



**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 812th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 15 January 2008, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second, third and fourth periodic reports of Bolivia (continued) (CEDAW/C/BOL/2-4, 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.*

Articles 1 to 6 (continued)

2. **Ms. Cabero** (Bolivia) said that Law No. 3335 of 2006 covered all crimes relating to trafficking in children and adults, both male and female, and set policies for addressing that problem. An inter-sectoral committee was being established by the Ministry for Rural, Indigenous, Gender and Generational Affairs, the Ministry of Justice and the Ministry of the Interior. The Office of the Ombudsman, the International Organization for Migration and non-governmental organizations (NGOs) were also represented on that committee.

3. Prostitution was not criminalized in Bolivian law, but procuring and pimping were prohibited by Law No. 2033 and by the legislation on trafficking in persons.

4. Bolivia had signed bilateral agreements on trafficking with Chile and Argentina, and efforts were being made to establish with the South American Common Market (MERCOSUR) an agreement that would also include provisions to ensure that migrants enjoyed all the rights to which they were entitled under international laws and conventions.

5. **Ms. Agreda** (Bolivia) said she agreed that equality and complementarity were different concepts and that the idea of equality between men and women had its own characteristics in each culture, including those of Bolivian ethnic groups. The new gender equality initiatives should take such differences into account by including both general and sectoral policies; inequalities were experienced in different ways and differences had to be taken into account. As cultural practices sometimes masked inequity and minimized domestic violence, it was necessary first to ensure that violence was made visible and then to work on the implementation of public policies.

6. In addition to the National Plan for the Prevention and Eradication of Violence against Women, programmes to eliminate stereotyping and poverty existed, but were not sufficient. A new programme would increase women's access to land, housing and microcredit, regardless of their age or civil status. Since the 1996 adoption of the Law on the National Institute of Land Reform (INRA), there had been considerable progress although some regions were more open than others to accepting women as land owners; 12 per cent of agricultural titles were held by women and 45 per cent of land titles were in the names of both husband and wife.

7. **Ms. Fernandez** (Bolivia) said that, in order to eliminate stereotypes and patterns of discrimination against women, gender mainstreaming curricular modules in education had been introduced, together with a system for performance evaluation. Pages 19 to 22 of the report (CEDAW/C/BOL/4) contained data on progress and obstacles regarding gender mainstreaming in education.

8. **Ms. Torrico** (Bolivia), said that peasants' organizations had helped bring about changes in land ownership. Discrimination and racism still affected some groups and "captive families" — virtual slaves to rich landowners was an issue of concern. Although Bolivia had ratified the American Convention on Human Rights in 1979, it had yet to implement it.

9. **Ms. Cabero** (Bolivia) said that there was no provision for temporary special measures in the Constitution.

10. **The Chairperson**, speaking as a member of the Committee, asked whether the Convention was directly applied; if so, article 4, paragraph 1 on temporary special measures should be applicable. She wondered whether ratified treaties had the same status as other laws or whether implementing legislation was required.

11. **Ms. Cabero** (Bolivia) said that ratified conventions had the status of law, but mechanisms were needed to implement them and make them compatible with other legislation. Temporary special measures had not been used. A process of legal reform was under way.

Articles 7 to 9

12. **Ms. Maiolo** pointed out that 50 per cent of voters were women; she wondered whether the Government planned to take steps to encourage women to vote for

other women and to provide support for women candidates.

13. **Ms. Gaspard** noted that only 20 per cent of judges were women and asked whether there had been any progress since the report had been issued. She also wished to know how women judges were nominated and requested information on the situation of women judges and police officers.

14. **Ms. Belmihoub-Zerdani** said she welcomed the high level of the delegation and the fact that the Minister of Justice was an indigenous woman. She suggested that the delegation, upon its return to Bolivia, should hold a press conference to explain its dialogue with the Committee and encourage NGOs to be advocates for implementing the Convention. The media should be used to mobilize both women and men.

15. She understood that the child of a Bolivian father and a foreign mother could choose to have the nationality of either parent and wondered whether the same was true for the child of a Bolivian mother and a foreign husband.

16. **Ms. Cabero** (Bolivia) said that the percentage of women judges varied by region; it was 28-30 per cent in Cochabamba and 25 per cent in La Paz. Children could choose the nationality of either parent on reaching the age of majority.

17. **Ms. Agreda** (Bolivia) agreed that the Government should help finance women's electoral campaigns. The goal of encouraging women to vote for other women would take years to achieve although there had been progress in persuading indigenous people to vote for indigenous candidates.

18. A long process of change would be needed for women in the Bolivian judiciary and the police force, which, as in all countries, were the most patriarchal bodies; they had access to training but it was difficult for them to be promoted. A minimum quota of 9 per cent for the acceptance of indigenous applicants to the police academy had recently been introduced.

19. **Ms. Torrico** (Bolivia) said that women needed to work together to set public policy. Indigenous women had taken the lead in many areas, including in confronting the army and the police and helping recover their natural resources, yet many indigenous women did not have identity documents, and thus could not vote; the fault lay with the system.

Articles 10 to 14

20. **Ms. Ara Begum** said that since primary education was both free and compulsory, she had been surprised to learn that 37.9 per cent of rural women aged 15 and over were illiterate and that the drop-out rates for both sexes were high throughout the country. She wondered whether the Government was fully committed to implementing the incentives mentioned in Bolivia's responses to question 15 on the list of issues (CEDAW/C/BOL/Q/4/Add.1), what their impact had been and whether the programmes mentioned were provided in the Aymara and Quechua languages.

21. **Ms. Zou Xiaqiao** asked what specific problems the Government had encountered in its efforts to eliminate discrimination against girls in the area of education. She wondered whether teachers had been provided with training in gender equality; whether textbooks had been reviewed with a view to eliminating discriminatory stereotypes and, if so, what changes had been made; and whether remedial education was available to girls who had dropped out of school. Information on the Government's policy regarding the Millennium Development Goals, including any targets for achieving them, would also be welcome. Lastly, she requested information on the percentage of women teachers at all levels.

22. **Ms. Simms** said she feared that the Government's efforts with respect to awareness-raising and curriculum change would do little to eliminate sexism and racism, particularly against Afro-Bolivians. Because the Spanish colonizers had been closely followed by the arrival of African slaves, Afro-Bolivians had been stigmatized as part of the colonial system and were treated as virtual "non-persons". Temporary special measures and creative approaches for both Afro-Bolivian and indigenous women were needed.

23. **The Chairperson**, speaking as a member of the Committee, pointed out that in article 19 of the Millennium Declaration, Member States had resolved to ensure that boys and girls were able to complete a full course of primary schooling and had equal access to all levels of education. She would welcome information on progress towards that goal.

24. **Ms. Agreda** (Bolivia) explained that although education in Bolivia had been free and universal since the 1950s, illiteracy rates remained high and gender equality in the schools had yet to be achieved. New programmes had been introduced since the preparation

of Bolivia's most recent report, but their impact had not been fully satisfactory, in part because, outside the cities, distances were great and parents were afraid that their daughters would be subjected to sexual violence on the way to school. The Government, which had made education a priority as an essential component of development, planned to provide free school transport and boarding facilities for girls living in rural areas.

25. As part of the Educational Reform Programme, existing textbooks were being reviewed and new ones introduced with a view to eliminating sexism and other forms of discrimination. She noted, however, that poor countries such as Bolivia had many structural constraints and tended to give priority to other problems. Adult education and night courses, particularly in the technical fields, were available to girls who had dropped out of school and new initiatives for increasing women's access to education were being proposed.

26. **Ms. Torrico** (Bolivia) stressed that education was free and compulsory through the end of high school. The Government considered that society had an obligation to eradicate illiteracy and had made it a priority to ensure access to education for all poor people, including by providing textbooks, transport, food and clothing; it had launched an initiative that focused particularly on indigenous women and was aware of the need to improve the quality of teachers in the public schools. The Governments of Cuba and Venezuela had sponsored literacy programmes with up-to-date technology in which 280 out of 300 participants were women. The Constituent Assembly was also taking steps to address the problem.

27. **Ms. Fernandez** (Bolivia) said that only 2 per cent of secondary schools were located in rural areas; they were not always of high quality and access posed a problem, particularly for girls. High poverty levels, language barriers and costs to parents also hindered progress towards gender equality in education.

28. The situation of Afro-Bolivians had been taken into account in preparing the national human rights strategy. Although their rights were enshrined in the Constitution and they were recognized as a people, they had not been represented as such in the Constituent Assembly. Afro-Bolivians were concentrated in the department of La Paz and other poor areas of the country, but there were no accurate statistics on their numbers or levels of poverty; more data would be available after the next census.

29. **Ms. Patten** said that it would be interesting to know what measures had been implemented by the Government in order to give women access to highly skilled jobs and senior management positions. In addition, it should be clarified whether special temporary measures had been envisaged and whether steps had been taken to diversify women's employment opportunities and to encourage women to enter male-dominated professions and whether a specific mechanism had been established to resolve pay discrimination complaints.

30. Further information should be provided on the impact of the National Public Policy Plan for the Full Exercise of Women's Rights (2004-2007), on the maternal protection offered to women domestic and agricultural workers and on the steps taken to establish a comprehensive data collection system for the informal sector. The delegation should also indicate which policies had been formulated to improve economic opportunities for women and to provide them with formal-sector employment opportunities and social protection.

31. **Ms. Dairiam** (Rapporteur) said that national health programmes should include a gender perspective and that the Government should give due consideration to the Committee's General Recommendation No. 24 on women and health. Further information should be provided on the impact of insurance schemes on the lives of rural women. It would be interesting to know whether a study of the obstacles to women's access to health care had been carried out and to learn more about maternal mortality rates.

32. **Ms. Pimentel** said that it was especially important for the Government to use the general recommendations in formulating programmes and policies. She requested information on the strategies for promoting adoption of the Law on Sexual and Reproductive Rights and reducing adolescent pregnancies, unsafe abortion practices and maternal mortality.

33. **Ms. Halperin-Kaddari** said that insufficient data had been provided on abortion and prosecutions in cases of abortion. Given that women did not seem free to make decisions relating to health issues, it would be interesting to learn more about the steps taken by the Government to provide them with information about contraception and to provide poor women with access to contraception.

34. **Ms. Fernandez** (Bolivia) said that the Government and the Ministry of Labour had taken steps to prevent gender inequality in the labour market. The aims of the National Development Plan were to ensure gender equality in the workplace and women's access to social security. The Law on Regulation of Remunerated Domestic Work stipulated that domestic workers should have health insurance and pensions.

35. **Ms. Cabero** (Bolivia) said that abortion was illegal except where a mother's life was at risk or a woman had been raped. A woman who consented to an abortion was subject to prosecution. For those reasons, statistics on abortion were not available.

36. **Ms. Agreda** (Bolivia) said that the Government had taken into account some of the general recommendations, including General Recommendation No. 24. The Law on Sexual and Reproductive Rights had provoked discussion and confrontation throughout Bolivia and the Government had developed a strategy to deal with opposition from Catholic groups. Article 66 of the new Constitution guaranteed the exercise of sexual and reproductive rights for both women and men. The Government was studying the sexual and reproductive health of indigenous women so that future public policy could take ethnic differences into account.

37. **Ms. Fernandez** (Bolivia) said that future legislation would give men and women full access to health care and would not view the issue only in terms of women's reproductive health. The Government had strengthened the National Plan to Combat Gender Violence, established a Zero Malnutrition Programme and extended sexual and reproductive health care coverage.

38. **Ms. Coker-Appiah** said that it would be useful to know what measures had been taken to ensure that all women had access to funds set aside for productive development initiatives and to establish how many women business owners and farmers had benefited from the "Buy Bolivian" campaign. Clarification of the measures taken to address the lack of success in promoting women's participation in that campaign would also be welcome.

39. **Ms. Tan** requested additional information on the national programme for extended health service coverage, EXTENSA. In particular, it would be useful to learn more about the scope of the services, the capacity and equipment of each health unit and the number of women who had benefited from the

programme. It would also be interesting to know how many women and children would benefit from the Plan for Nutritional Development of Women of Childbearing Age, what percentage of land was owned by women, whether any special temporary measures for promoting women's access to land had been envisaged, whether there were any customary laws that impeded such access and whether the Government had adopted a strategy to give rural women with access to credit or other resources that would enable them to be self-sufficient.

40. **Ms. Gabr** requested specific information on the number of women who owned land, the rules governing inheritance of agricultural land and the percentage of rural women with access to sanitation, education and drinking water. In addition, it would be interesting to learn more about the Government's plans to address the specific problems of rural women and Afro-Bolivian women.

41. **Ms. Fernandez** (Bolivia) said that, during the period 1995-2005 and as a direct result of the People's Participation Act and the Municipalities Act, a process of citizen participation and, in particular, women's participation in local government had begun. In 2000, the Government had adopted the Dialogue Act, which allocated resources to municipal governments. There was no specific national law or policy that defined women's use of such resources; rather, women had gained access to them by becoming more involved in municipal planning, which ensured that their needs were taken into account. A number of municipalities had allocated resources specifically to projects designed by women, most of which were small, low-cost and related to productive development.

42. Progress had also been made on joint projects with civil society, for example on gender mainstreaming in municipal planning. In addition, a law on public investment in social and gender equity, which defined sources of investment for projects designed by women, was being drafted. Each year, the Government issued rules for drawing up the national and municipal budgets; municipal governments were obliged to allocate resources to at least four major programmes in areas such as the creation of jobs for women, dissemination of information on women's rights and gender equity with the goal of improving women's participation in municipal government. Lastly, a draft law on public investment in social and

gender equity established additional sources of funding for gender equity projects at the municipal level.

43. **Ms. Torrico** (Bolivia) said that the Government was enabling women not only to access credit, but also to earn a living as small producers; it had created a productive development database so that small producers, both male and female, could find sources of credit.

44. **Ms. Agreda** (Bolivia) acknowledged that in the past, traditional practices had prevented women from owning land. Only sons could inherit land; daughters inherited animals. That mentality was changing because of new legislation; because people had a greater understanding of the importance of education for girls as well as boys; and because, as a result of factors such as migration, more families were now headed by a woman. Furthermore, many women wanted to work the land themselves, which meant that they needed to have official land titles. Over 19,000 women agricultural workers held land titles and over 46 per cent of the 42,000 land titles issued between 1997 and 2005 had been issued to women.

45. Where land was owned jointly, the titles were in the name of both husband and wife. Today, the woman's name was listed first. Communal land, meanwhile, had always been registered in the name of the leader of the community (traditionally a man) but must now be registered in the names of both spouses.

Articles 15 and 16

46. **Ms. Halperin-Kaddari** asked whether the Government provided legal aid and, if so, whether any of it was geared specifically to women. She was also curious to know why the section of the report relating to article 15 provided a long list of laws adopted in recent years but made no reference to case law.

47. Turning to article 16, she asked whether Bolivian family law was civil or religious in nature, whether specific courts had been set up for indigenous people and how the community justice system worked in the context of family law. She would also be interested to know whether the new Family Code would include special treatment for indigenous people and whether it would maintain the principle that the interests of the family prevailed over those of its individual members.

48. **Ms. Tan**, noting that only 52.8 per cent of women took decisions relating to their own health (para. 364 of

the report), asked what was being done to educate men and women who were married or in a relationship about such issues.

49. She would also be interested to know what impact the Family and Domestic Violence Act had had on domestic violence figures, especially those relating to complaints lodged, convictions, repeat offenders and complaints withdrawn, and how knowledgeable people were about the Act; apparently it was not having much impact in rural areas. She was particularly curious to know what was being done to educate men and women about domestic violence in rural areas and whether the Government provided free legal services to women who wished to bring offenders to justice. Lastly, she asked for information about current divorce trends.

50. **Ms. Shin** emphasized that the minimum age for contracting matrimony — currently 16 for men and 14 for women (report, para. 367) — should be 18 for both sexes. She asked when the Government planned to make that change and how de facto unions were treated under the law.

51. She welcomed the fact that property could now be owned jointly by a husband and wife and hoped that both spouses enjoyed the same rights in respect of the management of their property, in line with article 16.

52. She had heard that in order to enjoy equal rights in respect of the custody of her children, a mother had to pay for DNA testing, a requirement that did not constitute equal treatment.

53. While she welcomed the reporting State's commitment to do more to change those customs and traditions that contravened article 16, she wondered whether it had sufficient resources to do so.

54. Lastly, in light of the General Assembly's recent decision to authorize the Committee to meet three times a year, she hoped that Bolivia would accept the amendment to article 20, paragraph 1 of the Convention.

55. **Ms. Belmihoub-Zerdani** expressed surprise that although Bolivia had ratified the Convention on the Rights of the Child in 1990, the minimum age of marriage had not yet been set at 18 for both sexes.

56. Lastly, she would be interested to know whether all Bolivians were on an equal footing with regard to marriage and divorce under the Civil Code, or whether indigenous people were covered by customary law. If

the latter, she wished to know more about the regime in effect and whether it was going to be abolished.

57. **Ms. Schöpp-Schilling** said that she was confused as to whether the Constitution expressly prohibited discrimination on the grounds of sexual orientation and gender identity. Furthermore, while the fact that a number of municipalities had allocated resources specifically to women's projects was to be welcomed, it was important to ensure gender mainstreaming whenever funds were allocated at any level.

58. **Ms. Dairiam** (Rapporteur) said that she was still waiting for an answer to her question concerning health programmes.

59. **Ms. Cabero** (Bolivia) said that accused persons were entitled to free legal aid, but their victims were not. Thus, there was no legal aid for women victims of violence, but they did receive more general assistance from administrative and judicial bodies.

60. With regard to the question concerning case law, she acknowledged that little progress had been made. Some key legal rulings had, however, been issued and they were binding in nature.

61. The system of community justice was recognized in the Constitution and in the Code of Criminal Procedure.

62. The Constitution did not specify the minimum age for marriage but, as part of the latest reform of the Family Code, the Government planned to raise that age to the age of majority. De facto unions were governed by custom and tradition.

63. She was unable to provide precise statistics on divorce.

64. Civil society had been lobbying hard for the burden of proof to be reversed in custody cases; paternity tests were especially painful for women, many of whom could not afford to hire a lawyer. As a result, the burden of proof would be reversed in the new Constitution.

65. With respect to the division of property and inheritance, the Civil Code established equal rights for sons and daughters, but customs and traditions took time to change; both the Government and civil society were working to raise awareness in that regard. Regrettably, women's rights were often violated in favour of their brothers', as many people still subscribed to the view that daughters were entitled to

inherit only animals or that married women did not need their own property.

66. Lastly, the current Constitution stated that all people were equal but did not expressly prohibit discrimination; the new Constitution, however, clearly stated that all forms of discrimination were prohibited.

67. **Ms. Torrico** (Bolivia) said that women's rights were specifically established in the new Constitution. In the past, the indigenous legal system had, in fact, been more equitable than that of the State; rural villages had a man in the chief leadership role, but women also held high-level positions in the community.

68. **Ms. Agreda** (Bolivia) confirmed that in practice, contrary to popular belief, the traditional justice system was more gender-sensitive than that of the State, which was extremely patriarchal. As Deputy Minister for Gender and Generational Affairs, she was working to address that problem. The new Constitution took into account the fact that each indigenous community had its own justice system. Consultations were under way with a view to improving the provision of care to women victims of violence and reviewing the related provisions of the Penal Code; some State bodies, including the Ministry of Justice, already provided both men and women victims with free care.

69. **Ms. Torrico** (Bolivia) said that indigenous peoples were ignored in many international conventions; she therefore welcomed the General Assembly's September 2007 adoption of the Declaration on the Rights of Indigenous Peoples with 143 votes in favour, 4 against and 11 abstentions. Non-governmental organizations (NGOs) too often criticized indigenous communities as conservative and patriarchal but, as a member of such a community, she wished to stress that such views were largely unjustified.

70. She welcomed the opportunity to discuss her country's report with the Committee. Its comments and recommendations would be taken into account and she and her colleagues would continue to work for all those who lacked legal recognition.

71. **The Chairperson** reminded the delegation of Bolivia that it had undertaken, on behalf of its Government, to prepare future reports to the Committee through an inclusive process, submit them in a timely manner, have the Convention translated into all national languages and publicize it through awareness-raising campaigns targeting, in particular, members of

the Government, the judiciary and the nation's women; a press conference would be an excellent way of launching such a campaign.

72. It was clear that the delegation recognized that gender discrimination persisted in Bolivia; full implementation of the Convention and the legislation adopted pursuant thereto would help remove the laws that still hindered women's enjoyment of their rights. She encouraged the Government to make full use of the Committee's general recommendations, particularly General Recommendation No. 5 on temporary special measures, No. 12 on violence against women and No. 24 on women and health.

The meeting rose at 5.35 p.m.