

# UNIVERSAL PERIODIC REVIEW

## 2019 - PLURINATIONAL STATE OF BOLIVIA

### SUBMISSION OF CIVIL SOCIETY ON THE RIGHTS OF THE CHILD AND THE RIGHTS OF WOMEN





# SUMMARY

MEMBERS OF THE NGO COALITION UNIVERSAL PERIODIC REVIEW BOLIVIA 2019 .....	4
INTRODUCTION .....	7
CONTEXT, METHODOLOGY AND LEGAL BASIS .....	7
A. PROTAGONISTIC PARTICIPATION OF CHILDREN, ADOLESCENTS AND YOUNG PEOPLE .....	8
B. CHILD LABOR .....	9
C. PHYSICAL, PSYCHOLOGICAL AND SEXUAL VIOLENCE AGAINST CHILDREN AND ADOLESCENTS .....	11
D. VIOLENCE AGAINST WOMEN .....	13

**Marist Foundation for International Solidarity (FMSI)** is an international organization promoted by the Marist Brothers, present in 80 countries. FMSI has more than 10 years of experience working in the field of international solidarity, advocating for children's rights especially in the field of education. It works at the international level, participating in the UN human rights mechanisms in collaboration with other organizations with similar interests. It has been accredited by ECOSOC since 2011.

**Edmund Rice International (ERI)** is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two Congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.

**Defensoría Edmundo Rice** is a non-governmental organization established in 2018 with a presence in Argentina, Bolivia, Peru and Uruguay. Its main tasks are the protection and promotion of human rights and eco-justice through education and participation at the national and international levels in mechanisms for the protection of human rights. DER is part of the Edmund Rice International network of organizations.

**R.U.N Network** (Religious Congregations with representations in the United Nations) it is a network of religious congregations with consultative status in the United Nations, which reflects on the situation of human rights in Bolivia and carries out actions that affect public policies aimed at guaranteeing human rights. Its objectives are to promote the active participation of the population in the construction of public policies, establish channels between national decision-making bodies and those whose rights are violated, and support actions that promote the change of conscience. The following organizations are part of the RUN Network:

The **Franciscan Justice, Peace and Integrity of Creation Movement (JPIC)** was founded in Bolivia in July 1983 to promote greater commitment of the Franciscan family to the sociopolitical reality of the country. Its guidelines are: promotion of the gospel values of justice, peace, and the integrity of creation; create networks nationally and internationally; and coordinate concrete actions to promote human rights, freedom of expression and the restitution of rights to victims.

**Maryknoll Global Concerns Group in Bolivia** is a collaborative ministry for peace, social justice and the integrity of creation among members of the Sisters, Fathers, Brothers, Lay Missionaries, and Maryknoll Affiliates in Bolivia, in conjunction with the Office of Affairs Maryknoll Global (OPGM) based in the United States. In June 1998, the Maryknoll Fathers and Brothers, and the Maryknoll Sisters of St. Dominic obtained Consultative Status in the Economic and Social Council of the United Nations (ECOSOC).

**VIVAT International** is an NGO with representation in the UN that currently groups 8 congregations. With a Special Consultative Status with ECOSOC since 2004, VIVAT aims to create a network of action in collaboration with the United Nations to achieve peace, respect for human rights, fair and harmonious relations between people and nations, socio-economic and ecological well-being. In Bolivia VIVAT is integrated by four congregations: SVD, SSpS, CSpS and OMI

**Red de protección integral a niñas, niños y adolescentes víctimas de abuso y violencia sexual, trata y tráfico de personas:**

Network of public and private institutions and organizations of the Department of Santa Cruz de la Sierra that work with girls, young adolescents and women to become a space of coordination and articulation in actions of prevention, incidence and social control, in order to reduce all forms of violence and, in particular, sexual violence against girls, boys, adolescents, young people and women and that the perpetrators of these crimes are criminally sanctioned. The following organizations are part of it:

**UAGRM (Observatorio Infante Juvenil del Instituto de Investigación de la Facultad de Humanidades de la Universidad Autónoma Gabriel René Moreno):**

With a gender, generational and intercultural perspective, the Children and Youth Observatory seeks to influence the effective exercise and protection of the human rights of girls, boys, adolescents and young people, through the systematization of information, the development and promotion of research, communication, training and interpellation to the State and society as a whole.

**World Vision Bolivia** is a member organization of the World Vision International Fellowship, present in the country since 1983, developing programs and projects focused on the most vulnerable children in rural and urban areas, fighting against inequity and injustice with the purpose of transforming, together with local leaders, authorities and communities, the conditions of vulnerability of girls and boys.

**Red Viva** is a non-profit organization that has been working for 19 years in favor of at-risk children through prevention and networking in inter-institutional cooperation. Through workshops for vulnerable adolescents in peri-urban areas, actions are developed for the promotion of values and the prevention of child sexual abuse.

**Veeduría Ciudadana de Derechos Humanos (VCDDHH)** is a non-profit organization, created to control and promote the exercise and respect of human rights. It develops follow-up activities, information, training and research, with alliances and support from institutions whose objectives are similar. Based on volunteering, VCDDHH has professional specialists with more than 15 years of experience.

**Ñañope** is a private non-profit foundation that is working at the service of domestic workers. Its vision is to improve the quality of life of working women or future salaried workers in the home, both in the labor and personal areas. Guidance, training, legal and personal advice and coexistence and braiding of social networks are offered, with the aim of preventing human trafficking, ensuring dignified life options for its beneficiaries.

**Ni una menos** is an organization that brings together women and men who seek to fight against domestic violence in Santa Cruz de la Sierra. The movement accompanies victims in their judicial processes and in their psychological recovery. In addition, it carries out media campaigns to make society aware that violence affects all of us and that it is our duty to denounce it and intervene on a daily basis.

**Paz y Esperanza** is an organization dedicated to defend and promote justice in favor of people and communities living in poverty or affected by injustice, in order to strengthen democracy and reconciliation in the country.

Other institutions that have collaborated in the report:

**Universidad Católica. Regional Cochabamba** The fundamental mission of the Bolivian Catholic University "San Pablo" is the constant search for truth through research, conservation and communication of knowledge for the good of society. Through teaching and research, it helps to provide answers to the problems and demands of each historical moment.

**Plataforma Estudiantil Cochabamba** is a branch of JCI Cochabamba, of young people between 14 and 19 years old. The PEC offers training and provides tools to young people to create positive changes in society.

**Compañía de las Hijas de la Caridad** It is a society of apostolic life founded in France in the 17th century. Currently, it has presence in 94 countries around the world. The Canonical Province of South America includes Argentina, Bolivia, Chile, Paraguay and Uruguay. They work in the promotion of justice and service among the most abandoned and marginalized, responding to their most pressing needs. The work gives priority to women, men, children and adolescents without resources, the fight against diseases related to poverty, help to migrants and refugees, prison and education.

## INTRODUCTION

1. This coalition of NGOs presents the following contributions and recommendations about the human rights situation in Bolivia, in order to contribute to the 34th session of the Universal Periodic Review of Bolivia, based on the evaluation of the 2014 UPR recommendations.<sup>1</sup>

2. The purpose of this report is to promote the rights of children and women, focusing on four themes:

- A. Proactive participation of children, adolescents and youth
- B. Child labor
- C. Sexual violence against children and adolescents
- D. Violence against women.<sup>2</sup>

## CONTEXT, METHODOLOGY AND LEGAL BASIS

3. The Plurinational State of Bolivia has a population of 11,307,000 inhabitants, of whom 34.68% are children between 0 and 14 years old, 49.6% are women and 50.4% are men.

4. The Plurinational State of Bolivia<sup>3</sup> ratified the main international and regional instruments of Human Rights<sup>4</sup>, within the United Nations (UN), the Organisation of American States (OAS) and the International Labour Organisation (ILO). In general, the national legal framework pertaining the thematic sections of the present submission is the following<sup>5</sup>: Political Constitution of the Plurinational State of Bolivia, Law 342, Law 070, Law 018, Law 026, Law 548, Law 263 and Law 348.

5. The analysis and recommendations of this submission are based on the first-hand information by the NGO members of this local coalition<sup>6</sup>. The research data used for the section on children and adolescents right were gathered through interviews and surveys conducted by NGO members of the coalition among children. Information

<sup>1</sup> Universal Periodic Exam. Second Report of the Plurinational State of Bolivia 2014, pgs. 119 - 132. Document of the United Nations High Commissioner for Human Rights A / HRC / 28/7. In 2014, the Bolivian State accepted 46 recommendations and considered that 132 recommendations are already applied or in the application stage.

<sup>2</sup> Analysis of Law 348 and follow-up to the recommendations of the previous cycle on the subject of violence against women, with the following points: a. Prevention of violence against women; b. Reconciliation in the justice system for cases of family violence; c. Forensic doctors and medical certificates in the justice system; d. Shelters for women in cases of family violence and quality of service offered in government institutions that are responsible for responding to cases of violence against women.

<sup>3</sup> <https://www.ine.gob.bo/index.php/notas-de-prensa-y-monitoreo/itemlist/tag/Poblaci%C3%B3n>

<sup>4</sup> [https://lib.ohchr.org/HRBodies/UPR/Documents/Session7/BO/A\\_HRC\\_WG6\\_7\\_BOL\\_1\\_STATE\\_PLURINATIONAL\\_OF\\_ANEXOIII\\_S.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session7/BO/A_HRC_WG6_7_BOL_1_STATE_PLURINATIONAL_OF_ANEXOIII_S.pdf)

<sup>5</sup> Participation of children, adolescents and youth: Youth Law No. 342, Avelino Siñani Elizardo Pérez Education Law No. 070, Law No. 018 of the Plurinational Electoral Body, Law No. 026 of the Electoral Regime. Child labor: Law No. 548 Code Girl, Boy, Adolescent. Sexual violence in adolescents: Law No. 263 Violence against Women: Law No. 348

<sup>6</sup> Institutions of the RUN Network and of the Red Departamental de Protección a la Niñez y a la mujer, specifically publications of World Vision, UCB, etc.

provided by departmental and national entities were also included<sup>7</sup>. With regard to women's rights, the information provided in the present report is based on results and findings of consultations, interviews and workshops with different groups of women<sup>8</sup>.

## A. PROTAGONISTIC PARTICIPATION OF CHILDREN, ADOLESCENTS AND YOUNG PEOPLE

6. This coalition of NGOs appreciates the acceptance by the Government of Bolivia of recommendation 133.33<sup>9</sup> made by Ecuador, on the importance of collaboration between the State, civil society and other actors for the implementation of the Plurinational Plan System for the Integral Protection of the Girls, Boys and Adolescents (SIPPROINA, as per its acronym in Spanish).

7. While recognizing the efforts made through the first Five-Year Congress of the Girl, Boy and Adolescent (Sucre, November 2016) and the directive of the Plurinational Committee of Girls, Boys and Adolescents (April 6, 2017) , it is noted however that , the approval by the Ministry of Justice and the Vice Ministry of Equal Opportunities of departmental and municipal plans for children, as an operational framework for the implementation of specific initiatives and projects, remains pending. Therefore, the Plurinational System for the Integral Protection of Girls, Boys and Adolescents (SIPPROINA,) has not yet been consolidated.

8. Recommendation 114.75 on the active participation and empowerment of young people in the decision-making processes at the national level is still partially implemented. Despite the adoption of Law No. 342 providing for quality of service for young people, much remains to be accomplished in terms of implementation of the law. For example, the process of obtaining legal entity status for a youth organization, which is a necessary requirement for a youth organization to be endorsed by the State (Article 7, point 3), is often hindered by excessive bureaucracy. In the Duties section of the law (Article 12. Inc.3, 4 and 13) the emphasis is put on the defense of Human Rights and of Mother Earth, as well as the importance of education. The individual and collective participation in all areas of the political, social, economic and cultural life of the State are explicitly mentioned in the law as a political right of young people (Article 10). Finally, although the Plurinational Youth Council is constituted, it still fails to disseminate information on public policies for the preparation and implementation of the Plurinational Youth Plan (Article 17).

9. This information is even more relevant if articulated in the framework of the 2030 Agenda. In fact, the effective participation and empowerment of youth, through the full implementation of Law No. 342 , would greatly contribute to the achievement of the 17 Sustainable Development Goals, making possible to advance without leaving anyone behind.

<sup>7</sup> Governorate of Santa Cruz, Ministry of Justice, Ministry of Labor, etc.

<sup>8</sup> Three workshops were held: (i) on November 14, 2018 - 25 women gathered to collect their views and proposals on Law 348; (ii) on June 20, 2018 - a dialogue was established among 86 participants (including women from different neighborhoods, representatives of NGOs, religious congregations and pastors of the Catholic Church) to present tools provided by Law 348 against physical and/or psycho-emotional violence,. (iii) On November 29 and 30, 2018 - a local meeting was held to exchange experiences with 60 women leaders from the cities and rural areas.

<sup>9</sup> Continue with major coordinated efforts of the State, civil society and other relevant actors to fulfil the Plurinational Plan for Children, Childhood and Adolescence, implementation expected from 2014 to 2025, while considering the importance deserved by the empowerment of beneficiaries, and the sensitization of society for a proper inclusion.



10. Finally, the Plurinational State of Bolivia has procedures to establish Student Governments<sup>10</sup> based on art. 59 of the CPE. II, art. 3: 2 and 8 of law 070<sup>11</sup>; art. 82: 1 of law 018<sup>12</sup> and art. 6 of Law 026<sup>13</sup>. However, while the goal of the Student Governments should be the promotion of intercultural democracy in the education system, this remains a purely pedagogical character, without finding a concrete application in the reality.

### **11. Recommendations:**

***a. Develop and disseminate in partnership with civil society a database on the "Empowerment of Youth in the framework of the SDGs".***

***b. Open an informative space in all educational settings to inform about the opportunities offered to young people by NGOs and other institutions.***

***c. Simplify the requirements and bureaucratic procedures for the attribution of legal status to youth organizations.***

***d. Promote the projects of youth organizations, whose activities are of social benefit, by providing them support through public institutions as well as in collaboration with the private sector within the framework of their social responsibility.***

***e. Ensure that, in the medium term, the representativeness to the Student Governments becomes a compulsory requirement both at the departmental and national level, in order to ensure the right of participation of children and young people.***

### **B. CHILD LABOR**

12. This coalition of NGOs welcomes the acceptance by the Government of Bolivia of recommendations 113.36<sup>14</sup> and 113.44<sup>15</sup> regarding the Protection of Children and the minimum age for work. However, we note that this recommendations were not implemented, due to Art. 129 of Law 548 that allowed children under 14 to work legally, which contravened the Political Constitution of the State and international human rights obligations assumed by the country. Finally, the Constitutional Court ruled that such an article is unconstitutional.

13. We welcome the Bolivian Government's acceptance of Recommendation 114.120<sup>16</sup> raised by Egypt on safeguarding the rights of working girls and boys, through a plan

<sup>10</sup> Electoral procedures for the formation of Student Governments in Bolivia. OEP TSE SIFDE UNEFCO. P. 2

<sup>11</sup> Law 070 Law of Education Avelino Siñani Elizardo Pérez.

<sup>12</sup> Law 018 of the Plurinational Electoral Body.

<sup>13</sup> Law 026 Electoral Regime Law

<sup>14</sup> Sweden through recommendation 113.36 states: "Protect children and adolescents who are working and are obliged to work, through implementation of real and effective policies that consider their family situation, taking into account the Convention on the Rights of the Child" Recommendation 113.44 emphasizes something similar: "Ensure that the recently adopted legislation on the minimum legal age to work is properly applied" (Italy)

<sup>15</sup> "Ensure that the recently adopted legislation on the minimum legal age to work is properly applied" (Italy)

<sup>16</sup> "Safeguard the rights of children and adolescents and enhance the protection accorded to them against all forms of violence, including by, inter alia, the conclusion of the Five Year Plan for the Prevention and Gradual Eradication of the Worst Forms of Child Labour and the Protection of Adolescent Workers" Egypt

that prevents and eradicates child labor. In this regard, in April 2016 the Minister of Education, Roberto Aguilar, stated that in the country there were more than 34,000 students (among children and adolescents) “who work, earn a salary and study at the same time.” This data does not coincide with what is indicated by the representative of the Union of Adolescent Working Children of Bolivia (UNATSBO), Lizeth Reina Castro, who stated that in Bolivia there are more than 34,000 working children who do not study.<sup>17</sup> Another alarming fact is that there are 391,000 children under 17 who work, often in dangerous jobs such as brickworks, construction sites and even in the interior of mines. In addition, it is established that they do it on their own, with the family or as unpaid apprentices. UNICEF<sup>18</sup> indicates that as of 2014, 58% of working children in Bolivia were under 14 years old and 90% of children's work was informal. According to the ILO<sup>19</sup>, in Bolivia there are 850,000 children and adolescents who work in various activities. Their ages range from five to 17 years old. More than 87% of this population is engaged in the worst forms of work.

14. Around 354,000 children and adolescents work in urban areas and 446,000 in the rural areas of Bolivia. Evidently, the very situation that families experience in terms of levels of poverty and formal unemployment leads parents to rely on their children as generators of income. Statistics show that 27.94% of children and adolescents between 5 and 17 years old actively participate in informal economic productive activities (paid or not). The levels of involvement in informal economy are much higher in rural areas (64.85%) than in urban areas (16.96%); and they are slightly higher for children and adolescents (18.12% in urban areas and 67.10% in rural areas) than for girls and adolescents (15.77% in urban areas and 62.43% in rural areas). In comparative terms, Bolivia is one of the countries that managed to retain the working child population in school, since only a little more than 7% of the population between 7 and 14 years of age work without attending school. Nevertheless, the described situation remains very worrisome: these figures place Bolivia in the last place for child protection in the continent. According to ILO (2015b)<sup>20</sup>, there are 3.4% of workers under 15 years of age in the domestic workers sector. Specifically, according to ILO statistics (2014), 67% of domestic workers are women, and 33% are men.

15. Finally, the Survey of Girls, Boys and Adolescents (ENNA)<sup>21</sup> conducted by the National Institute of Statistics (INE<sup>22</sup> as per its acronym in Spanish) in 2016, suggests that, although child labor has decreased, it still remains a reality in the country. In particular, it identified 393,000 children and adolescents who carried out child labor, while the Child Labor Survey of 2008 estimated around 800,000 children and adolescents. This reveals a reduction of around 50% in child labor. In conclusion, there is a consensus to point out that child labor exists due to the contexts of poverty and inequality that characterize Latin American countries such as Bolivia. Therefore, the

<sup>17</sup> Newspaper Page 7, April 2016

<sup>18</sup> *ibid.*

<sup>19</sup> ILO. (2015a). Enabling environment for sustainable enterprises - EPES: Report Bolivia 2015. Retrieved March 11, 2019, from [https://www.ilo.org/lima/publicaciones/WCMS\\_429113/lang--es/index.htm](https://www.ilo.org/lima/publicaciones/WCMS_429113/lang--es/index.htm). RESEARCH ON CHILD LABOR STATISTICS IN BOLIVIA, Herbas Boris Ph D. UCB CBBA. 2019

<sup>20</sup> ILO. (2015b). Sociodemographic and economic profile of domestic workers in Bolivia: Emphasis on social security coverage. Retrieved March 11, 2019, from [https://www.ilo.org/lima/publicaciones/WCMS\\_412959/lang--en/index.htm](https://www.ilo.org/lima/publicaciones/WCMS_412959/lang--en/index.htm), RESEARCH ON CHILD LABOR STATISTICS IN BOLIVIA, Herbas Boris Ph D. UCB CBBA. 2019

<sup>21</sup> INE. (2016). Child labor for girls, boys and adolescents is reduced. Retrieved March 11, 2019, from: <https://www.ine.gob.bo/index.php/notas-de-prensa-y-monitoreo/item/3155-el-trabajo-infantil-de-las-ninas-children-and-adolescents-is-reduced#ftn1>, Herbas Boris PhD, *Ibid.*

<sup>22</sup> Instituto Nacional de Estadística (INE).

global and national policies of the States must address the issue of child labor through the joint and integrated efforts of all concerned institutions.<sup>23</sup> The Sustainable Development Goals related to this issue are: No. 17 (Partnerships to achieve Goals), No. 10 (Reduction of inequalities), and No. 1 (End of Poverty). The eradication of child labour can be achieved only with the full commitment and collaboration of the State and the civil society.

#### **16. Recommendations:**

***a) Promote strategic alliances of the State with civil society actors on education to ensure the schooling of working children and adolescents, providing adequate accompaniment to prevent school dropout of this population until completion of secondary school.***

***b) Create specific health insurance for working children and adolescents, covering free of charge all the specialities of care in third level hospitals which have all the medical specialities and care of chronic cases.***

### **C. PHYSICAL, PSYCHOLOGICAL AND SEXUAL VIOLENCE AGAINST CHILDREN AND ADOLESCENTS**

17. We welcome the Bolivian Government's acceptance of recommendation 113.40<sup>24</sup> made by Portugal and of 114.123<sup>25</sup> issued by Italy, calling for effective policies to address cases of physical, psychological and sexual abuse against children.

18. Likewise, Sweden in recommendation 113.43 called upon the State to "Adopt all possible measures to prevent all forms of violence against children and bring cases of abuse to justice." Montenegro recommended to "Adopt new measures to prevent child maltreatment, especially in schools, investigate cases of abuse and prosecute those responsible." (113.38)<sup>26</sup>

19. The Girl, Boy and Adolescent Code (Law n° 548 of July 17, 2014) sets a national legal framework,<sup>27</sup> providing for a series of actions to prevent violence against children and guarantee specialized care for victims of any situation of violence as a priority (Article 15). Likewise, it establishes the protection of every child or adolescent (Art. 148 and 149), the prevention, reduction and elimination of violence, aggression and/or harassment in educational units and/or centers, with collective actions in the educational community (Article 152). On the same lines, Law No. 263<sup>28</sup> establishes the gratuity of processes, social priority, the best interest of the child and adolescent, dignity and freedom, confidentiality, non-victimization, presumption of nationality,

<sup>23</sup> CENTRALIZATION OF INFORMATION REGARDING INVESTIGATIONS CARRIED OUT ON CHILD LABOR AND LABOR LAW, UCB CBBA, 2019, Lic. Nayra Tahirih Ortega Zelada, Grade teacher I and II Workshop, Psychology Degree.

<sup>24</sup> "Address the issue of violence in schools as matter of priority and take the appropriate measures to put an end to all forms of ill-treatment and abuses, including sexual violence, perpetrated in schools, including the necessary measures to protect the victims and to ensure that those responsible are brought to justice" (Portugal)

<sup>25</sup> Implement effective policies to tackle cases of physical, psychological and sexual abuse against children (Italy)

<sup>26</sup> Document of the United Nations High Commissioner for Human Rights A / HRC / 28/7 (<https://undocs.org/A/HRC/28/7>).

<sup>27</sup> Girl, Boy and Adolescent Code Law n° 548 of July 17, 2014

<sup>28</sup> Law against human trafficking Number 263 enacted on July 31, 2012

interculturality and harmony (Article 6), protection of children and adolescents (Art. 30).

20. According to data from FEVAP,<sup>29</sup> between January and August of 2018, 1,586 cases were opened for the crime of rape. In two fifths of the total number of cases the victims were children and adolescents. Another alarming fact is that a boy, girl or adolescent is killed every four days in Bolivia, according to the same source.<sup>30</sup> Child sexual abuse in Bolivia increased by 28% compared to 2017. In the first semester of 2017, 304 attacks were reported, while in 2018, 435 occurred during the same period. La Paz has the greater incidence of these incidents with Cochabamba in second place.<sup>31</sup>

21. According to an investigation,<sup>32</sup> there are several dynamics of violence that involve girls, boys and adolescents in the sex trade: recruitment through social networks;<sup>33</sup> kidnapping, threat and coercion,<sup>34</sup> by advertisements in flyers or print media. Recently, there was a referential case of an 18-year-old girl who was drugged and raped by five men in Santa Cruz de la Sierra (one of them was a minor). This group of young people called "La Manada" caused consternation and controversy among the population for the savagery with which they acted.<sup>35</sup> Finally, according to IICC<sup>36</sup> studies, 12.4% of children and adolescents do not identify sexual abuse, especially if perpetrated in the family, which is one of the most risky environments. Other data indicate that out of the total cases of sexual violence, 41% correspond to victims under 10 years of age, 29% to victims under 15 years of age and 19% to victims under 18 years of age. Out of the total, 89% are women victims and 11% men.<sup>37</sup>

22. The Ombudsman indicates that 9 out of 10 children in Bolivia suffer some type or form of violence.<sup>38</sup> According to other research,<sup>39</sup> adolescents consider that in most cases it is the father who exercises violence against children and adolescents (34.2%). The adolescents identify a communication problem, either between parents and children (86.9 %) or among adults themselves (81.4%), as the main cause of violence in their homes. Other causes are the incapacity of parents to adopt alternative methods of discipline with their children (76.6%), the stress levels in caregivers (71.3%), alcohol consumption (71.1%) and violence in the media (70.5%). The adolescents surveyed

<sup>29</sup> Data (FEVAP) FISCALÍA ESPECIALIZADA PARA VÍCTIMAS DE ATENCIÓN PRIORITARIA. Newspaper La Razón 09/07/2018

<sup>30</sup> *ibid.*

<sup>31</sup> <http://www.opinion.com.bo/opinion/suplemento.php?a=2018&md=0729&id=14670&s=4> (29 July 2018)

<sup>32</sup> DINÁMICAS DE LA TRATA, PROXENETISMO Y VIOLENCIA SEXUAL COMERCIAL DE NIÑAS, NIÑOS Y ADOLESCENTES EN BOLIVIA Elizabeth Zabala Torres and Ariel Ramírez Quiroga. 2016, pages. 17-22

<sup>33</sup> "My friend of years has found me on Facebook. She told me that she earned a lot of money as a cosmetics promoter; I told her that I wanted to work and we met in Ayacucho and there she took me to an office. It was a private dating house and they did not let me out from there. I left the day the police came"(interview with 16-year-old victim, Cochabamba, November 2015.)

<sup>34</sup> When I was 14 years old, I was robbed by strangers. I was walking in the street and a taxi approached and some guys came out and forced me into it, they started hitting me and they took me away to a place that looked like the countryside the (Altiplano). I cried a lot because I was very small. There, a man raped me and told me that I have to do what he said; I was scared. [...] So they took me to another place where there were rooms and men entered. [...] If I said something or complained my mom and my little brothers would pay the consequences. From that moment my life was ruined ". (interview with victim of 17 years, La Paz, December 2015).

<sup>35</sup> <https://www.eldeber.com.bo/santacruz/Acusados-de-violacion-Dos-jovenes-apelaron-a-la-detencion-preventiva-20181220-0009.html> , Periódico El Deber (20/12/2018)

<sup>36</sup> Data of (IICC) Investigaciones en Ciencias del Comportamiento of the Universidad Católica Boliviana.

<sup>37</sup> Principales Determinante de la violencia sexual contra niñas, niños y adolescentes en el departamento de Santa Cruz. Gobernación de Santa Cruz y UNICEF, 2016, p. 15

<sup>38</sup> Ombudsman's Office. 2015.

<sup>39</sup> "National study on violence to children and adolescents in Bolivia", World Vision, 2018

consider that fear (42.7%) is one of the main impediments for people to report acts of violence, followed by lack of knowledge (28%). According to gender, it is striking the aspects of emotional and subjective order such as fear and shame are valued with higher percentages by men (46.3% and 17.5% respectively) than by women (39% and 15.6%). The preventive actions that the adolescents consider most important are: improving interpersonal communication between parents and children (66.5%) and with the adults of the protective environment (55.3%); providing more information among children and adolescents on how to report cases of violation of their rights (66.2%), and prevent violence (64.4%); strengthening human rights education activities to learn and raise awareness about their rights and duties (61.5%). Other actions linked to the school environment, such as the training of teachers (50.2%) and the involvement of parents in school activities (47.9%) despite being crucial, are perceived to be of lesser importance when it comes to prevention.

23. According to this analysis, it is important to work on the following SDGs to promote collaborative and reflective training (No. 4 Quality Education), from a cross-cutting and empathic perspective (No. 5 Gender Equality), promoting the culture of peace and good treatment at all levels (No. 16 Peace, Justice and Solid Institutions) and walking together to achieve real changes according to serious proposals (No. 17 Alliances to achieve the objectives).

#### **24. Recommendations:**

***a) Fund projects and programs of school mediation, so that children are protagonists and promoters of their rights, through participatory spaces in the concerted management of conflicts, with the aim of transmitting communication skills, assertiveness, identification of emotions, empathy and active listening among peers.***

***b) Continue strengthening, both economically and administratively, concerned institutional bodies, with the objective of optimizing and de-bureaucratizing protection measures for girls, boys and adolescents who are victims of physical, psychological and sexual violence, and equipping with knowledge and training the professionals who attend them with pertinence and promptness.***

***c) Regulate the media, especially audiovisual and written media on the dissemination of harmful content to the mental health of children, that incite psychological, physical and sexual violence and hypersexualization of girls.***

## **D. VIOLENCE AGAINST WOMEN**

25. Bolivia accepted the recommendations on the prevention of violence against women addressed by different countries.<sup>40</sup> Since 2014, the approval and regulation of

<sup>40</sup> Fully implement Comprehensive Act 348 on Guaranteeing a Life Free of Violence for Women (114.89 - South Africa). Increase efforts to prevent violence against women, particularly domestic and sexual violence (114.94 - Montenegro). Provide sufficient resources to institutions responsible for implementing Law 348, the legislation that guarantees women a life free from violence, in order to improve access to justice and to ensure accountability in cases of violence against women (114.94 - Canada). Take effective measures to further implement the normative framework for combating violence against women, including by allocating sufficient resources for the construction of shelters for victims (114.96 - Republic of Corea)

"Comprehensive Law No. 348 to Guarantee Women a Life Free of Violence"<sup>41</sup> was achieved. Progress was also made in prevention through the media and educational establishments.

26. The figures given by different State departments show that cases of violence against women, typified as crimes in Law 348, are high. The Institute of Forensic Investigations, reported that in 2016, forensic doctors treated 65,064 people throughout the country and that 87% was related to violence against women.<sup>42</sup>

27. According to the State Attorney General, Ramiro José Guerrero Peñaranda, there are few advances in the implementation of national law: of the 104 registered femicides in 2016, only 24 have a conviction, that is, 23% as of January 2017. Cecilia Enríquez, UN specialist in Women's issues<sup>43</sup> expresses her concern about the abandonment of cases by women who denounce gender violence.

#### *D.1. Prevention of violence against women*

28. Gender discrimination is widespread in the Bolivian society and the lack of economic autonomy for women is a relevant factor in the tolerance of domestic violence by the victims. Moreover, psychological violence contributes to women accepting physical violence. And yet, it is difficult to show the authorities that this type of violence has occurred.

29. The causes that provoke violence against women<sup>44</sup>, identified through the testimonies, are attributable to the "Loss of values in the family; it is necessary to teach basic values in environments such as: schools, school boards, groups of mothers and fathers and marriages." Due to lack of self-esteem and self-confidence, women contribute to promoting machismo through their teachings and actions in families. Children and young people need classes and workshops on: flexibility in gender roles, how to avoid toxic relationships, body-care, self-esteem and how to live without violence.

30. "The violent man is violent in all circumstances." 80% of the women who attended the workshops identified themselves with this phrase and indicated that they should work with men in workshops and prevention programs, because they are key actors in this problem.

31. There is little knowledge about women's rights and the laws that protect them, especially in rural areas. It is necessary to provide more training and workshops in places where there is less access. The dissemination campaigns have to reach all media. There is lack of government services in rural areas for women who experience violence. There are no adequate police services in peri-urban and rural areas.<sup>45</sup>

<sup>41</sup> Law 348 <https://www.migracion.gob.bo/upload/l348.pdf>

<sup>42</sup> Bolivian UN web site

<sup>43</sup> <https://mirianjemio.atavist.com/ven-poco-avance-en-la-implementacin-de-la-ley-348>

<sup>44</sup> Workshops of women carried out by the RUN-Bolivia team (religious Congregations with consultative status in the UN, in the period of 2017-2018).

<sup>45</sup> Newspaper "Opinión", January 3rd 2019

**32. Recommendations:**

***a. Intensify activities to prevent gender violence on a permanent basis, especially in rural areas.***

***b. Before the next UPR, promote information about Law 348 and government services in a didactic way in all instances of local governance such as: Territorial Base Organizations (OTBs), neighborhood associations, unions, city councils, etc.***

***D.2. Reconciliation in the justice system for cases of family violence***

33. Law 348 prohibits conciliation<sup>46</sup>. However, women witness a different reality because they are encouraged to conciliate to avoid complaints and for the welfare of their children<sup>47</sup>. The police suggest conciliation due to a lack of time and personnel to give attention to the cases. This fact is reinforced by the ombudsman office report regarding the law that highlights the lack of offices of the FELCV,<sup>48</sup> a special police force that works exclusively on violence against women, in 79.8% of the municipalities of the country. Moreover, it is not established as a requirement for workers of the FELCV to have a specialization and work experience in the subject.<sup>49</sup>

34. The aggressor employs emotional blackmail towards his victim, arguing that he will change, that it will not happen again, and that for the children it is better that the family stays together. Likewise, there is pressure from the environment, especially from the family of the aggressor with the argument of "social prestige." Because of economic dependence, the victim fears to lose economic support.

35. Among the effects of the use of conciliation in cases of family violence are: more frequent attacks and with greater violence and increased fear of the victim to denounce. Many times the use of conciliation leads to femicide.

**36. Recommendations:**

***a. Increase economic resources allocated to the Police, Prosecutor's Office, Municipal Integral Legal Services (SLIMs) and other institutions to provide qualified, stable and institutionalized personnel to ensure that conciliation is not used or promoted in cases of violence against women.***

***D.3 Forensic doctors and medical certificates in the justice system***

<sup>46</sup> Article 46 Paragraph I of Law No. 348 stipulates that: "Conciliation is prohibited in any act of violence against women, which compromises their life and sexual integrity. No institution that works receiving complaints, nor its staff, can promote conciliation or subscription of any type of agreement between the woman and her aggressor, under responsibility. "

<sup>47</sup> Workshops of women carried out by the RUN-Bolivia team (religious Congregations with consultative status in the UN, in the period of 2017-2018).

<sup>48</sup> Fuerza Especial de Lucha contra la Violencia

<sup>49</sup> <http://www.defensoria.gob.bo/dp/default.asp>

37. Although the law regulates the role of forensic doctors specializing in gender-based violence,<sup>50</sup> women victims of family violence report the existence of administrative bureaucracy in the extension and approval of forensic certificates, re-victimizing and discouraging them to continue with the complaint. The Ombudsman also notes these type of flaws.<sup>51</sup> There is no standardized criterion for doctors to issue disability certificates..

38. Although the procedures are free, the complainant woman has too many indirect expenses for transportation tickets, etc. The number of forensic doctors remains insufficient in rural as well as in urban areas.

**39. Recommendations:**

***a. Speed up the process of approval of medical certificate for women victims of violence and allocate more resources to ensure the permanent coverage of forensic doctors specializing in gender-based violence prioritizing rural areas.***

*D.4 Shelters for women in cases of family violence*

40. Contrary to the provisions of the Law, municipalities do not have shelters. The only municipal shelter that worked was "Mujeres Águila" but was closed in December 2018 because a review ordered by the Ombudsman found deficiencies and budget concerns. The shelter house of the Municipality of Sacaba (Department of Cochabamba) was built and inaugurated, but it is not yet in operation.

41. Currently the house "Esperanza" which is owned by the Government of the Department of Cochabamba, works in the Municipality of Quillacollo. However, its reception service has deficiencies. Legal advice and psychological support are not adequate and the procedure to enter is excessively bureaucratic. That is why most women feel re-victimized and give up.

**42. Recommendations:**

***a. Ensure budget for the implementation of shelters in municipalities and governorates, facilitate the entry of women and include programs to overcome violence, improve self-esteem and help women to be economically independent and improve their labor skills.***

*D.5 Quality of service offered in government institutions*

43. The experience of women in relation to the quality of service indicates that: "There are abuses by those in charge of following up on the cases and that they should provide an equal service to the poor as well as the rich". There is no continuity of staff handling

<sup>50</sup> Article 64 of Law No. 348 states: "Forensic doctors specialized in gender violence shall be appointed, who shall attend to women in situations of violence with the utmost respect, care, warmth and understanding. The reports made by them, under responsibility, must be expeditious and timely, and should avoid repeated and unnecessary medical reviews as much as possible".

<sup>51</sup> [http://www.defensoria.gob.bo/archivos/INF\\_DEF\\_CUM\\_348\\_20181127.pdf](http://www.defensoria.gob.bo/archivos/INF_DEF_CUM_348_20181127.pdf)



cases of violence against women and the changes cause women to desist from their trials.

***44. Recommendations:***

***a. Guarantee the permanence and continuity of qualified personnel on the subject and implement a national, independent system, so that the government can receive and systematize information on the care that the women victims receive.***





