> <i>2004</i>	<i>Enrolment</i> <i>2005</i>	<i>Enrolment</i> <i>2006</i>
Girls	no data	340 911	342 715
Boys	no data	373 421	373 269
Total		714 332	715 984

Source : SIE, 2007.

C7. Rural areas: trends in secondary school enrolment, by sex

<i>Level</i> <i>Secondary</i>	<i>Enrolment</i> <i>2004</i>	<i>Enrolment</i> <i>2005</i>	<i>Enrolment</i> <i>2006</i>
Girls	no data	50 861	53 295
Boys	no data	70 680	71 871
Total		121 541	125 166

Source : SIE, 2007.

C8. Total pupils actually attending primary school, by sex

<i>Level</i> <i>Primary</i>	<i>2004</i>		<i>2005</i>		<i>2006</i>	
	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>
Girls	no data	no data	340 911	320 113	342 715	318 344
Boys	no data	no data	373 421	349 415	373 269	345 801
Total			714 332	669 528	715 984	664 145

Source : SIE, 2007.

C9. Total pupils actually attending secondary school, by sex

<i>Level</i> <i>Secondary</i>	<i>2004</i>		<i>2005</i>		<i>2006</i>	
	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>	<i>Enrolled</i>	<i>Attending</i>
Girls	no data	no data	50 861	46 082	48 315	48 062
Boys	no data	no data	70 680	63 524	68 749	64 501
Total			121 541	109 606	117 064	112 663

Source : SIE, 2007.

C10. Pupils dropping out of school, by sex and educational level

<i>Level</i>	<i>2004</i>		<i>2005</i>		<i>2006</i>	
	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>
Primary			20 798	24 006		
Secondary			546	773		
Total			21 344	24 779		

Source : SIE, 2007.

17. Please provide data on university enrolment, retention and completion, disaggregated by gender and course type.

According to the 2001 census, 45.22 per cent of the respondents who reported that they had some level of higher education were women, while the other 54.78 per cent were men. According to the same census, 13.10 per cent of women and 16.73 per cent of men aged over 19 years reach the level of higher education. In urban areas, 18.62 per cent of women reach the higher education level, while in rural areas the figure is a mere 2.34 per cent.

According to the Educational Information System (SIE), in 2003, out of a total of 2,965,730 persons aged 5 to 39 years, only 12.72 per cent of the urban population reach university level, while this percentage drops to 0.89 per cent in rural areas because of the concentration of universities in urban areas. In terms of access by gender, of the total 1,354,306 females aged between 5 and 39 years, only 8.5 per cent reach university, compared with 10.03 per cent of the total 1,611,424 males.

Trends in the gross enrolment rate in higher education during the period between the 1992 and 2001 censuses show that the proportion of men reaching higher education rose from 12.88 per cent in 1992 to 16.78 per cent in 2001, while the proportion of women rose from 9.15 per cent in 1992 to 13.10 per cent in 2001.

The higher-education index for women in 2003 shows that there are more women than men in traditional careers: 56 per cent of education students are women, as are 62.60 per cent of medical and natural science students, owing to women's virtual monopoly of careers in nursing, nutrition and physiotherapy. Women account for 30.72 per cent of agriculture students, while the percentage of women studying social sciences is similar to that for education. There are no data for 2003 on female engineering and technology students, but the higher education index for the period 1991 to 2001 shows a decline from 4.10 per cent in 1992 to 2.79 per cent in 2001. In higher technical education, the proportion of females aged between 5 and 39 years is only 1.90 per cent, against 2.19 per cent for males, with the rate for females in rural areas (0.07 per cent) falling far below that for females in urban areas (2.54 per cent).

18. Please indicate the reasons why the quotas have not been met and report on the measures taken to promote the participation of women, including indigenous women. Please also provide information on the impact of the Political Parties Act and the efforts to enforce it, as well as updated figures on the representation of women, including indigenous women.

As part of the measures taken between 2004 and 2006 to promote women's political participation, the "Women in Power at the Local Level" programme was carried out in collaboration with international cooperation agencies and the Association of Women Town Councillors of Bolivia (ACOBOL). The programme's components were training for women candidates and town councillors in local administration and gender and the dissemination of women's political rights. Over 1,500 women candidates for office as councillors and town municipal leaders were trained. In the second phase, training activities for elected women town councillors were carried out, as well as activities to strengthen their leadership and representation. The programme also included the production of textbooks on municipal administration with a gender perspective.

In 2005, a committee to monitor the application of quotas and the implementation of the Citizens' Associations and Indigenous Peoples Act was set up, with the participation of women's organizations, the Women's Political Forum and the Department for Women's Affairs, for the purpose of monitoring compliance with the Act in the national elections and the Constituent Assembly.

Efforts to promote the political participation of indigenous women, undertaken by the national machinery for the advancement of women, were concentrated in three areas: (a) issuance of identity cards and birth certificates; (b) dissemination of women's rights in indigenous languages and dissemination of the Citizens' Associations and Indigenous Peoples Act; and (c) monitoring and oversight of that Act and the Political Parties Act.

With regard to civil society, women's organizations contribute by carrying out leadership training processes, such as the actions taken by the bodies that promoted the women's legislative agenda 2002-2007 (Women's Political Forum, Union of Women Parliamentarians, ACOBOL and others) as a follow-up to the various laws.

Despite the efforts made, however, the right to representation is still being exercised in conditions of male domination, male fear of power-sharing and patriarchal resistance to any change in the balance of political power between the sexes which, combined with the absence or weakness of mechanisms for enforcing penalties for non-compliance with quotas, create a situation where women have made little progress in exercising their right to representation.

In the 2004 municipal elections, out of all town councillors elected and holding office, 77 per cent belonged to political parties, 18 per cent to citizens' associations and only 5 per cent to indigenous and native peoples. The gender breakdown of the election results shows that the quota was not met, with only 18.69 per cent of those elected being women.

Councillors elected and holding office, by type of political organization and sex

<i>Type of political organization</i>	<i>Councillors</i>		
	<i>Women</i>	<i>Men</i>	<i>Total</i>
Political parties	234	1 154	1 388
Citizens' associations	75	241	316
Indigenous peoples	29	75	104
Total	338	1 470	1 808

Source : National Electoral Court (NEC), 2005.

Councillors elected, by sex

	<i>Percentage</i>
Men	81.31
Women	18.69
Total	100.00

Source : NEC.

Councillors elected and holding office, by department and sex

<i>Department</i>	<i>Councillors</i>		<i>Total</i>
	<i>Men</i>	<i>Women</i>	
Chuquizaca	19	131	150
La Paz	63	365	428
Cochabamba	46	225	271
Oruro	42	134	176
Potosí	45	167	212
Tarija	16	53	69
Santa Cruz	58	252	310
Beni	37	74	111
Pando	17	64	81
Total	343	1 465	1 808

Source : NEC, 2005.

Municipal elections, 1991 -2004

<i>Election year</i>	<i>Women council lers holding office and alternates</i>	<i>Percentage</i>
1991	232	18.5
1993	231	26.7
1995	135	8.3
1999	542	32.0
2004	719	43.0

In the December 2005 national elections, women's representation was no better than in the municipal elections. The quota was not met, with 15 per cent of members of Congress being women and 85 per cent men.

Congressional representation by sex, 2005 elections

<i>Members of Congress elected</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
Senators	1	26	27
Deputies	22	108	130
Grand total	23	134	157

Source : NEC, 2006.

Deputies by type of representation and sex, 2005 elections

	<i>Women</i>	<i>Men</i>	<i>Total</i>
Single -member deputies	5	65	70
Multi -member deputies	17	43	60
Grand total	22	108	130

Source : NEC, 2006.

Deputies by political party and sex, 20 05 elections

<i>Political party</i>	<i>Women</i>	<i>Men</i>	<i>Total</i>
MAS	10	61	71
Podemos	8	35	43
UN	1	8	9
MNR	3	4	7
Grand total	22	108	130

In the elections to the Constituent Assembly, women's representation reached a total of 86 women Assembly members compared with 169 men. The electoral process for the Constituent Assembly, characterized as it was by increased participation and expectations on the part of Bolivian citizens, was a breakthrough for women's inclusion in the lists of candidates put forward by political parties, citizens' associations and indigenous peoples. Their overall share of political representation jumped to 33.73 per cent.

Allocation of seats by department, political organization and sex

Department	Party	Multi-member		Territorial district		Total
		Men	Women	Men	Women	
Chuquisaca	MAS	1	1	6	6	14
	Podemos	1	0	4	0	5
	MBL	1	0	2	0	3
	CN	1	0	0	0	1
La Paz	MAS	1	1	15	15	32
	Podemos	1	0	5	1	7
	UN	1	0	4	1	6
	ASP	1	0	1	0	2
	AYRA	0	0	1	0	
Cochabamba	CN	0	0	2	0	
	MAS	1	2	10	10	23
	MBL	0	0	4	1	5
	Podemos	1	0	5	0	6
	UN	1	0	0	0	1
Oruro	MAS	2	1	5	5	13
	AYRA	0	0	1	0	1
	CN	1	0	1	0	2
	MC8FA	0	0	1	0	1
	Podemos	1	0	2	0	3
Potosí	AS	1	0	5	0	6
	MAS	1	1	8	8	18
	MOP	1	0	2	0	3
	Podemos	1	0	1	0	2
Tarija	MAS	1	1	4	4	10
	MNR-FRI	1	0	5	2	8
	Podemos	1	0	0	0	1
	MIR-NM	1	0	0	0	1
Santa Cruz	MAS	1	1	11	7	20
	Podemos	1	0	10	7	18
	A3-MNR	1	0	1	0	2
	AAI		0	1	0	1
	APB	1	0	1	1	3
Beni	MAS	1	0	1	1	3
	MNR	1	1	4	1	7
	Podemos	1	1	6	2	10
Pando	MAS	1	0	3	0	4
	Podemos	1	1	3	3	8
	UN	1	0	0	0	1
	MNR	1	0	0	0	1
Total		34	11	135	75	255

Source : NEC, 2006.

<i>Representatives, by sex</i>		
Women	86	33.73%
Men	169	66.27%

It is important to note that the 33 -per-cent figure for women Assembly members also reflects the rise of the indigenous farmers' movement and of the urban popular movement, as well as a situation of social polarization and crisis in the neoliberal State. Representative democracy is one of the most distrusted and delegitimized neoliberal State institutions. Consequently, the Constituent Assembly, which was formed in response to the public's demand for the inclusion and recognition of the country's principal majority population groups, has become the primary forum for the representation and recognition of excluded sectors and, therefore, for the transformation of the Bolivian State.

The presence of Silvia Lazarte, a leader of the small -scale farmers' movement, as President of the Constituent Assembly and the fact that over 60 per cent of MAS -affiliated Assembly members are representatives of indigenous peoples and small -scale farmers attest to the emergence of this new political actor on the national stage.

Although the proportion of women members of the Constituent Assembly is significant and represents a major step forward, this does not necessarily guarantee that the decolonization process launched with the election of the current Administration and the Constituent Assembly will make social relations progressively less patriarchal. While important opportunities for building equality between men and women have certainly opened up, this process faces significant hurdles as well.

19. According to the report, “unfavourable working conditions” and “household chores” are some of the reasons why women cannot access political positions. Reference is also made to cases of women being “subjected to violence intended to make them withdraw”, which is associated with so -called “political harassment”. Please indicate what measures are envisaged or have been taken in that respect.

The Ministry of Labour has not received any reports of political harassment in employment. However, the Association of Women Town Councillors of Bolivia (ACOBOL) has received many reports indicating that women councillors and alternates have been subjected to physical, psychological and sexual aggression intended to force them to resign from their posts.

With respect to political harassment, the draft bill known as the Gender -based Political Harassment and Violence Act covers all these forms of violence.

The measures contained in the draft bill include a requirement that municipal governments establish mechanisms to monitor compliance with the Act, a requirement that the internal statutes and by -laws of women's and men's organizations and institutions include provisions to prevent and punish political harassment and violence, and amendments to the Municipalities Act, the Electoral Code, the Political Parties Act and the Citizens' Associations and Indigenous Peoples Act to categorize political harassment and violence as infractions and

contraventions punishable by at least two years' suspension from political activity or by the suspension of the relevant party or citizens' association from participation in elections, among other penalties.

As a result of a joint effort with civil society, the political parties' candidates for the 2005 -2010 national elections signed a pledge, in the framework of the public policy agenda for women, that includes support for this provision.

20. The report indicates that articles 56 and 57 of the decree implementing the General Labour Act, concerning the provision of childcare facilities, have not been observed by companies. Please indicate the action taken to ensure compliance with the labour laws and whether there are any monitoring mechanisms. Please also indicate the sanctions in the event of non-compliance and the cases that have been prosecuted.

In this connection, in 2003 the Department for Women's Affairs put forward a number of proposed reforms of the General Labour Act with respect to maternity, childcare facilities, wages, etc. As the General Labour Act has not yet been reformed, these proposals have not been incorporated. With respect to enforcement and monitoring mechanisms, Ministry of Labour inspectors carry out technical labour inspections both routinely and in response to complaints. If social protection laws are found to have been violated, the Ministry of Labour imposes fines ranging from 1,000 to 10,000 bolivianos, pursuant to Ministerial Decision No. 014/04 of 26 January 2004.

Among the most common cases reported are complaints from paid domestic workers alleging that their employers have failed to comply with the Law on Regulation of Remunerated Domestic Work and have violated the social protection provisions of labour laws. Such employers are subject to the relevant provisions and rules. Examples of such violations include non-payment of social security contributions, sexual harassment, summary dismissal without the appropriate severance pay, failure to grant earned vacation time, ill-treatment, discrimination, etc.

21. Please provide information about the incidence of sexual harassment in the public and private sectors. Also indicate whether there is a plan to adopt legislation and programmes to combat such harassment.

The General Directorate of Labour and Industrial Safety does not have statistical information on the incidence of sexual harassment. However, the draft Sexual Harassment Act was an initiative of the Senate's Committee on Labour, Gender and Generational Affairs, in which the Department for Women's Affairs and other entities participated, and comes under the women's legislative agenda for 2002-2007.

22. Please indicate the measures planned or implemented under the Government's economic plan and the National Agricultural and Rural Development Strategy to eliminate discrimination against women in employment. Please provide information on the results obtained to date.

The National Agricultural and Rural Development Strategy is part of the agenda of the Dialogue for a Productive Bolivia, which was later expressed in the Dialogue Act of 2000. The third-generation reforms for 2001 -2005 in the framework of neoliberal policies reflect the administrations' focus on promoting local economic

development. The Dialogue Act set out guidelines for the implementation of the Bolivian Poverty Reduction Strategy, 2001. This law acknowledges the importance of local economic production and allocates Heavily Indebted Poor Country (HIPC) II resources to municipal governments: 10 per cent for health care, 20 per cent for education and 70 per cent for productive development initiatives. The National Agricultural and Rural Development Strategy for 2004 provides for the strengthening of the Poverty Reduction Strategy based on the national Dialogue for a Productive Bolivia, which is taking place in a social context of growing demand for a Constituent Assembly. Against this backdrop, the aim of the 2004 Dialogue is to agree on and promote the institutionalization of economic and social production strategies to reduce poverty in a framework of multiculturalism, social equity and inclusiveness.

The participation of women's organizations, chiefly those based in rural areas, in the 2004 Dialogue helped to highlight gender inequalities in terms of access to land, productive resources, credit, inputs, technical training and markets. As a result of this participation, which was supported by the Department for Women's Affairs and rural women's organizations, the National Agricultural and Rural Development Strategy now includes objectives concerning the promotion of women's participation in acquiring, distributing and controlling productive resources. The definition of this objective does not entail the implementation of affirmative action measures to correct gender inequalities.

On the basis of this Strategy, Supreme Decree No. 27328 ("Buy Bolivian") was issued. This legal instrument makes it easier for the central Government and departmental and municipal governments to procure goods and services produced and manufactured by Bolivian companies, with a clear emphasis on small businesses and producers. By providing access to small businesses and microenterprises, it also opens up opportunities for women farmers and women small-business and microenterprise owners to offer their services and products to the three levels of government.

The Department for Women's Affairs, in coordination with other public-sector entities and organizations of women farmers and microenterprise owners, is carrying out training and information activities concerning the "Buy Bolivian" initiative and the use of the local-business registration document (*tarjeta empresarial*).

Thus far, no official studies have been done to identify the impact of the "Buy Bolivian" campaign on women's access to public bidding exercises or on the level of their income.

Analyses conducted by NGOs such as the Centro de Investigación y Promoción del Campesinado (Research Centre for the Advancement of Small-scale Farmers) (CIPCA) on the progress and limitations of the "Buy Bolivian" campaign do not include information on the number of women business owners and farmers who have benefited from the initiative. They do, however, identify weaknesses in the regulations for promoting women's participation in the "Buy Bolivian" campaign and in demand fairs (*ferias a la inversa*).

The economic development plan for 2003-2007 does not include specific measures to correct gender inequalities in employment. In sum, more aggressive measures to overcome discrimination against women in employment and rural production have yet to be introduced.

23. Please provide more information about the conditions in which young women and girls are employed in domestic work and specify whether they have access to social security.

A draft Supreme Decree has been drawn up to provide implementing regulations for article 24 of the Law on Regulation of Remunerated Domestic Work, which concerns the participation of such workers in Bolivia's social security system. This process is being driven by a committee consisting of the Department for Gender and Generational Affairs, the Office of the Ombudsman, the Federación Nacional de Trabajadoras del Hogar (National Federation of Female Domestic Workers) (FENATRAHOB) and civil society institutions.

The Women's Human Rights Programme of the Office of the Ombudsman has collected testimony revealing the existence of situations of discrimination based on gender, race and, especially, the low value placed on domestic work. Accordingly, awareness-raising initiatives have been carried out on the nature of labour relations between employers and domestic workers.

24. Please indicate whether the national health plans, including the National Programme for Sexual and Reproductive Health, the National Plan for Control of Cervical Cancer (2004 -2008) and the National Plan for the Comprehensive Health and Development of Male and Female Adolescents have been implemented and, if so, indicate the results achieved. Please provide more information about the coverage of those plans, disaggregated by rural and urban areas, and also about the profile of their female users.

Under the National Programme for Sexual and Reproductive Health (2004 - 2008), services were enhanced in the areas of obstetric and neonatal care, contraception, prenatal care, childbirth and complications from childbirth, diseases among women of reproductive age, reproductive health and care of victims of gender-based and sexual violence.

As reported in the document entitled "Gender profile", prepared by Ivonne Farah, Bolivia has no coverage targets for contraception. The National Health Survey (ENDSA) monitors the data on this type of service and on many other sexual and reproductive health services.

The above-mentioned document also points out that the national STD/HIV/AIDS programme made some progress on prevention, quality of care and epidemiological surveillance, and on the early detection, treatment, control and reduction of HIV/AIDS. However, little information was provided on gender disaggregated epidemiological profiles, taking into account development cycles. Nor did the report provide adequate data on STDs, HIV/AIDS, mental health, violence, sexuality, breast and cervical cancer and other problems. The focus was on providing information on groups of diseases regardless of gender, except for the specific reference to women of childbearing age.

The National Programme for Sexual and Reproductive Health and the Universal Maternal and Infant Insurance (SUMI) Programme have organized campaigns to disseminate information on contraceptive methods, but there is no evidence that they are necessarily being used. The STD rates are high among adolescents and youth between the ages of 10 and 24.

The total fertility rate remains high in Bolivia, although it decreased, with geographical variations, from 6.5 in 1992 to 4.4 in 2001 (6.2 in rural areas and 3.6 in urban areas). Another important figure is that 42 per cent of childbirths take place at home.

As for care during childbirth at home, a fundamental factor in saving women's lives, the Ministry of Health reports that in 2006 coverage of childbirth in reporting health-care facilities was 59.4 per cent, while institutional childbirth coverage (in health-care facilities plus childbirth attended at home by health personnel) stood at 64.9 per cent, an improvement over previous years.

25. Please indicate whether assessments have been conducted to identify potential obstacles faced by women wishing to access these services. Also indicate whether they require national identification to access these services, and the measures taken in that respect.

The impact assessment done by the Ministry of Planning and Development/Economic Policy Analysis Unit (UDAPE)/United Nations Children's Fund (UNICEF) concerning maternal and infant insurance (1989-2003) points out, among other things, that economic and geographic barriers are the main factors preventing universal access to public health services. Despite State subsidies, many people do not have access to these services because they cannot afford them, nor can they pay for drugs or transport to health facilities. The State provides free health insurance under the National Maternal and Child Insurance (SNMN) scheme, the Basic Health Insurance (SBS) plan, and the Universal Maternal and Infant Insurance (SUMI) Programme. The main objective of these programmes is to lower the mortality rate quickly by eliminating economic barriers to health services. Nonetheless, another obstacle has arisen, namely, the lack of identity papers such as birth certificates, especially in rural areas. Act No. 2616 provides for the issuance of birth certificates free of charge from birth to age 12, from ages 12 to 18 with prior administrative approval, and over age 18 at a small cost. The number of undocumented women has declined in both urban and rural areas.

26. Please provide information on the measures taken or planned to strengthen sexual and reproductive education for adolescents, especially in schools, with a view to reducing the high rate of teenage pregnancies, the transmission of diseases, and maternal and neonatal mortality.

The original establishment of the National Gender and Violence Unit in the Ministry of Health and its later transformation into the National Programme on Gender and Violence in 2003 has shaped the cross-cutting gender approach in the health sector and represents an important step forward.

Measures to deal with and reduce maternal and neonatal mortality include the very important step of establishing the National Programme for Sexual and Reproductive Health (2004-2008), which is strengthening obstetric and neonatal care and contraceptive services, together with skilled health care during pregnancy, childbirth and complications from childbirth. It also covers diseases of women of reproductive age, reproductive health and care of victims of gender-based violence and sexual violence.

In this framework, the Ministry of Health took the important step of instituting an action strategy aimed at preventing and immediately treating haemorrhages, one of the main causes of maternal mortality. This strategy is called "Emergency

Obstetric Care” (COEm and COEm1), and it includes Caesarean sections and transfusions.

A study conducted in 2006 by the Ministry of Health, entitled “Evaluation of accessibility, availability and use of emergency obstetric care in leading health facilities”, found that the impact of COEm and COEm1 could be measured in terms of the fatality rate, or the maternal mortality rate related to grave complications. In accordance with international recommendations, cause-specific and total fatality should be no greater than 1 per cent. The fatality rate found in the health services studied after the application of COEm and COEm1 is 0.68 per cent. In the departments of Oruro and Pando, however, the fatality rate remains high, at 2 per cent.

Since 1996, when the cross-cutting gender approach was first used and the various programmes on sexual and reproductive health were implemented more fully and sustainably, they have had a decisive impact on the decline in maternal and infant mortality. According to the 2003 National Demographic and Health Survey (ENDSA),¹ in the period 1994 -2003 the maternal mortality rate dropped from 390 to 290 per 100,000 live births, and infant mortality in the same period fell from 99 to 54 per 100,000 live births. Although some progress has been made, the 3-digit maternal mortality rate is still a matter of concern.

Under the National Programme against Sexual Violence and for the Care of Victims of Violence, methodologies and procedures have been developed for medical attention, together with measures to strengthen legal mechanisms and training and dissemination of information on sexual and reproductive rights.

In 2004, the authorities strengthened the National Plan for the Comprehensive Health and Development of Male and Female Adolescents (2004 -2008) by setting up procedures and guidelines for public health facilities that provide advisory assistance and guidance services for adolescents on the prevention of teenage pregnancy and on family planning, information on the risks of teenage pregnancy, guidance on contraceptive methods and sexual and reproductive health, together with the distribution of free contraceptives, especially in towns, capital cities and urban centres with high rates of teenage pregnancy.

Activities to encourage the prevention of pregnancy have been carried out in secondary schools, but they have not become well established over time. In health centres, on the other hand, such activities have continued on a more regular basis.

No official reports exist on the impact of measures to prevent teenage pregnancy. More aggressive policies need to be put in place to reduce rates of maternal mortality and teenage pregnancy.

27. Please provide information on the legal measures envisaged to prevent illegal and unsafe abortions, and especially on regulations covering terminations of pregnancies when permitted by law.

Abortion is classified as a crime in Bolivia. However, it is permissible under certain circumstances, namely, if the pregnancy is the result of rape, abduction not followed by marriage, intercourse with a minor, incest or when the woman’s life is at risk. However, the laws on such exceptions lack implementing regulations that

¹ Since 1989, conducted on the basis of four -year periods (1989 -1994 — 1998 -2003).

would allow for the exercise of this right. Measures are currently being elaborated to disseminate a draft law that would regulate permissible abortion.

28. Please indicate the status of the project to increase rural girls' access to school and to keep them in school, as well as the results obtained. In addition, state whether there is monitoring and evaluation machinery for this project. Also indicate whether the adoption of special temporary measures at all levels of education has been considered for indigenous girls and women or girls and women from rural areas.

The implementation of the programme to increase girls' access to school and to keep them from dropping out, together with studies to determine what factors promote discrimination, mainly among rural girls, have revealed some of these factors, disaggregated by region, and have placed this topic on the agenda of the Ministry of Education. This has resulted, in principle, in the inclusion of gender variables in the educational database and the incorporation of a cross-cutting gender approach in the primary school curriculum and in the preparation of guidance materials for teachers and textbooks for students. These measures have no doubt provided an incentive to the education authorities and teachers to encourage rural girls to attend school. The most positive steps have to do with increasing the supply of adequate services in rural areas and, especially, eliminating cultural patterns of inequality and reducing the family's share of education costs by providing such things as school meals and incentive awards.

The National Dialogue Act of 2000 grants powers and economic resources to municipal governments for the funding of school meals for pupils in public schools. By 2005, about 50 per cent of all public schools (Ministry of Education 2006) were providing such meals.

Another measure has been the establishment of incentive awards to encourage children to attend and remain in school. The Juancito Pinto grant, which is implemented by the Government and amounts to Bs 200 (US\$ 25) per child aged 6 to 12, is a measure used as part of the redistribution of the social product. It encourages school attendance and is being studied with regard to the possibility of expanding it to a wider range of ages.

According to Educational Information System (SIE) data, access to schooling for girls in rural areas has improved significantly over the past three years, and the reduction in the disparity between boys and girls in access at the primary level has been lasting. In 2005, 47.72 per cent of pupils enrolled in primary school in rural areas were girls and 52.27 per cent were boys. In 2006, there was a slight increase in girls' enrolment in primary school: 47.86 per cent of pupils were girls, 52.13 per cent boys.

From 2000 to 2002 there was a decline in the school dropout rate in rural areas from 7.7 per cent to 7.3 per cent. The available sex-disaggregated data for 2005 show that the primary school dropout rate for girls in rural areas was 6.49 per cent, compared to 6.87 per cent for boys. The combined dropout rate in rural areas in 2005 was 6.69 per cent.

The development of a system for monitoring whether girls in rural areas have access to schooling and remain in school is something that still has to be done.

29. With regard to family allowances, please explain what kinds of programmes are planned for indigenous women and women working for the subsistence of their families, who are in the majority.

Article 4 of the Social Security Code provides for the following kinds of family allowances : (a) birth subsidy; (b) maternity subsidy; (c) nursing subsidy; (d) family subsidy; and (e) burial subsidy. These subsidies are paid only to men and women who are employed; they are to be paid by the employer. The liberalization of employment rules made it easier for employers to evade the payment of these subsidies.

Indigenous women working in agriculture and women in domestic service, as well as all women 65 years of age or older, are entitled to the “Bono Sol”, a benefit of 1,800 bolivianos per year. In addition, the Pensions Act provides for a burial subsidy, upon proof that burial expenses have actually been incurred.

The Government of Evo Morales is currently proposing a Dignity Pension of 200 bolivianos per month for individuals 60 years or older as a mechanism for redistributing the social product.

The development of specific measures to provide access to this benefit for indigenous women, rural women and women own-account workers is something that still has to be done.

30. Please provide information about living conditions and access to basic services for women from the Afro-Bolivian community.

There are no statistical data on the Afro-Bolivian community as such, since the questionnaires for the housing and population censuses are not designed to collect information on this community.

During the 2001 census process, the Afro-Bolivian community asked the National Statistics Institute to include their community in the census questionnaire, but their request was not granted.

In 2004, the Afro-Bolivian community submitted a proposal for a bill to the national Congress that would recognize Afro-Bolivians as a people and a community. In 2006, the Social Policies Committee of the Chamber of Deputies took up consideration of the bill again. In 2007 the congressional Special Committee on Indigenous Matters backed passage of the bill.

The majority document that emerged from the Country Vision Committee of the Constituent Assembly named and recognized the Afro-Bolivian community.

In 1997, with the support of the Inter-American Development Bank, a study was carried out to determine the situation of blacks in Bolivia. At that time it was estimated that the Afro-Bolivian population totalled some 20,000 individuals. It is thought that the Afro-Bolivian community in 2007 comprises at least 30,000 individuals.

The study found that the Afro-Bolivian population was concentrated in 22 rural communities in the region of the Yungas, from which some had migrated to the Departments of La Paz, Cochabamba and Santa Cruz. It is estimated that the members of the Afro-Bolivian community are the “poorest of the poor”. There are no secondary schools in the rural Afro-Bolivian communities; there are merely one-classroom schools providing instruction to pupils up to the third or the fifth

primary grades. The Afro-Bolivian communities in the region of the Yungas have no local health services. Most of these communities have access to safe drinking water and electricity and lack sewers.

Currently the Afro-Bolivian community is chiefly engaged in the cultivation of coca leaf and to some extent in coffee and citrus production.

With regard to poverty levels, according to 2001 census data 35 per cent of the population in the five municipalities settled by the Afro-Bolivian community in the region of the Yungas live in extreme poverty, while 48.5 per cent live in moderate poverty. The coverage gap is 73.0 per cent in education and 45.41 per cent in health care.

31. Please provide information about the specific actions taken to implement the recommendation of the Committee on the Rights of the Child with respect to the persistent discrimination against indigenous girls, girls with disabilities and girls living in rural areas in terms of birth registrations and higher infant mortality rates.

The Department for Gender and Generational Affairs, as part of its three-year plan for the progressive elimination of child labour, has begun the process of issuing birth certificates for rural boys and girls, although no impact studies have been done. In 2005 the United Nations Development Programme (UNDP) developed a child rights index. Act No. 2616 provides for the issuance of birth certificates for those 0 to 12 years of age without cost and for those 12 to 18 years of age also without cost but after an administrative procedure; for those 18 and above there is a nominal fee in both urban and rural areas. With respect to infant mortality, the National Maternity and Childhood Insurance scheme, the Basic Health Insurance scheme and the Universal Maternal and Infant Insurance scheme were established with the principal objective of achieving an accelerated reduction of mortality by seeking to eliminate the economic barriers to access to health services. Judging from the indicators and results obtained, it is evident that there has been a reduction in maternal and infant mortality and that the economic barriers have been, to some extent, overcome. The data collected by the Management Unit of the Maternal and Infant Insurance scheme concerning the health-care benefits provided under the scheme in 2003-2004 show that use of the services offered increased by 77 per cent. However, the data do not include an indicator of the extent of coverage ("Bolivia: assessment of the impact of maternity and childhood insurance 1989-2003", Ministry of Planning and Development Economic Policy Analysis Unit (UDAPE) and United Nations Children's Fund (UNICEF)).

At present, the Expanded Programme on Immunization covers children less than a year old under a vaccination plan that includes a pentavalent vaccine. The National Development Plan calls for a model programme of family and intercultural community health.

For persons with disabilities, the national health policy, the national education policy and the national health plan include a strategic health plan and a national policy on prevention of disabilities and rehabilitation. Also relevant are Act No. 1678 and Supreme Decree No. 24807.

32. Please provide information about the measures taken to ensure that women from rural areas and indigenous women can own and manage land, and whether these measures have included training courses.

In 2006, as part of the sectoral programme “Support for the rights of indigenous peoples” under the component “Regularization and titling of land and of community origin”, phase II, 2005–2009, financed by Denmark and involving the vice-ministerial Department of Lands, the National Institute of Land Reform and the non-governmental organizations Investigación Social y Asesoramiento Legal Potosí (ISALP) in the highlands and Centro de Planificación Territorial Indígena (CPTI) of the Confederación de Pueblos Indígenas de Bolivia (CIDOB) in the lowlands, work has begun to develop a strategy for mainstreaming gender activities into land regularization in the project areas. The objective will be to include women systematically in the entire process of regularizing title to agrarian property in order to ensure that their rights of access to and tenure of land are legally recognized in sufficient quantity and quality to contribute to the sustainable development of their peoples.

- Between 1997 and 2007 a total of 19,412 title deeds to agrarian land and certificates of regularization were issued to rural women, establishing their property rights to a total area of 994,878 hectares nationwide.
- As a result of mainstreaming a gender perspective in the process of regularizing agrarian property rights, statistics show that over the period 1997-2005 women obtained 46 per cent of a total of 42,178 titles and certificates.

The legal framework guaranteeing the rights of women to agrarian property consists of the following:

- Act No. 3545 (Gender Equity), Supreme Decree No. 29215 and Regulation No. 1715, as amended by Act No. 3545, which contains a specific provision in favour of women;
- Various administrative orders aimed at ensuring women’s participation in the regularization process;
- Administrative Order No. 160/2001 of 22 November 2001 explicitly calling for public campaigns and publication of results and registration disaggregated by gender;
- Inclusion of women in the annex of beneficiaries as spouse or common-law spouse, where applicable, in land surveys;
- Administrative Order No. 0052/2004 of 25 March 2004 concerning registration of the couple on the title deed.

Bolivia, October 2007