



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

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

Summary record of the 811th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 15 January 2008, at 10 a.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted under article 18 of the Convention

Combined second, third and fourth periodic reports of Bolivia (CEDAW/C/BOL/4, CEDAW/C/BOL/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bolivia took places at the Committee table.*

2. **Ms. Torrico** (Bolivia) said that until recently, it had been difficult for women in Bolivia to participate in decision-making at all levels of government, whether local, regional or international. Her appointment, as an indigenous woman, to the post of Minister of Justice by the administration of President Evo Morales was an indication that the situation in Bolivia was evolving, and she hoped to see increased participation by her indigenous sisters from other countries in forums such as the sessions of the Committee on the Elimination of Discrimination against Women. It must be acknowledged that there was discrimination against women by other women as well as against women by men; the difficulties women faced in Bolivia were not due solely to a culture of machismo. The Committee provided an appropriate forum to discuss such issues.

3. Bolivia had adopted a number of international human rights instruments and had ratified the Convention in 1989, but until recently the Government had demonstrated little political will to implement them. Throughout the process of moving from dictatorship to democracy the contribution of women had remained almost invisible, but that situation was beginning to change. Indigenous, rural and urban women had increased their participation in such bodies as the 2006 Constitutional Assembly. The new power structure valued cultural diversity and recognition and enjoyment of the rights of each group in order to ensure harmony in society. In fact, Bolivia had been the first country to ratify the United Nations Declaration on the Rights of Indigenous Peoples in 2007. However, enormous social and economic inequities remained, including inequalities between men and women. By building a Republic, the Government intended to meet women's demands for equity, quality of life, autonomy and freedom from violence and discrimination.

4. Ethnic conflicts had sometimes been used to mask inequalities which had arisen under the colonial system. Her delegation welcomed the opportunity to

hear the experience of members of the Committee in addressing from a gender perspective the issues of social justice her country was facing.

5. **Ms. Agreda** (Bolivia) said that since the ratification of the Convention in 1989 and the establishment of a national mechanism for the advancement of women in 1993, the Government had made progress in equality between men and women, although indigenous and rural women remained disadvantaged. Gender equality policy had been limited to the social sphere, and poverty alleviation programmes had not made the linkage between poverty, gender and the macroeconomic environment. The Government was now addressing the issue of discrimination against women from a human rights perspective, incorporating a gender perspective into the National Development Plan. The new Constitution, adopted in December 2007, recognized the rights of women, included a gender perspective in all provisions and guaranteed sexual and reproductive rights, access to land, equal pay for equal work and freedom from violence.

6. A series of new laws had recently been adopted, including the Electoral Reform and Enhancement Act (Quotas Act), which established a quota of 30 per cent women on party lists for election of deputies, and Act No. 1674, the Family and Domestic Violence Act. As part of the Government's policies for redistribution of wealth and financing for social protection of marginalized groups, a number of new laws provided social security payments and health care for the elderly, known as the Dignity Pension.

7. Turning to women's political participation, she noted that in the 2006 elections to the Constituent Assembly, 34 per cent of the representatives elected had been women. Those women were also part of a movement to end the marginalization of rural and urban indigenous groups. The election of Silvia Lazarte, an indigenous leader, as President of the Assembly and the fact that 60 per cent of deputies were members of rural and indigenous communities demonstrated that the national political scene was changing. Efforts by the national gender machinery to promote the participation of indigenous women included campaigns to issue them national identity cards, dissemination of information on their rights in their national languages and promotion of women candidates for the Constituent Assembly. Women's participation in the Executive Branch had increased significantly, with 42.4 per cent

of posts held by women; there were five women ministers.

8. Violence against women had become a matter of public policy and had been placed on the government agenda at all levels. Progress had been made in implementation of the Family and Domestic Violence Act, the act providing protection for victims of sexual violence, and of a programme to prevent and eradicate violence in the schools. To date, 128 units within municipal governments provided legal services to victims and 28 brigades to prevent and address domestic violence had been created.

9. Progress had been made in narrowing the gender gap in education, with the greatest remaining disparity at the secondary level in rural areas. The literacy programme “Yes I Can!” (“*Yo si puedo*”) aimed at zero illiteracy by the end of 2008. The Juancito Pinto scholarship, awarded since 2006, also helped children in the public primary schools remain in school. National policy placed priority on the education of rural women and girls; measures to assist them included the establishment of boarding schools and provision of transportation.

10. A gender perspective was an integral part of rural development programmes, which promoted equal access to, use of and control of productive resources, equal participation of women in decision-making and opportunities for income-generating activities. Data indicated that women had been granted 46 per cent of land titles issued between 1997 and 2005.

11. Finally, new legislation guaranteed better coverage and access to health care for women, but it remained focused on their reproductive years. Public health policy targeted maternal health, but extensive programmes in the areas of sexual and reproductive health and HIV/AIDS prevention and care for women and adolescents had also been developed.

Articles 1 to 6

12. **Mr. Flinterman** said he welcomed the fact that the new Constitution contained provisions concerning gender discrimination; yet it was virtually impossible for women with limited resources to gain access to justice. He asked what measures or policies existed in that area and whether free legal assistance was provided. He would also like to hear about Government efforts to disseminate information on the Optional Protocol. Finally, he asked what protections were

provided for refugee women who were extremely vulnerable.

13. **Ms. Gaspard** asked how Bolivia had prepared its report (CEDAW/C/BOL/4) and whether consultations with the ministries concerned had taken place. She would be interested to know what place the national machinery for women’s equality occupied in the State hierarchy, what human and financial resources it received and whether the relevant ministries had established gender focal points. She also invited the delegation to review the scope of article 4, which it had not appeared to grasp fully, and drew attention to General Recommendation No. 25 on special temporary measures.

14. **Ms. Shin** asked why the State party had submitted its combined second, third and fourth periodic reports so late and, in that connection, enquired whether the Interinstitutional Council and Interministerial Commission on Human Rights, which were responsible for implementing the national strategy for the promotion and protection of human rights and for drafting Bolivia’s reports to human rights treaty bodies, were still functioning.

15. The most recent census had been conducted in 2001, and in 2003 the population had stood at just over 9 million. It would be useful to learn whether that figure took account of all groups of women, including indigenous and rural women, those from ethnic minorities and, most importantly, those without national identity cards. Lastly, she would be grateful to know whether the national development strategy included measures specifically designed to alleviate poverty among women and children.

16. **Ms. Patten** pointed out that Bolivian legislation still contained a number of discriminatory provisions and enquired as to the steps taken, in particular within the framework of the new Constitution, to eliminate them. Reports had suggested that in cases of domestic violence, the judicial and law enforcement authorities gave priority to family integrity and forced the parties to reconcile in the name of their children’s well-being. She therefore wished to know whether law enforcement officials and members of the judiciary received gender-sensitivity training and whether protocols and guidelines on the appropriate application of legislation to combat domestic violence had been developed. In order to ensure that they had access to justice, it was crucial for women to be informed about

their rights and about possible legal remedies in the event that these rights were violated. The State party should indicate whether it had taken any relevant awareness-raising measures.

17. It would be useful to know whether the report had been discussed by Parliament prior to its submission to the Committee and whether the latter's concluding comments would be forwarded to Parliament. She also enquired as to the existence of a parliamentary committee on gender issues.

18. **Ms. Maiolo**, referring to article 2 of the Convention, requested information about the specific steps taken by the authorities to ensure the effective application of legislation on gender equality.

19. **Ms. Tavares da Silva** commended the State party for its efforts to eliminate discrimination against women and for the frankness of its report. However, she had detected a certain ambiguity in the Government's understanding of and commitment to gender equality, illustrated above all by its failure to complete various processes, both legislative and institutional, designed to prioritize women's rights. Discrimination against women was not merely a social injustice; it was a violation of a fundamental human right. She therefore urged the authorities to take a firm stand on the issue.

20. **The Chairperson**, speaking as a member of the Committee, enquired as to the status under domestic law of international treaties and agreements ratified by Bolivia and stressed the need for a new legal framework for gender equality. She wished to know whether a timetable had been drawn up for the amendment and/or repeal of legislation that discriminated against women and asked for more information about the role of the Ministry of Justice in efforts to determine the compatibility of domestic law with the Convention.

21. **Ms. Torrico** (Bolivia) acknowledged Bolivia's failure to meet its reporting responsibilities but assured the Committee that the current Administration was committed to ensuring respect for the human rights of all its citizens, including women and indigenous people. Indeed, President Morales was at the forefront of efforts to promote women's participation in government at all levels.

22. A number of ministries, as well as representatives of women's organizations and members of civil society, had taken part in the drafting of the report, and that process had allowed the Government to take stock

of the progress made and to identify continued obstacles to the advancement of women.

23. **Ms. Agreda** (Bolivia) said that the Convention had been published in four languages, namely Spanish, Aymara, Guaraní and Quechua. The report and the Committee's concluding comments would be transmitted to all ministries and disseminated to the population at large.

24. **Ms. Cabero** (Bolivia) said that article 14 of the new Constitution defined the concept of discrimination. It was very difficult for Bolivian women to gain access to the justice system because bringing a case to court was prohibitively expensive and the judiciary was not sufficiently attuned to their needs. Further efforts were needed, including a review of the fee structure and the introduction of additional training and awareness-raising courses for judges and lawyers; the Judicial Academy and the Office of the Attorney General already offered such courses.

25. **Ms. Fernandez** (Bolivia) said that Bolivia's national machinery for the advancement of women, currently the Department for Gender and Generational Affairs, had existed for more than 13 years. While efforts to incorporate it into the wider institutional framework were still ongoing, it had been allocated a separate budget. As part of the Government's gender mainstreaming policy, gender focal points responsible for issues relating, inter alia, to health and education had been established. Furthermore, a number of sectoral policies had been made more gender-sensitive and, in particular, efforts to mainstream a gender perspective into the process of regularizing agrarian property rights had meant that many more women had been able to obtain land titles.

26. The Interinstitutional Council and Interministerial Commission on Human Rights, which had been established in 2004, were no longer functioning. Recently, however, interest had been expressed in reviving those bodies.

27. **Ms. Agreda** (Bolivia) acknowledged that Bolivian legislation prohibiting discrimination against women was not sufficiently developed and expressed the hope that further progress would be made on that front in the near future. The recent constitutional reform process had shown that involving society as a whole in the drafting of legislation improved citizens' understanding of the drafting process and enhanced their awareness of their rights. In that connection,

efforts to disseminate the Convention, especially among members of the judiciary and civil society, were ongoing. Further measures were needed, however, in order to ensure the effective implementation of its provisions.

28. The 2001 population census had included only women of reproductive age, but in recent years it had become apparent that appropriate measures were also needed to address the needs of older women, especially those in vulnerable situations.

29. **Ms. Torrico** (Bolivia) said that Bolivia was in the throes of a complex process of social transformation which, when completed, would allow all individuals, groups and communities to take ownership of their lives; the Bolivian people wanted a body of legislation tailored to their specific needs rather than laws modelled on those of other countries. While many non-governmental organizations (NGOs) were making a valuable contribution to the promotion of women's rights, some of them were not committed to assisting all women. Responsibility for managing and distributing financial resources provided by the international community should therefore lie with the Government.

30. The prohibitive cost of legal services, as well as poor administrative practices and corruption, prevented many women from seeking remedies for violation of their rights. The system of community justice, however, allowed for the expeditious resolution of disputes at the local level, free of charge, and efforts were under way to integrate the conventional and community systems.

31. **Ms. Cabero** (Bolivia) said that the Interinstitutional Council and Interministerial Commission on Human Rights had stopped work in 2004 as a result of the political instability in her country and the fact that the various authorities had changed the law relating to the Executive Branch.

32. A new law provided for the fundamental rights of refugee women and refugees as a whole, including the right to an interview without interference from outside parties.

33. In some situations, a period of one year was needed to harmonize international and domestic legislation. The new laws would come into effect in accordance with the Government's commitments to the international community.

34. The fact that some institutions continued to encourage women to return to the home had highlighted

the need to raise the awareness of professionals within the justice system.

35. Although the new Constitution recognized the right of women to live free of violence, there was room for much progress in that regard, including in the context of the Sexual Harassment Act, currently under review. Although the Act had been under consideration for some time, political will was lacking in Parliament and no progress had been made.

36. A parliamentary committee on gender sought to promote the interests of women and to harmonize domestic law with the international instruments to which Bolivia was a party. Its work had been delayed by the political situation and no new laws had been promulgated during the current session. Under the existing Constitution, international instruments had the same status as domestic law and were applicable with immediate effect. Legal reforms or amendments were needed only in cases of clear contradiction.

37. **Ms. Fernandez** (Bolivia) said that as the result of an awareness campaign concerning the need for identification cards and the promulgation of a law exonerating individuals from associated costs, some 229,940 of the 336,000 individuals who had lacked such cards in 2004, a significant proportion of them women, had since been provided with those documents. The highest proportion of identity cards was now held by the population over age 40.

38. **Ms. Neubauer** said that she shared the concerns expressed in the report and the responses to the list of issues (CEDAW/C/BOL/Q/4/Add.1) with regard to changes affecting the location and functions of the central government institutions for the advancement of women and gender equality; such institutions were usually the most vulnerable to change. She requested updated information on changes since the submission of the report to the Committee and on how the Department for Gender and Generational Affairs was equipped to coordinate with other ministries and with departmental and municipal bodies. She also asked for information on the outcomes of National Public Policy Plan for the Full Exercise of Women's Rights (2004-2007) and whether a new plan had been formulated.

39. **Ms. Arrocha** said that she welcomed Bolivia's sustained efforts to maintain dialogue with the Committee despite the problems posed by the transition to a new Government; that dialogue could be of real assistance to the Government in the formulation of its

new policies. She requested information on the composition of and resources available to the national reporting mechanism and its capacity at the departmental and municipal levels. It would also be useful to know whether a mechanism existed to evaluate and follow up the National Public Policy Plan for the Full Exercise of Women's Rights (2004-2007) and, if so, whether its results could be shared with the Committee.

40. **Ms. Zou Xiaqiao** requested detailed information on the structure, functions, staffing and budget of the Department for Women's Affairs and asked whether similar mechanisms existed at the local government level and whether the Department gave guidance to the local authorities. She would also like to know what was being done to disseminate and implement the Convention and whether the Department provided training in gender equality and information on the Convention to government officials.

41. **Ms. Chutikul** requested information on the overlap between the former Interministerial Commission and the Department of Gender and Generational Affairs and asked whether coordination of implementation of the Convention, policy formulation, monitoring and evaluation were handled by the Department. Such tasks required a multisectoral, multidisciplinary approach and she thought that the Commission could be re-established without diminishing the functions of the Department; moreover, the report should be drafted by a dedicated intersectoral body.

42. She asked how the country's numerous national and sectoral plans for women were coordinated and whether the National Public Policy Plan for the Full Exercise of Women's Rights (2004-2007) covered more than political participation. It would be useful to have further information on approaches to the formulation of a new plan.

43. **Ms. Dariam** (Rapporteur) observed that the high poverty rate affected women in particular. She wondered whether the poverty reduction strategy contained in the Rural Development Strategy for 2004 was comprehensive enough to address all forms of discrimination with an impact on women's poverty, including their access to land, productive resources and markets and to health, education and civil and political rights, and how such issues were integrated into the Strategy. She also asked about impediments to affirmative action for women with regard to poverty

alleviation and for statistical data on the poorest of the poor, mainly indigenous and Afro-Bolivian groups, and on poverty eradication measures targeting those groups.

44. It would be useful to know how the impact of the free market economy on women was addressed in the poverty reduction strategy; she emphasized the need for disaggregated data on various groups of women in order to ensure that poverty eradication programmes' impact on them could be monitored.

45. **Ms. Agreda** (Bolivia) replied that, owing to the pace of change in her country, and to budget constraints, the National Plan for the Full Exercise of Women's Rights (2004-2007) had not been implemented as hoped. In developing the new plan, to be launched in March 2008, the Government had consulted all sectors over a six-month period. Once the draft plan was adopted, a proper budget could be negotiated to guarantee its implementation. The mechanism for the advancement of women was indeed fragile and there was a constant need to renegotiate its status and budget in response to changes in the Government. With reference to the Interministerial Commission, the fact that five of the 16 Cabinet Ministers were women facilitated negotiations with the Executive Branch. However, the mechanism needed strengthening; at the departmental level, some of the gender unit directorates were stronger than others and their strength depended on the political will of the local administration and the pressure brought to bear by women's organizations.

46. Her Government was convinced that gender and generational issues should be addressed in an intersectoral manner. In preparing the new draft national plan, all sectors of the Executive Branch had been involved. Cross-cutting posed considerable challenges, but it was important to keep specificities in view. The national budget for gender equity issues was spread over several ministries and no disaggregated data was available for gender-sensitive budgeting. The current austerity policy, reflected in falling Government budgets and staff reductions, also affected the Department, which was energetically negotiating a new budget.

47. **Ms. Fernandez** (Bolivia) said that the compensation policies pursued through 2005 had increased and feminized poverty. Claims for compensation were a short-term remedy and did not address the deep-seated problem of the redistribution of the social product. The new plan would focus on

fundamental changes in three areas of the country's macroeconomic structure and related public policies; it would seek to redistribute resources, change consumption patterns and develop policies for redistribution as envisaged by the Dignity Pension and the Juancito Pinto programme. However, in order to make progress on these issues, a better understanding of the links between domestic labour and the macroeconomy was needed.

48. **Ms. Cabero** (Bolivia) said that the Family and Domestic Violence Act sought to address all forms of domestic violence and protected both women and men. Complaints could be lodged with the Family Protection Units and municipal legal services, which provided exclusive care for women. Nevertheless, further efforts were required in order to strengthen care services and carry out prevention campaigns.

49. **Ms. Torrico** (Bolivia) said that publicizing the Convention in Bolivia's many languages was a considerable challenge that was compounded by illiteracy in parts of the country and by the fact that some areas did not have access to radio, much less television or newspapers. As she herself had been unaware of the existence of the Convention a few years previously, she understood the need to disseminate it. There was also a need to provide information to interested organizations and urge them to join efforts to raise awareness about the Convention.

50. **Ms. Schöpp-Schilling** noted the absence, in the periodic report and the responses, of any mention of temporary special measures (article 4, paragraph 1 of the Convention), which were necessary in certain cases. She would like to know whether such measures were not only permissible, but also mandatory, under the new Constitution, whether they had been applied when land titles were distributed and how many women and men had been granted titles. Information was also needed on any plans to apply temporary special measures as part of efforts to eradicate illiteracy and provide women with birth certificates.

51. The report indicated that studies on diversity were being conducted. Experience had shown that when cultural diversity and gender equality were pursued simultaneously, the latter tended to suffer. It would therefore be helpful to have more information about the concepts of equality found among the various indigenous communities in Bolivia. If men and women were treated as having complementary roles rather than

equal physical and intellectual capacities, that approach would contravene the Convention. She asked what was meant by the term "equity", which the delegation had used several times, and stressed that equity did not necessarily mean equality; she was concerned that diversity was being pursued at the expense of women's enjoyment of their rights. She wondered what was being done to address potential contradictions and how the norms for equality under the Convention were being applied to community justice.

52. Lastly, it was not clear whether the new Constitution prohibited discrimination based on sexual orientation and gender identity.

53. **Ms. Simms** said that the liberation of the indigenous peoples of Bolivia would inspire the entire region. Historically, the identities of many Latin American and Caribbean peoples had been suppressed by colonial powers and conquest had left a legacy of violence in indigenous societies; nevertheless, those societies should not be idealized as they tended to be patriarchal. She would appreciate hearing about specific programmes for indigenous peoples and women which recognized their human rights and their humanity.

54. **Ms. Gabr** said that legislation was not enough; perceptions about and attitudes towards women must be changed and stereotypes about their roles overcome. Noting the challenges of illiteracy and poverty mentioned by the delegation, she requested details on the programmes being conducted to raise awareness about women's role in social and economic development and information on the role of the media, particularly radio, in a country which suffered from high rates of illiteracy.

55. **Ms. Coker-Appiah** noted with concern the delegation's use of the word "machismo"; such statements only played into the hands of those opposed to equality between men and women. The report mentioned progress in changing cultural patterns and customary practices based on the superiority of the one sex or the other. Nevertheless, it also stated that while there was much talk of equality and of the valuable role played by women, in reality such talk was used to inhibit them from exercising their rights. She would like clarification of that statement.

56. **Ms. Tavares da Silva** asked why, as mentioned in the responses to the list of issues, the Programme for the Prevention of Violence at School had not been

included among the courses offered by the Ministry of Education.

57. **Ms. Pimental** said that the fact that Afro-Bolivians and older women remained disproportionately poor reflected the lack of a comprehensive public policy to address racial, gender, religious and other forms of discrimination. She would like to know how the delegation perceived diversity and the strategies being taken to bring it about. Information was also needed on how the Government was implementing the Committee's General Recommendation No. 19 on violence against women. In the future, it would be useful to have information on progress in reducing work-related violence against women.

58. **Ms. Ara Begun**, noting the lack of statistical data on trafficking in women and children, asked about the procedures for collecting information on such missing persons, especially as family members were often involved in their abduction, and on any laws designed to punish the perpetrators. Details were also needed on the social and economic policies for combating trafficking. It would be useful to have a time frame for adoption of the draft anti-trafficking bill mentioned in the responses to the list of issues and information on the support services provided to victims of trafficking who were members of indigenous and ethnic minorities.

59. **Ms. Chutikul** asked how the various national mechanisms dealing with trafficking and commercial sex, mentioned in the response to question 13 on the list of issues, coordinated their efforts; it was not clear whether the National Council against Human Trafficking in the Ministry of Justice was the coordinating body. It would be useful to have additional information about the Trafficking in Children Act, the anti-trafficking bill and other new or draft legislation mentioned in the responses and to know whether that legislation took into account the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. She would also welcome an explanation of the bill's innovative measures for punishing users of services resulting from human trafficking, referred to in the response to question 13 on the list; it was not clear whether the bill included provisions for the protection of victims of trafficking, their safe return to their families, shelters and other necessary services. Lastly, she would like to know about Bolivia's prospects for working

multilaterally to combat trafficking, especially with destination countries such as Argentina.

60. **Mr. Flinterman** asked whether there had been any follow-up to the recommendation, mentioned in the reply to question 14 on the list of issues, that a policy measure should be drawn up to protect the human rights of female sex workers; he wondered whether the Government intended to enact a specific law on prostitution. Clarification was also needed with respect to the status of the National Organization for the Emancipation of Women in a State of Prostitution (ONAEM), referred to in the responses, which sought to obtain recognition of prostitution as a legitimate occupation.

61. **The Chairperson**, speaking as a Committee member, requested statistics on the number of women murdered per year and the number of perpetrators punished. She would also appreciate more information on protective measures for victims of domestic violence, such as shelters, and an update on victims' access to social services in the light of the new domestic violence legislation. Lastly, she wondered whether the Convention prevailed in cases where it conflicted with domestic law.

The meeting rose at 1 p.m.