



COUNTRY SECTION: Bolivia

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OVERVIEW OF THE BOLIVIAN LEGAL SYSTEM

The New Political Constitution of the State was approved via referendum on 25 January 2009 and enacted on 7 February 2009. This has heralded in a new phase in the constitutional process – one that challenges women’s organisations to come up with concrete proposals and lobby to ensure that the rights enshrined within the new Constitution are realised in practice.

INTERNATIONAL INSTRUMENTS

International Covenant on Economic, Social and Cultural Rights,

New York, 16 December 1966. Bolivia joined by means of Supreme Decree No 18950 of 17 May 1982, which was then elevated to the status of Law No 2119, enacted on 11 September 2000.

International Covenant on Civil and Political Rights, New York, 16 December 1966. Bolivia joined by means of Supreme Decree No 18950 of 17 May 1982, which was then elevated to the status of Law No 2119, enacted on 11 September 2000.

Optional Protocol to the International Covenant on Civil and Political Rights, New York, 16 December 1966. Bolivia joined by means of Supreme Decree No 18950 of 17 May 1982, which was then elevated to the status of Law No 2119, enacted on 11 September 2000.

International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), New York, 18 December 1979. This was ratified by Bolivia by means of Law No 1100, enacted on 15 September 1989.

Optional Protocol to the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), New York, 10 December 1999. This was ratified by Bolivia by means of Law No 2103, enacted on 20 June 2000.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, New York, 18 December 1990. Bolivia joined by means of Law No 1976, enacted on 30 April 1999.

Law approving the agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the

Caribbean, Madrid, 24 July 1992. Ratified by Bolivia by means of Law No 1468, enacted on 18 February 1993.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the UN Convention against Transnational Organised Crime, Palermo, Italy, 15 December 2000. Ratified by Bolivia by means of Law No 2273, enacted on 22 November 2001.

UN Declaration on the Rights of Indigenous Peoples, New York, 13 September 2007. Ratified by Bolivia by means of Law No 3760, enacted on 7 November 2007.

Optional Protocol to the International Covenant on Civil and Political Rights. Ratified by means of Law No 3423 dated 12 June 2006.

Agreement between the UN Office of the High Commissioner for Human Rights and the Government of the Republic of Bolivia to establish an office in Bolivia. Law No 3713 of 13 July 2007.

REGIONAL INSTRUMENTS

Inter-American Convention on Concession of Political Rights to Women, signed at the Ninth International Conference of American States, Bogotá, Colombia, on 2 May 1948. Ratified by Bolivia by means of Law No 2011 and enacted on 12 September 1999.

American Convention on Human Rights, “Pact of San José, Costa Rica”, signed at the Inter-American Specialised Conference on Human Rights in San José, Costa Rica on 22 November 1969. Bolivia joined by means of Supreme Decree No 16575 of 13 June 1979, which was then elevated to the status of Law No 1430, enacted on 11 February 1993.

Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights, “Protocol of San Salvador”, signed in San Salvador on 17 November 1988. Ratified by Bolivia by means of Law No 3293, enacted on 12 December 2005.

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, adopted in Belém do Pará, Brazil, on 9 June 1994. Ratified by Bolivia by means of Law No 1599 and enacted on 18 October 1994.

Convention of Belém do Pará: signed on 14 September 1994; ratified on 5 December 1994.

NATIONAL LAWS

Equal opportunities

Law No 2028 on Municipalities

This establishes the bodies responsible for guaranteeing gender equality.

National Plan for Equal Opportunities (2008)

This public policy aimed to promote equality of opportunities in terms of accessing services, participation in decision-making spaces, and in the fair distribution of financial, technological and patrimonial resources.

Violence against Women

Law No 1674 on domestic violence (1994)

This classifies and establishes prevention and punishment mechanisms for domestic violence.

Law No 3160 on protecting victims of crimes against sexual freedom (1999)

This classifies crimes against sexuality and increases the punishments for other crimes included in the Criminal Code.

Art. 203 of the Code of Criminal Procedure (2007)

This establishes the confidentiality of statements made by victims of sexual aggression and minors.

Integral Law No 0355 on people trafficking (2011)

This law is intended to guarantee the rights of victims and possible victims of people trafficking, through prevention and protection mechanisms, social and professional reintegration, and prosecution and punishment of this crime.

Draft Bill of Law on Gender-based Political Harassment and Violence (2011)

This bill of law defines different kinds of political harassment and violence, as well as possible aggravating circumstances, and establishes applicable punishments. It also establishes the public authorities' responsibility to denounce acts of political harassment and violence. Its first article states that it is necessary to "allocate one working day a year

to all women civil servants or workers, employed in companies or institutions in the public or private sectors on a permanent or temporary basis, so that they can have a smear test and breast screening”.

Sexuality and reproduction

Law No 2033 (2007)

This protects the victims of crimes against sexual freedom.

Political participation

Law No 1551 on Popular Participation (1994)

This promotes women and men’s involvement in the design, monitoring and follow-up of the municipal government administration.

Law No 1984 on Reform of the Electoral System (1997)

This establishes that the lists of candidates must include a minimum of 30% women.

Law No 2771 on Civic and Indigenous Peoples Groups (2004)

This establishes principles of parity and alternation between male and female candidates in municipal and national elections.

Law on Political Parties (2006)

This establishes that the lists of candidates must include a minimum of 30% women, and also rejects all forms of gender, generational and ethnic discrimination.

Law on Reforms and Additions to the Electoral System - Law on Quotas (2006)

This establishes that 30% of the names on the plurinominal (proportional representation) lists for assembly members must be women.

Law on Civic and Indigenous Peoples Groups (2006)

This establishes that the lists of candidates must include a minimum of 50% women, with parity and alternation.

Employment Rights

Constitution:

Article 45, V. - The State shall promote women’s inclusion in the workplace and shall guarantee the same salary as men for work of equal value, both in the public and private spheres.

Article 45, VI. - Women shall not be discriminated against or laid off because of civil status, pregnancy, age, physical features or number of children. Job security shall be guaranteed for expectant mothers and for parents, until the child is one year of age.

Law regulating domestic workers (2003)

This regulates the rights and obligations of paid domestic staff.

Ministerial Resolution No 268/11 on the “prevention, early detection, assessment, treatment and rehabilitation of affected women” (2011)

This government measure aims to protect the health of women workers in different areas and sectors of the country and thus ensure that they are able to maintain their means of support.

Property

INRA Law No 1715 (1996)

This stipulates equality for women in the distribution, administration, possession and use of land.

Law No 3545 (2007)

Land Reform Bill; this establishes gender equality, guaranteeing and prioritising women’s involvement in the processes of regularisation and distribution of lands. The executorial titles are issued in favour of both spouses or partners who are working the land, recording the woman’s name first.

Health

Law No 2426 on Universal Mother and Child Healthcare Insurance (SUMI) (2002)

This law establishes universal mother and child healthcare insurance (SUMI) throughout the Bolivian territory. It is universal and free, and aimed at providing healthcare to expectant mothers from the start of their pregnancy until six months after the birth; and for children from birth until five years of age.

Law No 3250 (2007)

Law No 3250 extends the universal mother and child healthcare insurance to women aged five to 60 years of age.

movements, civil society institutions and international cooperation. In

Supreme Decree No 0066 “Juana Azurduy Mother and Child Voucher” (2009)

This is intended to contribute to reducing mother and child mortality and chronic malnutrition among children under the age of two. The voucher is issued following a medical consultation.

Education

Law No 070 on Education “Elizardo Pérez – Avelino Siñani law” (2010)

This law addresses issues related to moving towards a society based on gender equality, no differentiation of roles on grounds of gender, freedom from violence and human rights enforcement.

OVERVIEW OF THE GENDER MACHINERY

National level

Law No 3351 on Organisation of the Executive Power, enacted on 21 February 2006, gives the Ministry of Justice the role of formulating and coordinating gender policies. To fulfil this role, the Ministry has a Vice-Ministry of Equal Opportunities which is tasked with coordinating actions across sectors in order to enable boys, girls, adolescents, young people, men, women, the disabled and the elderly to become more visible, exercise their rights, and participate fully in society. In order to achieve this objective, the Vice-Ministry has established the following strategies:

- Mainstream the issue at state level and strengthen the institutional framework responsible for promoting gender equality.
- Increase civil society’s involvement in defining public policies, especially involving immediate stakeholders.

To deliver these strategies, the Vice-Ministry of Equal Opportunities has a Gender Unit within it, with sub-units covering Education, Violence and Health; Gender Equality and Public Policies; and Political and Civic Participation.

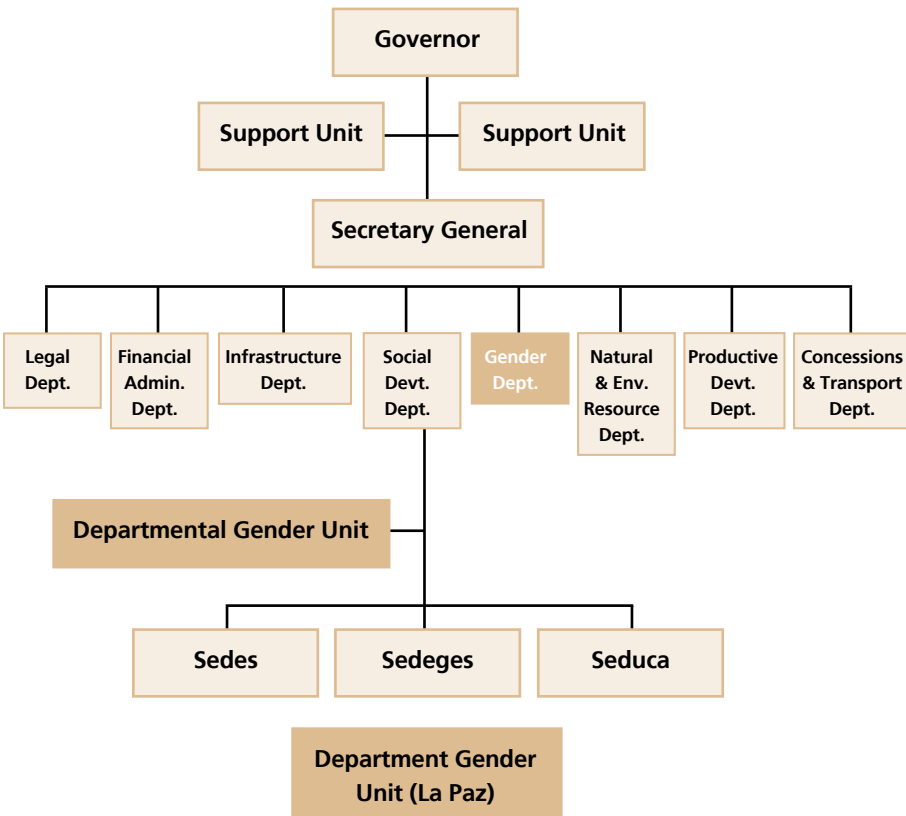
The Ministry of Justice, through the **Vice-Ministry of Equal Opportunities**, has the power to produce, implement, manage and monitor policies that promote gender equality. However, the other bodies of the Executive Power are also required to implement national public policies in this regard. It is therefore essential that implementation of the national plan or policy is coordinated with the three State powers and, in turn, with the departmental and municipal bodies, social

addition, there must be permanent coordination with the Judiciary, the Legislature, the National Electoral Council and the National Statistics Institute.

Departmental Level

At departmental level, there are Directorates (Departments) forming a secondary level of government, responsible for the application of policies and national and departmental regulations. Within this structure, Gender Departments have been established to lead on implementation of equal opportunities policies. In addition, the Social Development Department has a Departmental Gender and Social Management Service Unit (SEDEGES), tasked with applying national policies and regulations on gender, generational, family and social service issues as issued by the relevant body. These different bodies can clearly be seen in the following diagram.

Within the current constitutional framework, it should be noted that the



Departmental Gender Units were given the status of General Directorates by means of Supreme Decree No 28162. This is a form of positive action on the part of the State aimed at mainstreaming gender across departmental public policies.

Municipal level

In the context of implementing the **Law on Popular Participation**, municipal governments enjoy a certain autonomy that gives them regulatory, supervisory, executive, administrative and technical powers within their territorial jurisdiction. The municipalities therefore have an obligation to *promote and encourage policies that incorporate women's needs in the context of the municipality's jurisdiction*. **The Law on Municipalities** establishes that the Municipal Government must contribute to satisfying collective needs and guaranteeing the integration and participation of citizens in the municipality's sustainable *planning and human development, as well as encouraging the social integration of its inhabitants, based on principles of equity and equality of opportunity, respecting diversity*. Gender equality must therefore be incorporated into the design, definition and implementation of municipal policies, plans, programmes and projects.

Within the regulatory structure, the municipalities have a duty to provide services that fall within the scope of their jurisdiction. The municipal governments therefore have an obligation to regulate and administer domestic violence support services in every municipality in the country, including psychological, social and legal support for women, to ensure that complaints of violence and discrimination are handled appropriately.

POLITICAL CONTEXT

Violations of women's rights are extensive and complex in Bolivia, and are prevalent at all levels of society, in both public and private spheres.

Sexual and reproductive rights

Bolivia still has the second highest rate of maternal mortality in the region due, largely, to complications during pregnancy, birth and after delivery, a high number of children per woman, and low usage of modern contraceptive methods. In addition, Bolivia has a high number of teenage pregnancies, 60% of which are not planned, which often lead to backstreet abortions. Despite legislation that establishes that

abortion should not be punishable in the case of rape or when it puts the mother's life at risk, many authorities still refuse to accept this. Badly conducted abortions are the third biggest cause of death for women in the country.

However, some progress has been made; for example, expanding universal mother and child healthcare insurance, which includes a free smear test and family planning provision, including oral and emergency contraception. However, the plans and policies produced by the Ministry of Health in 2009 (Strategic Mother and Neonatal Health Plan, Strategic Sexual and Reproductive Health Plan, Strategic Uterine and Breast Cancer Plan, and Strategic Adolescent Plan) all need to be enforced if they are to transform the lives of women in Bolivia.

Right to a life free from violence

Thirteen years on since Law No 1674 on Domestic and Family Violence was enacted, and mechanisms for assisting women suffering from violence were created, there has been no decline in the rate of violence against women. This is in spite of the fact that the Bolivian Constitution (Art. 15, numeral 2) guarantees women a life free from violence.

A major gap continues to be the lack of any regulations governing abortion femicide. According to recent data, in the first half of 2011 there were 69 murders of women, including 43 cases of femicide (murders of women because they are women). Of these cases, only 18 have had sentences passed and 2 are currently at the trial stage. In addition, the lack of specialist human resources, infrastructure and equipment and the lack of resources to enable the family protection brigades and the integral legal services to operate properly are all serious limitations. One positive move, however, is the participatory production of the Integral Law on Violence against Women, soon to be approved by the Plurinational Assembly.

Political participation

After years of struggle, and despite the significant progress that has been made, the participation of women in Bolivia's decision-making processes still remains an outstanding issue in any discussions on the quality of democracy. There is ongoing – and even

increasing – resistance to gender issues, the use of quotas, and equal access to decision-making spaces. Arguments challenging the legitimacy

of mechanisms to promote women's inclusion in spaces of power and decision-making are prevalent.

The Constitution approved in January 2010 establishes a new framework for women's political participation. The 30% quota that previously existed has now been replaced by the concept of parity and alternation (the alternation of women and men on candidate lists so that women don't get put at the bottom of the list where they have least chance of getting selected), creating new possibilities for making progress in this area.

This is reflected in the composition of the new Plurinational Legislative Assembly, which is made up of 30% women, with 47% women in the Senate and 25% in the Chamber of Deputies. For the first time in Bolivia's history, we have a balanced ministerial cabinet, with 10 of the 20 ministerial posts occupied by women.

Women's access to the justice system

The gender bias in Bolivia's justice administration continues to act as a major obstacle to women fully exercising their rights. This is due to the attitudes and discriminatory behaviour of those within the system, who continue to rely on gender stereotypes and myths about the nature, status and roles of women and men. This leads to judicial considerations and decisions that violate women's rights.

Women's employment rights

Despite the mass emergence of women into the labour market, they are heavily concentrated in low income jobs, including as unpaid housewives (39%) and self-employed workers (30%). This leads to higher levels of poverty among women, particularly so if they are indigenous. Women are most affected by unemployment, underemployment and insecurity, instability, a lack of job security and a lack of social welfare. One area that starkly illustrates this gender-based discrimination is incomes: no matter where women work, they are paid around 20% less than men for the same job. Most women have no social security and only a third of female employees contribute to the State Pension Fund.

Women's right to land ownership

Almost 50 percent of women benefit from land titles, thanks to Agrarian Reform Law No 3545 of 2006, which introduced positive measures to

women as exclusive beneficiaries. Women have benefited from these measures in two ways: through joint titling (to both spouses), which accounts for 29.6%, and through exclusive titling (just to women), which totals 16.6%. One noteworthy achievement in this regard is the fact that the Constitution stipulates women's right to access land without discrimination, thus reducing their unequal access to productive resources, along with their right to the distribution or redistribution of land regardless of civil status or position.

Right to education

The national education system still suffers from gender bias with girls at a disadvantage, and there are no mechanisms to ensure women's access to and continuation in school. The school system is sexist and often reproduces gender stereotypes which restrict women's educational and professional opportunities. The result is a negative one, causing girl students, particularly indigenous girls, to drop out of the formal education system.

EXPERIENCES OF WOMEN'S ORGANISATIONS IN BOLIVIA

Successful advocacy: "Ready for the Lists"

The **"Ready for the lists"** campaign aimed to ensure the continuity of coordinated political advocacy around the Law on the Temporary Electoral System (LRET). It was a platform for action that managed to bring together more than 200 organisations from around the country following an open invitation to participate. The campaign was aimed at ensuring compliance with the provisions of the LRET and the Constitution on women's parity and alternation on the electoral lists. The objectives were to:

- ensure compliance with the Constitution and the Law on the Temporary Electoral System with regard to women's equal participation in all state bodies;
- raise public awareness of women's rights to political participation, as established in the Constitution and current laws;
- encourage women leaders to participate as candidates on electoral lists;
- promote greater involvement of women in electoral processes from December 2003 to April 2010, both as voters and candidates.

The campaign focused on two main elements: Political Advocacy and Communication.

Political Advocacy

First phase: Production of the lists

The first phase involved taking actions to ensure that women were considered in the registration process and disseminating information on this process. During this phase, nine Departmental Meetings were held across all departments, in coordination with the social and institutional organisations that form part of the Women's Legislative Agenda, and in the presence of representatives from women's organisations, candidates and leaders from political parties and civic groups, and representatives from the electoral councils and media.

All these meetings resulted in statements demanding that the requirement for the electoral lists to comprise 50% women be met. National meetings were also held to produce and submit lists of candidates for the National Electoral Council and leaders of the political parties.

The lists of candidates for the national elections had to be presented to the National Electoral Council and Departmental Councils on 7 September. Three representatives of women's movements visited the Council to review the lists that had been submitted. This resulted in an analysis of the lists that was widely distributed to the media. This analysis denounced the failure to comply with the 50% ruling and also noted a number of irregularities on the part of some political parties with regard to ensuring parity and alternation. The speed with which this was completed meant that the issue of women candidates received immediate coverage in the mass media over the following days.

At the same time, coordination was taking place with the organisations and institutions involved in the campaign in all departments so that symbolic vigils were held in front of all the Departmental Electoral Councils. This led to even greater media presence and awareness of the need to comply with the LRET.

On the basis of the above analysis, "Ready for the lists" denounced the failure of political parties and civic groups to achieve the equal participation of women on the lists, as scarcely 30% of those involved were women. The unlawful manipulation of the lists by some political parties was also publicly denounced. Some of the lists, for example, included male candidates registered as female so that the computer system would approve their candidacy. These situations were made known to the authorities so that they could take the necessary action.

Second Phase: A commitment to women

Once the lists of candidates had been presented, a second phase began. This was aimed at influencing the agendas of political opponents. Nine departmental fora were held with the

involvement of male and female candidates running for Chamber of Representatives and Senate seats. These fora were opportunities to present the Women's Legislative Agenda and concrete proposals for gender equality and women's rights.

A national-level meeting was also held with male and female presidential candidates, although only four of the eight representatives from the different political parties attended. The meeting was an opportunity to hear the candidates' specific proposals, and it managed to achieve significant commitments to gender mainstreaming.

Third phase: Alliance building

Once the electoral process was at an end, a week after the results had been published (on 12 December 2010), the women who had been successfully elected were invited to an initial meeting of women assembly members and representatives of women's organisations with the aim of building a joint agenda that could be promoted and incorporated into the debates of the Plurinational Legislative Assembly.

The meeting was a first effort to build an alliance between the women's organisations that presented the women's political agenda, in order to initiate a joint working strategy that would include the organisations' active involvement in producing legislative proposals. Despite difficulties in contacting the assembly members, 33 recently-elected representatives attended.

Communication Campaign

Alongside this, a communication campaign was launched and materials designed to accompany the advocacy work. These played a fundamental role in the success of the "Ready for the lists" campaign. A corporate image was designed that enabled people to identify with the campaign and its communicational products (graphics, print, radio and audiovisual materials), reflecting the central campaign messages.

Five jingles and radio slots were produced and disseminated. T-shirts were printed with the campaign logo, along with fliers bearing slogans relating to parity and respect for the 50% target. Street signs were also

prepared and distributed to all departments; two TV commercials were also produced.

Alongside this, during the campaign process, public statements were broadcast repeating the demand that the Law and the Constitution should be respected and publicising the vigilant action of the women's organisations. Key dates in the electoral timetable were used as opportunities to publicly spread the campaign's message.

All the campaign's activities were widely disseminated via press releases reconciling the campaign demands with the current political climate and advocacy actions.

Achievements of the "Ready for the Lists" campaign

- High visibility was given to the demand for respect for the Constitution and compliance with the LRET in relation to the participation of women candidates (and the women's organisations were organised in one joint campaign).
- Effective monitoring of the submission of candidate lists, with timely action in cases where there was a failure to comply with the regulations.
- The campaign managed to raise the demand for parity and alternation concretely with the political and social organisations.
- Good press coverage was achieved, such that the general public became aware of the demand for 50% participation of women on the lists and in decision-making spaces. A regular presence was achieved in the media at different key moments

CONCLUSION

In the light of the above, it can be concluded that there is an important need to bridge the latent gender gap in Bolivia. Despite the progress made, there is still resistance - explicit and implicit - to gender issues and the struggle for equality. Yet the women's movement in Bolivia continues to promote actions aimed at ensuring that women's rights are effectively claimed and that unequal power relations, subordination and discrimination against women is overcome.