



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
8 April 2008
English
Original: Spanish

Committee on the Elimination of Discrimination against Women

Fortieth session
14 January-1 February 2008

Concluding comments of the Committee on the Elimination of Discrimination against Women

Bolivia

1. The Committee considered the second, third and fourth periodic reports of Bolivia (CEDAW/C/BOL/2-4) at its 811th and 812th meetings on 15 January 2008 (see CEDAW/C/SR.811 and 812). The Committee's list of issues and questions is contained in CEDAW/C/BOL/Q/4, and Bolivia's responses are contained in CEDAW/C/BOL/Q/4/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its second, third and fourth periodic reports, which, although very long overdue, complied with the Committee's guidelines for the preparation of reports, were frank and self-critical and had taken into account the Committee's previous concluding observations. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group.

3. The Committee commends the State party for the high-level delegation headed by the Minister of Justice and the Deputy Minister for Gender and Generational Affairs. The Committee expresses its appreciation to the State party for the oral presentation, which provided an overview of recent advances and challenges remaining in achieving gender equality in Bolivia, and for the clarification to the questions posed by the Committee during the dialogue.

Positive aspects

4. The Committee commends the State party for having ratified the Optional Protocol to the Convention in 2000.

5. The Committee notes with satisfaction the many efforts made to implement the Convention through the adoption of a considerable number of laws, policies, plans and programmes, including the Family and Domestic Violence Act, No. 1674; the Electoral Reform and Enhancement Act, No. 1779; the Executive Branch Reform Act, No. 1788,

promoting gender equality; the Citizens' Associations and Indigenous Peoples Act; the Law on Protection for Victims of Crimes against Sexual Freedom, No. 2033; and Act No. 3325 on Trafficking in Persons and Related Offences; the National Public Policy Plan for the Full Exercise of Women's Rights; the National Maternity and Childhood Insurance Scheme; and the National Reproductive Health Plan.

Principal areas of concern and recommendations

6. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to Parliament, and to the judiciary so as to ensure their full implementation.

7. The Committee is concerned at the disparity between the de jure and de facto situation regarding the legal protection of women and gender equality. While the Committee welcomes the legislative reforms carried out and the bills currently before Parliament designed to improve the status of women in Bolivia, it is concerned that discriminatory provisions still remain in the State party's criminal and civil law. In this regard, special reference is made to article 317 of the Penal Code which provides that there shall be no punishment in cases of rape and other abuses when perpetrators marry their victims, and to article 130 of the Family Code on the grounds for divorce.

8. The Committee urges the State party to take the necessary measures to ensure the full implementation of existing legislation on gender equality. The Committee urges the State party to streamline procedures for review of the compatibility of those laws with the Convention, to repeal without delay all legislation that discriminates against women, including discriminatory provisions in its criminal and civil law and to ensure the enforcement of laws prohibiting discrimination against women.

9. The Committee, while taking note of the various internal reforms in the Department for Gender and Generational Affairs, is concerned at the lack of institutional stability of national machineries for the advancement of women, their limited decision-making power and the fact that they lack the financial and human resources to effectively promote the implementation of the Convention and foster gender equality, at the central, local and municipal government levels. The Committee is also concerned at the lack of a comprehensive gender mainstreaming policy, including at the local and municipal government levels, as a central element of the State party's strategic priorities.

10. The Committee requests the State party to enhance the institutional status of the national machinery for the advancement of women and provide it with sufficient decision-making authority and with human and financial resources at the central, regional and municipal government levels to effectively promote and coordinate the application of a substantive gender mainstreaming strategy for the implementation of the Convention in all policy areas and by all levels of Government. The Committee encourages the State party to formulate, adopt and implement an integrated and comprehensive national plan of action directed to achieving gender equality and the advancement of women.

11. The Committee is concerned at the persistence of high levels of poverty and social exclusion among Bolivian women, particularly among women living in rural areas,

indigenous women, older women and women with disabilities, and their insufficient access to land, housing and basic social services. The Committee notes that the free market economy without a social dimension, which has contributed to the increase in poverty, may have a greater impact on the poverty situation of women. The poverty conditions of women are reflected in their high illiteracy rates, low school enrolment and completion rates, poor access to health care, including sexual and reproductive health, leading to high rates of maternal mortality, and lack of access to land, housing, income-generating training opportunities and basic social services.

12. The Committee recommends that the impact of the free market economy on women's poverty situation be studied and appropriate measures to address this be integrated in the poverty reduction strategy.

13. The Committee urges the State party to ensure that all poverty eradication policies and programmes integrate a gender perspective and explicitly address the structural nature and various dimensions of poverty faced by women, in particular women living in rural areas, indigenous women, older women and women with disabilities. It recommends that the State party strengthen its efforts to implement nationwide effective educational programmes in the areas of functional literacy, skills and income-generating training, including the provision of microfinance schemes, as a means of poverty alleviation, and adopt measures to ensure women's equal access to land, housing, healthcare and basic social services.

14. The Committee is particularly concerned that the Afro-Bolivian community is socially invisible and marginalized due to the fact that it is not recognized in the national statistics, which hinders their access to basic social services and makes, in particular, Afro-Bolivian women suffer from the intersections of race- and gender-based forms of discrimination.

15. The Committee urges the State party to take the necessary steps to enable men and women in the Afro-Bolivian community to have access to all basic social services, through their inclusion in the national statistics, to address the specific vulnerability of Afro-Bolivian women and reports on measures taken in this respect in its next report.

16. The Committee is concerned that women's access to justice is limited because of their high rates of illiteracy, lack of information on their rights, lack of legal assistance tailored to their needs, lengthy legal proceedings and related costs, and the insufficient understanding of the Convention by the judiciary.

17. The Committee urges the State party to create the necessary conditions for women, particularly for women living in poverty and rural and indigenous women, to have access to justice and enhance where appropriate, in the relevant languages, women's legal literacy, awareness of their rights and capacity to effectively claim them. It further urges the State party to take additional measures to disseminate information in the appropriate forms about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement training programmes for prosecutors, judges and lawyers that cover all relevant aspects of the Convention and the Optional Protocol.

18. While noting the State Party's efforts, the Committee is concerned that there is still a considerable number of women, particularly indigenous women in rural areas, older women and women with disabilities, who do not have identity documents and can therefore have neither access to public institutions nor to the relevant social services and benefits.

19. **The Committee calls on the State party to continue to expedite and facilitate the process of registration of women, particularly indigenous women in rural areas, older women and women with disabilities, and issue birth certificates and the relevant identity documents. The Committee urges the State party to establish concrete goals and timetables for this process and provide information on the progress achieved in its next report.**

20. Despite the existence of awareness-raising programmes, the Committee is concerned at the persistence of traditional stereotypes relating to the roles and responsibilities of women and men within the family, in the education system and in society in general, which reinforce their sense of inferiority and affect their status in all areas of life and throughout their life cycle. The Committee is concerned that the most recent educational reform has not dealt with these subjects in depth.

21. **The Committee recommends the development of policies and implementation of programmes for women and men in both the rural and urban areas aimed at eliminating stereotypes associated with traditional roles within the family and manifested in the education system, employment, politics and society in general. It also recommends that the media be encouraged to project positive images of women and of the equal status, roles and responsibilities of women and men in the private and public spheres.**

22. While congratulating the State party for its recognition of cultural diversity and the differences and specificities of indigenous communities in legislation, the Committee is concerned that the emphasis placed on such specificities might detract from compliance with the provisions of the Convention relating to non-discrimination and formal and substantive equality between men and women. The Committee is particularly concerned that, while the recognition of community justice by the State party might make it easier for the indigenous and rural people to have access to justice, it might operate to perpetuate stereotypes and prejudices that discriminate against women and violate the human rights enshrined in the Convention.

23. **The Committee urges the State party to ensure that indigenous concepts and practices are in conformity with the legal framework of the Convention and to create the conditions for a wide intercultural dialogue that would respect diversity while guaranteeing full compliance with the principles, values and international norms for the protection of human rights, including women's rights.**

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

25. **The Committee calls upon the State party to ensure that existing legislation to combat violence against women and girls, especially domestic and sexual violence, is appropriately formulated and enforced, and give priority attention to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, in conformity with general recommendation 19, to prevent violence, punish offenders and provide services for victims. Such a strategy should also include awareness-raising measures and sensitization of, in particular, the**

judiciary, law enforcement officers and prosecutors, as well as teachers, health-care and social workers and the media. The Committee encourages the State party to provide statistical data on the incidence of domestic violence, and information on steps taken to deal with the problem, progress achieved and remaining obstacles in its next periodic report.

26. While noting the State party's recent initiatives to address the problem of trafficking in, and the sexual exploitation of, women and girls, including Act No. 3325 on Trafficking in Persons and Related Offences, the Committee remains concerned about the persistence of trafficking in the State party and the insufficient information on its causes and extent in the country, and the absence of adequate measures to combat the trafficking in, and sexual exploitation of, women and girls at the national and regional levels.

27. The Committee urges the State party to promulgate and fully implement its legislation on trafficking and sexual exploitation of human beings, as well as national plans of action and other measures to combat all forms of trafficking, and sexual exploitation of women. The Committee encourages the State party to promote, as far as possible, regional agreements on this issue in the Southern Common Market area. It also recommends that the State party tackle the root cause of trafficking and sexual exploitation by stepping up its efforts to improve the economic situation of women and thereby eliminate their vulnerability to exploitation and trafficking, and that it adopt measures for the rehabilitation and social integration of women and girl victims of trafficking and sexual exploitation as well as effective penalties for those who commit such crimes.

28. The Committee is concerned at the dearth of special temporary measures introduced by the State party to accelerate the achievement of de facto equality between women and men, as provided for in article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, and at the Government's apparent lack of understanding of the nature and purpose of and need for the special temporary measures set out in the Convention.

29. The Committee urges the State party to establish a legislative basis for temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, and apply them in areas where necessary to accelerate the achievement of the substantive equality of women in all areas covered by the Convention.

30. While welcoming the recent appointment of five women ministers and acknowledging the importance of the legal provisions establishing quotas for women's participation in elected bodies, the Committee expresses its concern at the insufficient representation of women in senior posts in many areas of professional and public life, for example, in the judiciary, particularly, at the highest levels. It is also concerned that, at the higher levels, women continue to play a much smaller role than men in economic life. While the Committee takes note of the draft Law against Political Harassment of Women currently under consideration, it is particularly concerned at the incidence of such violence against women in government posts.

31. The Committee recommends the adoption of dynamic and effective policies to increase women's participation at all levels of professional and public life, including the adoption of temporary special measures and appropriate penalties for failure to comply with existing provisions aimed at establishing a threshold and ceiling for each sex, and of other proactive effective measures to support their implementation. The Committee urges the State party to adopt, as soon as possible, the draft Law against Political Harassment of Women with a view to combating and eradicating such

violence and ensuring that female victims of political harassment have access to means of protection and effective resources, that the perpetrators of such acts are duly prosecuted and punished and that women are effectively protected against reprisals.

32. While noting the State party's efforts to reduce illiteracy and improve boys' and girls' access to education and ensure that they remain in school, for example, through the "Juancito Pinto" scholarship or the "Yo sí puedo" ("Yes I Can") Literacy Programme, the Committee is concerned at the low level of education of rural and indigenous women and girls, who continue to be at a serious disadvantage in terms of access to and quality of education, as well as the number of years they attend school, basically owing to the lack of infrastructure, distance, the risk of violence, the cost of transport and language.

33. The Committee urges the State party to adopt all necessary measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures, with a view to reducing girls' illiteracy and school dropout rates, particularly in rural and indigenous areas, and to provide an education, whether formal or informal, and in the relevant languages, to these women and girls.

34. Despite the existence of employment legislation, the Committee is concerned at the persistence of inequalities in the labour market, in particular the limited employment opportunities for women and the existence of a huge gap in men's and women's wages, clear-cut job segregation and poor working conditions.

35. The Committee recommends the adoption of measures to guarantee the implementation of the provisions of article 11 of the Convention and the implementation of the relevant conventions of the International Labour Organization that have been ratified by Bolivia. The Committee urges the State party to establish effective mechanisms to monitor compliance with existing legislation and ensure non-discrimination in employment and equal pay for work of equal value.

36. The Committee notes with concern the lack of a general employment policy to address women in the informal sector, in particular women in the agriculture and domestic work who are excluded from all social protection and benefits. The Committee is also concerned at the lack of data on women's work in formal and informal sectors of the economy.

37. The Committee recommends the adoption of a gender-sensitive employment policy to address women in the informal sector, in particular women in the agriculture and domestic work. The Committee further recommends the systematic collection of data disaggregated by sex, age, rural and urban area and ethnicity with respect to women in the formal and informal sectors of the economy.

38. The Committee notes with particular concern the high vulnerability of girls in child labour and the specific threats girls with and without families experience on the street. The Committee also notes the weaknesses in the design and allocation of financial resources to the National Plan for the Progressive Elimination of the Worst Forms of Child Labour (2000-2010), including its focus on girls, which impedes the establishment of mechanisms to monitor and follow up its gender-sensitive impact.

39. The Committee requests the State party to address the issue of child labour in general, and the vulnerable situation of girls in particular, and to rectify the weaknesses in the design and allocation of financial resources to the National Plan for the Progressive Elimination of the Worst Forms of Child Labour (2000-2010) and align its policies and legislation with the obligations it assumed under International

Labour Organization Convention No. 138 concerning the Minimum Age for Admission to Employment (14 years) and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

40. The Committee expresses concern at the State party's insufficient recognition and protection of women's sexual health and reproductive rights, in particular, the fact that Law No. 1810 — the framework Law on Sexual and Reproductive Rights adopted in 2004 — is still “frozen” and has not been promulgated, limiting access to sexual and reproductive health services by the entire population of Bolivian females. The Committee is particularly concerned at the data provided by the State party regarding the gap between the observed and desired fertility rates among Bolivian women, particularly in the rural area, as well as the high number of teenage pregnancies and the impact of such pregnancies on those girls' enjoyment of their rights.

41. **The Committee urges the State party to take the necessary steps to overcome the stalemate surrounding Law No. 1810 and to promulgate the Law as soon as possible. The Committee also urges the Government to strengthen the implementation of family planning and reproductive health programmes and policies designed to afford women and adolescent girls, particularly in the rural areas, effective access to information on health-care services, particularly reproductive health and available contraceptives, in accordance with the Committee's general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action. The Committee recommends that the State party step up its efforts to incorporate age-appropriate sex education in school curricula and organize information campaigns to prevent teenage pregnancies.**

42. The Committee is concerned at the lack of a gender perspective in the delivery of health services limiting to women of child-bearing age. The Committee expresses its concern at the high rate of maternal mortality in the State party, caused mainly by pregnancy-related problems and the lack of appropriate medical care, particularly in the rural areas. The Committee is also concerned about the difficulties in obtaining a legal abortion — both therapeutic and ethical — owing, inter alia, to the lack of implementing regulations for the laws in force and the tendency, as a result, for many women to seek illegal and unsafe abortions.

43. **The Committee recommends that the State party integrate a gender perspective into its national health policy in line with general recommendation 24 and improve access to health services to the most vulnerable groups of women, in particular rural and indigenous women. The Committee urges the State party to act without delay and adopt effective measures to resolve the problem of the high rate of maternal mortality by guaranteeing adequate prenatal, childbirth and post-natal care, and ensuring access to health-care facilities and medical assistance provided by trained workers in all parts of the country, particularly in the rural areas. The Committee urges the State party to adopt regulations to implement existing laws on Bolivian women's right to therapeutic abortion. The Committee also urges the State party to afford women access to high-quality services for the treatment of complications resulting from unsafe abortions with a view to reducing maternal mortality rates.**

44. While the Committee takes note of the State party's efforts to raise the age of marriage for women, particularly through current reforms to the Family Code, it is concerned that such reform sets 16 years of age as the minimum age for marriage for both males and females, since marriage at such a young age can prevent girls from pursuing their studies and induce them to drop out of school early.

45. **The Committee urges the State party to take the necessary steps in this reform currently under way to raise the minimum age for marriage to 18 years of age for both males and females, in line with the provisions of article 1 of the Convention on the Rights of the Child; article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women; and the Committee's general recommendation No. 21 on equality in marital and family relations.**

46. The Committee regrets the report's lack of statistical data disaggregated by sex, age, rural and urban area and ethnicity, which makes it difficult to accurately assess the real situation of women in most of the areas covered by the Convention. The Committee notes with concern that the paucity of disaggregated data may also impede the State party's own efforts to design and implement specific policies and programmes, and to evaluate their effectiveness in terms of implementing the Convention.

47. **The Committee urges the State party to strengthen, without delay, its current system of data collection in all areas covered by the Convention in order to be able to accurately assess the real situation of women and adequately monitor evolving trends. The Committee urges the State party to use quantifiable indicators to evaluate the impact of the measures adopted and the progress achieved in the attainment of de facto equality between women and men. It encourages the State party to use these data and indicators in formulating laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party, in its next periodic report, to include such data, disaggregated by urban and rural area and by ethnicity, and to indicate the effects of the measures taken and the results obtained in terms of the practical realization of de facto equality between women and men.**

48. **The Committee urges the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

49. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

50. **The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

51. **The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Bolivia to consider ratifying the treaties to which it is not yet a party, namely, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.**

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

52. The Committee requests the wide dissemination in Bolivia of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly.

53. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which was due in July 2007, and its sixth periodic report, which is due in July 2011, in a combined report in 2011.
