



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

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

**Information received from the Plurinational State of Bolivia
on follow-up to the concluding observations on its seventh
periodic report***

[Date received: 2 July 2024]

* The present document is being issued without formal editing.



I. Introduction

1. The Plurinational State of Bolivia (hereinafter “State”, “Bolivia” or “Bolivian State”) submitted its seventh periodic report (CEDAW/C/BOL/7) for consideration by the Committee on the Elimination of Discrimination Against Women at its 1896th and 1898th meetings, held in June 2022. The concluding observations and recommendations were adopted on 12 July 2022. In this regard, the Committee requested the State to provide, within two years of the adoption of the concluding observations, written information on the steps taken to implement the recommendations contained in paragraphs 18 (b) and (d), 24 (e) and 28 (d) of the concluding observations and recommendations.

2. In line with the mandate of the Commission for the Submission of State Reports on Enforced Disappearances, which was created by Supreme Decree No. 4816 of 26 October 2022, the present report was prepared by the Technical Secretariat of the Commission, which is part of the Office of the Deputy Minister of Justice and Fundamental Rights within the Ministry of Justice and Institutional Transparency, on the basis of information provided by State institutions responsible for the protection and promotion of human rights in Bolivia.¹

II. Follow-up information

A. Follow-up information relating to paragraph 18 (b) of the concluding observations (CEDAW/C/BOL/CO/7)

3. The Committee has been informed that, in March 2024, the executive branch of the Plurinational State of Bolivia submitted to the legislative branch a bill on enhanced protection for infants, children and adolescents (PL-376/23). In the bill, it is proposed to amend article 308 of the Criminal Code to make the performance of sexual acts without the victim’s consent the basis of the unlawful conduct, removing intimidation or violence as requirements, as it is understood that the very conduct of a sexual act without the victim’s consent involves violence and intimidation, that these elements are not necessarily the only ones constituting the absence of consent and that the victim should not be required to provide proof of violence or intimidation in order for an act to be considered a crime.

4. In addition, the proposed amendment describes the types of conduct that constitute rape in more detail, covering all possibilities; sets forth the minimum required elements of consent and the need to take into account international standards in determining lack of consent in specific cases; and establishes higher penalties depending on the status of the perpetrator and the means used to commit the offence.

5. The bill also proposes the repeal of article 309 (Statutory rape) of the Criminal Code, as the existing language provides for an inadmissible reduced form of rape. Article 309 unduly uses the means used to carry out the act (seduction or deception) as the basis for a crime with a reduced level of culpability, when in fact the means used on adolescents (over 14 and under 18 years of age) should be considered aggravating circumstances of rape. It should be noted that the amended definition of the criminal offence of rape includes statutory rape, with full protection provided to the victim in accordance with the seriousness of the attack and the degree of vulnerability on account of the victim’s age.

¹ The Commission comprises the Ministry of Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General’s Office.

6. As of May 2024, the bill was under consideration by the Human Rights Commission of the Chamber of Deputies, which was conducting technical work to combine it with a similar bill, on the incorporation of the criminal offence of incestuous rape, the removal of statutory rape and the recognition of lack of consent as an element of the offence of rape in order to ensure access to justice (PL-010/2023-2024 C.S.).

B. Follow-up information relating to paragraph 18 (d) of the concluding observations

7. Since 2013, Act No. 348 of 9 March 2013, on guaranteeing women a life free from violence, has been in full force in the country. The aim of the Act is to establish mechanisms, measures and comprehensive policies for the prevention of violence and for care, protection and reparation for women in situations of violence, as well as the prosecution and punishment of perpetrators.² Moreover, article 32 of the Act establishes protection measures aimed at stopping or preventing acts of violence against women, or ensuring, in the event that such acts do occur, that the appropriate investigation, prosecution and punishment measures are carried out.

8. Under the provisions of article 16 of Act No. 348, amended by paragraph I of article 25 of Act No. 915 of 22 March 2017, the Ministry of Justice and Institutional Transparency, through the Office of the Deputy Minister for Equal Opportunities, is the lead agency responsible for coordination, liaison and monitoring in relation to the effective implementation of and compliance with the Act. In addition, article 16 of Act No. 348 provides that the Ministry of Justice and Institutional Transparency, as the lead agency, is responsible for the Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence, and for coordinating the implementation of comprehensive policies to prevent, address, punish and eliminate violence against women, both at the central level and in the autonomous territorial entities.

9. On 25 November 2020, Supreme Decree No. 4399 was issued, with a view to strengthening the mechanisms for the prevention of violence and the care and protection of women, girls and adolescents in situations of violence. Its first temporary provision establishes that there is a need to propose an amendment to Act No. 348, on guaranteeing women a life free from violence. In this regard, the Office of the Deputy Minister for Equal Opportunities worked on a bill on strengthening the mechanisms for the prevention of violence and the protection of and full reparation for women in situations of violence (PL-303/22-23).³

10. Bill No. PL-303/22-23 has three fundamental pillars: (1) a management model setting out a form of organization, administration and service provision based on coordination, cooperation and participation at the central Government and autonomous territorial entity levels, which coordinates – through networks – the public, private and community bodies and services for preventing violence and supporting and protecting women in situations of violence; (2) an administrative penalty system, whose main functions are to reduce backlogs in the justice system with regard to the punishment of violent conduct that does not constitute a crime, and to identify forms of punishment for violence against women and special protection measures, which will enable those responsible for such conduct to be tried in a timely manner; and (3) a special penal system, aimed at establishing a regime for the imposition of special measures that ensure the protection of women in situations of

² Article 2 of Act No. 348 of 9 March 2013.

³ Office of the Deputy Minister for Equal Opportunities report MJTI-DGPETFVRGG-INF-Z-44-2024.

violence, through a range of measures that must be taken by the first authority that makes contact.

11. In March 2023, the executive branch submitted the aforementioned bill to the Plurinational Legislative Assembly for its consideration. However, the bill has been archived by the Assembly.

12. It is worth noting that, in 2023, the Office of the Deputy Minister for Equal Opportunities conducted a study through which it identified the need for a new Central Register of Violence to complement the Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence, so as to provide assistance to victims of violence, in accordance with article 5 (e) of Supreme Decree No. 2145 of 14 October 2014, the implementing regulations of Act No. 348. The Central Register of Violence platform was set up to be used by personnel working in comprehensive municipal legal services. These administrative units are responsible, within municipal autonomous governments, for dealing with gender-based violence. They provide psychological, legal and social services with the aim of promoting the prevention of violence. As noted by the Office of the Deputy Minister for Equal Opportunities, the new interoperable Central Register of Violence-Plurinational Integrated System for the Prevention, Protection, Punishment and Elimination of Gender-Based Violence module will feature: (1) an alert system for compliance and non-compliance with the procedural deadlines established in the regulations in force; and (2) the ability to upload all the documentation (in PDF, Word, JPG and other formats) on the status of registered cases of violence, including protection measures and expulsion orders, when appropriate, which will enable the Ministry of Justice and Institutional Transparency to follow up on the issuance and effective implementation of orders issued by the competent authorities.

C. Follow-up information relating to paragraph 24 (e) of the concluding observations

13. With a view to promoting high-quality education, the Ministry of Education,⁴ through the Office of the Deputy Minister for Regular Education and the General Directorates of Primary and Secondary Education, incorporated into the curriculum content related to comprehensive sexuality education, aimed at preventing situations of risk in relation to physical, psychological and sexual violence, as well as preventing teenage pregnancy. The content has been incorporated into the curriculum at all levels of schooling: community and family initial education, vocational community primary education and productive community secondary education.

14. At the community and family initial education level, the learning activities allow children to develop skills to protect their physical and emotional integrity, with the aim of preventing all forms of violence in family settings, at school and in the community. In addition, at the vocational community primary education level, comprehensive sexuality education content has been included, from a comprehensive health perspective, in natural sciences lessons; on the development of values, in lessons on values, spiritualities and religions; and on the strengthening of critical thinking, in social sciences lessons.

15. At the productive community secondary education level, comprehensive sexuality education is aimed at preventing sexual violence and early pregnancy. An integrated approach is therefore taken, according to the different areas of knowledge and skills: in biology lessons, there is a focus on the physical and biological characteristics of human development; in lessons on world views, philosophy and

⁴ Ministry of Education report IN/DGP/UEGG No.007/2024.

sociology, the material covers psychological and emotional changes during adolescence, pregnancy prevention and how to identify situations of risk; in lessons on values, spirituality and religion, there is a focus on the values of respect and care for the body; and in social sciences lessons, information is provided on the various regulations on sexual and reproductive rights, as well as regulations that protect the rights of children and adolescents.

16. In addition, the following topics are taken into account in the curricular guidelines for the training of teachers and the plans and programmes for general and specialist early education, primary education and technological training (2023) approved by Ministerial Decision No. 1040/2022:

- Sexual and reproductive rights
- Birth control methods
- Women's rights
- Unsafe abortion: violation of women's rights and risks to women's health
- Use of modern and natural contraceptives
- Sexually transmitted infections and HIV/AIDS
- Sexual diversity
- Sexuality and emotions
- Sexuality and sex education
- Sexual and reproductive rights
- Laws and public policies that support sexual and reproductive rights
- Social changes and sexuality
- Pregnancy and sexually transmitted diseases
- Sexuality and contraception
- Contraception
- Types and characteristics of contraceptive methods
- Guidelines for safer and more responsible use of contraceptive methods
- Sexually transmitted infections

17. In this regard, the State has been working on the systematic training of teachers on sexual and reproductive health and rights, and has included content on that subject in the curricula at all levels of education, with a view to preventing early pregnancy and sexually transmitted infections.

D. Follow-up information relating to paragraph 28 (d) of the concluding observations

18. The Ministry of Health and Sports ⁵ has been taking steps to ensure comprehensive health care for the Bolivian people through health-care services that are accessible and timely and provide high quality and appropriate treatment. Priority is given to vulnerable populations, such as girls, adolescents and women, who have cost-free access to guidance, care and eight types of contraception, including emergency contraception, as part of the unified health system through the enactment

⁵ Ministry of Health and Sports report MSyD/DGRSS/URSSyC/ARED/CE/26/2024.

of Act No. 1152 amending Act No. 475 of 30 December 2013, on the provision of comprehensive health services in the Plurinational State of Bolivia, as amended by Act No. 1069 of 28 May 2018, “Towards a unified, universal and free health-care system”.

19. In order to improve access to sexual and reproductive health services and uphold the sexual and reproductive rights of girls, adolescents and women, the following technical regulations, which are national in scope and must be used within the national health system, are being promoted and monitored:

- National standards, rules, protocols and procedures relating to contraception, approved by Ministerial Decision No. 001
- Standard on comprehensive care for LGBTIQ+ persons in health-care facilities, approved by Ministerial Decision No. 162
- Standard on a model of comprehensive care for victims of sexual violence, approved by Ministerial Decision No. 1508
- Instrument for recognition through certification of comprehensive adolescent care services by the Ministry of Health and Sports, in line with guidelines issued in July 2019

20. In 2022, the Ministry of Health and Sports, with the support of the United Nations Population Fund, implemented a pilot scheme for the introduction of new contraceptive technologies, such as subcutaneous medroxyprogesterone acetate (Sayana Press), at public health-care facilities in the nine departments of the country.

21. In 2023, access to contraceptive services for Bolivian girls, adolescents and women at public health-care facilities was ensured through the conditional donation of five modern contraceptive methods (intrauterine devices, subdermal implants, medroxyprogesterone acetate intramuscular injections, contraceptive pills and condoms) to municipal autonomous governments across the country.

22. In 2022 and 2023, medical staff of public health-care facilities and operational staff of ministerial programmes were trained on modern contraceptive methods and new contraceptive technologies in order to strengthen the capacities of medical professionals and enable them to provide information and advice on family planning and the proper use of contraception. These activities are ongoing, with a view to ensuring that all women and girls have access to free-of-charge contraception and information and advice on family planning.