



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

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

**Consideration of reports submitted by States Parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**Combined second, third and fourth periodic reports of States
parties**

Bolivia*

* The present report is being issued without formal editing. For the initial report submitted by the Government of Bolivia, please see CEDAW/C/BOL/1 and CEDAW/C/BOL/1/Add.1, which were considered at its fourteenth session.



Foreword

1. The Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, which Bolivia has ratified, have made it possible for the country to promote policies favourable to women. These have been strengthened by subsequent ratifications of international conventions and declarations such as the Beijing Declaration and Platform for Action, the Convention of Belem Do Pará and others, that have been the primary basis for the consolidation of laws and regulations which grant women equal rights. However, it is also important to recognize that the process has barely started, and that there is still a long way to go.

2. The course of history in Bolivia has been somewhat complex and erratic, and recent years have seen a number of social movements that have had a marked effect on the country's recent history, as a consequence of the structural adjustment policies (1985) that have tended increasingly to underscore inequality and social exclusion, and to increase poverty, which has in particular impacted women.

3. As a result of these policies, there is currently a troubled political situation and a low level of trust in democracy, leading to social disorder, as in February and October 2003 and June 2004, with two changes of government within the process of constitutional succession and advancement of elections to December 2005.

4. This report has been drawn up on the basis of information gathered from the various Government authorities that are involved in ensuring compliance with the Convention on the Elimination of All Forms of Discrimination Against Women. Additionally, it provides responses to the comments of the Committee on the initial report submitted by Bolivia in 1991.

5. Drawing up the document gave us an opportunity to reflect in considerable depth on the processes and the current situation of women. We recognize that progress has been made, but also that it is not yet sufficient, and in many cases the advances made will need to receive a fresh impetus. Additionally, the Government of Bolivia faces many shortcomings and new challenges.

Executive Summary

6. The years 1991 to 2005 saw important advances, together with new challenges to be faced. Each step that we as women take implies surmounting major challenges, especially in the light of the difficult economic, social and political situation through which Bolivia is currently passing. There can be no doubt that what has been achieved within platforms of gender equity has yielded various rights such as women's political participation, advances in health and education, recognition of a female identity, the creation of mechanisms and instruments to combat domestic and sexual violence, and the implementation of equity-based sectoral public policies.

7. The outlook is encouraging. For example in the political field, women's participation in decision-making spheres has been reinforced by the Electoral Reform and Enhancement Act (Quotas Act), which aims to promote equality of opportunity for women candidates by obliging the political parties to have 30 per cent of female candidates for the seats of deputies distributed under the proportional system.

8. Additionally, article 19 of the Political Parties Act establishes the inclusion of 30 per cent of women and article 13 of the same law rejects all forms of discrimination on the basis of gender, age or ethnic origin.

9. Recently the Citizens' Associations and Indigenous Peoples Act has been passed, providing for 50 per cent of female representation in the lists of candidates. In the future this will make possible a greater level of female representation in decision-making spheres and, thereby, the desired gender equality.

10. It is important to highlight the high participation of women, reaching almost 50 per cent of the electorate, in the 2004 gas referendum. Furthermore, the Department for Women's Affairs is projecting and working to ensure 50 per cent representation of women in the Constituent Assembly, on a parity and alternating basis.

11. However, indigenous, native and peasant women are hindered in their participation and in the exercise of their rights as citizens owing to their not having basic documentation (birth certificate or identity card). Consequently one of the priorities for the Department for Women's Affairs is to promote policies that will enable women to be properly documented.

12. In the economic sphere, within the context of the poverty reduction strategy, there has been the National Dialogue, into which women's demands have been incorporated. Here, the intention is to reduce the rates of poverty that have a grave impact on women, and there is a national proposal based on input collected from the nine departments of the country, which will then be implemented by the different sectors of the Government.

13. Another of the topics that has been tackled is women's right to ownership of land. This is one of the most problematical issues in our country.

14. One aspect of concern is the entry of children and adolescents (primarily females) into the working world, owing to the fact that gaps in economic and social equity have worsened levels of poverty. Added to women's disadvantageous working conditions (in particular in the informal sector), and since household work is not shared, this creates a very high workload that takes up women's useful time, making it difficult for them to play a greater part in decision-making.

15. In the field of education, the problem of girls' access to school has been overcome, now the challenge is to keep them there. While the overall figures for illiteracy have gone down from 37 to 14 per cent, the difference in the rate as between men and women in rural areas exceeds 23 per cent (National Statistics Institute (INE), National Population and Housing Census (CNPV), 2001).

16. As far as health is concerned, the advances have been significant. There are now legal frameworks such as Supreme Decree 5315 (Regulation of the Social Security Code); the Health Code; the Pensions Act, No. 1732; and the Family Code Act, No. 996; Supreme Decree 24303 (Maternity and Childhood Insurance); the Universal Maternal and Infant Insurance (SUMI) Act, No. 2426, that allow a better and wider coverage in care and access to health services for women. However, this is still focused on women of child-bearing age, and there is a need to increase the coverage to women of all ages and in areas of such serious concern as breast or cervical cancer, mental health, and care for older women.

17. One area where there are policy measures, and work has been started but is not yet sufficient, is that of violence against women. There is a specific law on this, namely the Family and Domestic Violence Act, No. 1674, which has been widely applied, and a revision of it has recently been completed in order to reinforce it. Nine out of every ten Bolivian women suffer some kind of violence (physical, psychological or sexual), by contrast with one man in every ten. The existing rules and policies have made it possible for women to report cases of violence. At the present time there are 128 municipal integral legal services and 28 Family Protection Units.

18. Also being implemented at the present time is the National Public Policy Plan for the Full Exercise of Women's Rights (2004–2007), whose principal policies and areas of action give priority to economic aspects, the problem of violence, education, health, political participation, legal reforms and communication.

Introduction

19. According to the most recent census, in 2001, Bolivia has a total population of 8,274,325, of whom 50.16 per cent are women and 49.84 per cent men. For the past 51 years women have always been in the majority, although the discrepancy has tended to become progressively smaller.

20. Furthermore, the majority of the population is found in the urban areas, with 62.42 per cent, while only 37.58 per cent is to be found in the rural areas. The indigenous and native population also lives in both parts. Of the total population of Bolivia, 4,613,419 state themselves to be indigenous or native, of whom 55.06 per cent reside in rural areas.

21. Our country comprises 37 different and distinct cultures; with the majority of the indigenous and native population being Aymara, Quechua or Guaraní. Their languages are recognized by the Government on the same basis as Spanish and are used in bilingual education.

22. It is also important to note that life expectancy for women is 65 years and for men 61. The fertility rate is 4.4 children per woman, with rural indigenous and native women having more children than the average.

23. In its 20 years as a democracy, Bolivia has achieved important advances: in particular, reform of its Political Constitution, providing for equality of legal rights without distinction as to sex or race, and the establishment of the office of the Ombudsman, the function of which is to protect human rights, including, obviously, women's rights.

24. However, it must be recognized that with the neo-liberal economic model applied since 1985, as a free market policy embodied in Supreme Decree No. 21060, on the one hand the Government has been weakened, and on the other hand the measures themselves have had negative repercussions on the majority of the Bolivian population, with progressively increasing rates of poverty, impacting women in particular.

25. Furthermore, this structural policy in recent years has created discontent in various sectors of society, resulting in confrontations (February and October 2003 and June 2005), strikes and blockages, that have resulted in a weakening of democracy in the country, which in turn played a role in the stepping down of two

presidents, in 2003 and 2005, and the advancement of general elections to December 2005.

26. It should be emphasized that important laws and regulations have been passed to bring about the political participation of women; such as the Electoral Reform and Enhancement Act (Quotas Act) which establishes a minimum participation of 30 per cent of women in the lists of candidates (although this has not, in fact, been achieved). Recently, the Citizens' Associations and Indigenous Peoples Act was passed, stipulating a 50 per cent level of participation by women in the lists of candidates. However, here too it needs to be said that participation by women in the percentages stipulated has not been achieved.

27. Recently, the revision was completed of the Family and Domestic Violence Act, No. 1674, which was adopted in December 1995. In the application of that law, it had been determined to contain some shortcomings, one of them being precisely that it is considered as preventive rather than punitive. Although it continues to be a preventive law, it has been somewhat rewritten through mutually agreed work with different organizations and based on the systematized inputs gathered both from the Government and from civil society; in order to make it more effective in practical terms. For example, psychological therapy has been added to the range of options available to the judge to apply to those found guilty of domestic violence. In addition, implementing regulations have been incorporated into the same law in order to articulate clearly, in a special section of the draft revision, the functions of the Family Protection Units, the municipal integral legal services, health services and non-governmental organizations.

28. In 1993, the Executive Power Organization Act initially defined the mechanisms of interest to us here as a Department for Gender Affairs, part of the Ministry of Human Development, at the third hierarchical level. This then became the Department for Gender Affairs, as part of the Ministry for Sustainable Development and Planning; starting in 2003 it was constituted as the Department for Women's Affairs, located at the second level of the hierarchy, with specific responsibility for women rather than for gender affairs in general. It thus became the lead body for the Government's public policies focused on gender.

29. This report has been drawn up on the basis of information collected from the different sectors of the Government involved in implementing the gender approach in their sectoral policies, which deal with important topical areas relating to education, violence, the economy, political participation, and especially policy measures favourable to women.

30. On this basis, we first provide a response to the recommendations made by the Committee, secondly the report covers the specific articles of the Convention, divided into four parts, and finally there is a chapter of conclusions which draws up a balance of the achievements and difficulties and presents in broad outline the National Public Policy Plan for the Full Exercise of Women's Rights (2004–2007).

Final recommendations of the Committee on Bolivia's initial report

31. In the time which has elapsed between 1991 and 2005, there have been important advances in the area of gender equality. A primary one is that the mechanism for bringing it about now takes the form of a Department for Women's

Affairs, at the second level of the hierarchy under the Ministry for Sustainable Development, thus offering a greater possibility for gender mainstreaming within the Government.

The Committee recommended to the Government of Bolivia to give particular attention to amending article 276 of the Penal Code to abolish the provision which inhibits a just solution to the problems of domestic violence.

32. In 1997 the category of “virtuous woman” was deleted from article 276 of the Penal Code, which had left it up to judges to assess the virtue of the victim in crimes against sexual freedom. Now, the Protection of Sexual Freedom Act specifically recognizes crimes of sexual violence perpetrated against women and girls.

The Committee recommended that for the effective political participation of women the Government should establish quotas for women’s high-level representation in the public administration and called the attention of the political parties to that effect.

33. This problem has been rectified through legal means, namely the Political Parties Act in which a 30 per cent level of female participation is stipulated. Additionally, the Citizens’ Associations and Indigenous Peoples Act was approved in 2004, providing for a 50 per cent participation rate for women in the lists of candidates and eliminating the requirement that women be affiliated with one or other of the political parties, which at the present time are not highly thought-of, in order to stand for election.

34. These laws have opened up the possibility for greater political participation by women, but so far it has not been possible to reach the targets of 30 and 50 per cent laid down in the law. However, it is hoped that in the next general elections, to be held in December 2005, there will be a significant participation by women in the lists of candidates. The same is true for the Constituent Assembly, since here the Department has drawn up a proposal that 50 per cent of the members of the Assembly should be women.

The Committee wished to see in the subsequent report statistics which showed the results of programmes such as the Popular Participation Plan, the National Plan for the Prevention and Eradication of Violence against Women and the educational reform.

35. The National Statistics Institute (INE), which is the body responsible for drawing up statistical data, has published important data on women, and these are referred to in this report. However, it is important to continue working on this aspect, since even more precise data are still required, with a greater degree of breakdown.

The Committee suggested to the Government that it should look into the various aspects of prostitution, which is regarded as a severe case of human rights violations and one of the most heinous forms of slavery.

36. This is a topic currently under discussion. While human rights of women apply to all of them, it is very difficult to bring this set of problems, that has a serious impact on women, under control. To consider the issue, an interinstitutional commission has been formed with representation from the three branches of the Government. Its aim is to consider and implement legal provisions covering

trafficking in women and, within this framework, obviously to work on the topic of prostitution.

37. Furthermore, it has been suggested that the executive branch should draw up a set of policy measures to provide protection to women who engage in prostitution.

The Committee requested that the plight of rural women be given more visibility in the next report, including measures to mitigate it.

38. The year 2004 saw the holding of the Bolivian National Productive Dialogue, in which an active part was taken by indigenous women's organizations. The results of the dialogue were published by the Department for Women's Affairs. This process of consultation was pursued in the nine departments of Bolivia, and the results will make it possible to specify policies that will include the agricultural sector.

39. Furthermore Bolivia has at the current time a Minister without Portfolio responsible for Indigenous and Native Peoples' Affairs, which pursues the gender approach in a cross-cutting manner in drawing up and implementing policies favourable to indigenous and native peoples.

40. Within this context the Department for Women's Affairs is fostering greater participation of women in positions of power, the provision of documentation for women, economic strengthening and keeping girls in school, among its general lines of work.

The Committee recommended that an inventory should be drawn up of the laws that are discriminatory against women, with a view to having them amended.

41. Bolivia does have some laws that discriminate against women:

- The Penal Code, which is currently under revision, especially in the areas of penalties and punishments for offences such as rape and gender-based political harassment, and the criminalization of offences of crimes of trafficking and trading in women and children.
- The General Labour Act, that treats women as if they are in the same situation as minors, thereby impeding their equality of opportunity. The language used does not have a gender perspective.
- Law on the Need for Reforms to the Political Constitution of the State, No. 2610, and specifically article 6 prohibiting all forms of discrimination against women, article 12 providing for penalties applicable to family and sexual violence, and article 38 on citizenship and nationality with regard to marriage to foreigners. These proposals were made by the Department for Women's Affairs. They were not incorporated into the reform of the Political Constitution, and consequently are being examined again.
- The Pensions Act, which is not favourable to women, because it does not provide for coverage of all women, excluding, for example, those working in mining cooperatives. This law is currently being revised, and there is currently a proposal to include this sector under it.
- The Cooperatives Act, which does not provide for the possibility of women being members. This law is being revised, and recently, an agreement was signed with the Department for Cooperatives to amend it.

- The Code of Commerce, which does not give visibility to women; this too is currently being revised and an alternative proposal drawn up.
- The Sexual Harassment Act and the Family Code, currently being revised and redrafted.
- Work has been done at departmental level in workshops on the need to incorporate the gender approach in the new Political Constitution of the State. To that end, on the one hand it is important to guarantee equitable participation of men and women as members of the Assembly, and on the other it is important that the gender approach should be mainstreamed in the new Constitution.
- There is a draft Benefits for Brazil Nut Harvesters Bill. This is intended to provide benefits to male and female brazil nut gatherers by bringing them within the framework of the General Labour Law, so that they may enjoy all social benefits. The majority of the workers in this sector are women.

42. With the creation in 1993 of the Department for Gender Affairs and its subsequent conversion (2002) into the Department for Women's Affairs, a start has been made on the difficult task of drafting laws favourable to women, as can be observed in this report; starting with their involvement in the reform of the Political Constitution of the State. However it is important to emphasize that so far these laws have not been fully complied with, given that it is a fairly laborious process to attempt to change people's behaviour, especially the behaviour of those working in the justice system and responsible for interpreting and applying laws and regulations. The views of such workers do not necessarily include gender sensitivity and in consequence they frequently render judgments in such matters that are not in accordance with the relevant laws and regulations.

43. For this purpose sensitivity-raising workshops are being held for those working in the justice system, but despite these efforts patriarchal positions prevail, which have to be changed.

Information Relating to the Articles of the Convention on the Elimination of All Forms of Discrimination against Women

Part I. Articles 1 to 6

Articles 1 to 3

44. In 1993 the Department for Gender Affairs was created, as a unit under the Ministry of Human Development; thus for the first time the Bolivian Government responded on the one hand to the existence of needs differentiated by gender, and on the other to the set of demands from the women's movement aimed at tackling the issue of the inequalities and inequities historically existing in Bolivian society.

45. Since that time this government office has taken on a proactive role in advocating for the economic, political, cultural and social rights of women that were being called for by various strata of society and different age groups. It has succeeded in introducing the gender approach in the public agenda, in different laws enacted since that date, but also and very importantly in all the sectors of society related to human development policies.

46. Following various changes within the basic structure of the executive branch, in August 2002 the Department for Gender Affairs changed to become the

Department for Women's Affairs, under the Ministry for Rural, Indigenous, Gender and Generational Affairs; finally, by way of Law No. 2446 of 19 March 2003 under Supreme Decree 26973, the Department for Women's Affairs was instituted within the Ministry of Sustainable Development at the second hierarchical level within the Government, with the following functions:

- Drafting policies, regulations and sets of instructions for the incorporation of the gender approach, on the basis of equity and equality of opportunities, in all areas of action of the Government.
- Drafting policies, regulations and sets of instructions for strengthening the mechanisms to prevent and penalize family violence, including gender-based sexual violence, and to provide care, recovery and protection to its victims.
- Coordinating with the National Personnel Administration Service (SNAP) in creating opportunities to promote the equitable inclusion of women in the sphere of public service.
- Strengthening the mechanisms for women's representation and access to political decision-making.
- Reviewing and analysing legal policy measures in order to incorporate the gender approach; and monitoring compliance with legislation and international agreements in gender matters.
- Working together with the prefectures and municipal governments to implement gender policies and programmes in the economic, productive, social, cultural and political spheres.

47. Within this context, the Department for Women's Affairs during the 2001–2003 administration completed the drawing up of the National Plan for Gender Equality, as put forward in Supreme Decree No. 26350. It has not proved possible to carry this out fully, because of the changes which occurred during this time; however, during this period the Department did succeed in agreeing with civil society a minimum gender agenda, and additionally a mechanism was created, promoted by the Government, for the tracking and evaluation of compliance with public policies on gender. Those inputs were used to draw up the current national plan.

48. Since 2004 the country has had the National Public Policy Plan for the Full Exercise of Women's Rights (2004–2007), drawn up, agreed and approved by the different sectors of the Government, namely the executive, judicial and legislative branches, as well as by civil society. This plan includes the following policies:

- (a) Widening women's access to and control of productive resources through general measures, mainstreaming and positive discrimination;
- (b) Empowering and consolidating public actions of reinforcement and linkage of the mechanisms to prevent family and sexual violence and to provide care in response to it, within the framework of an efficient and effective body of legislation;
- (c) Promoting greater access of women and girls to all levels of formal and informal education;

(d) Promoting strategic alliances with the political, social, economic and judicial bodies to make possible the effective exercise of women's citizen rights;

(e) Promoting the drafting, approval and observance of laws and regulations aimed at eliminating gender discrimination;

(f) Promoting the shared responsibility for the incorporation of the gender approach in the executive branch, through joint actions with the legislative and judicial branches;

(g) Promoting the rights of women and the creation of values, practices and attitudes in an environment of democracy and solidarity.

49. We should highlight the recent approval promulgation of Supreme Decree No. 24864 on Hierarchical Standing of Departmental Gender Units (departmental mechanisms) in the prefectures, which will now become Departments for Gender Affairs. In the future, the fact of their being operational units under the Department for Women's Affairs will make it possible for the Department to mainstream, apply and enforce gender policies more readily in the departments and municipalities.

50. The issue of discrimination and violence (psychological, sexual and physical) against women has received serious consideration by the Government of Bolivia, which has passed a specific law intended to deal with this group of problems. This is the Family and Domestic Violence Act, No. 1674 and its implementing decree, since the most widespread manifestation of violence is that occurring in the home or in the family, although recently extremely serious forms of sexual aggression by outsiders against women and girls have occurred, concluding in many cases in femicide.

51. Despite the efforts made to implement public policies to deal with violence in the family, the relevant figures are still high. The National Demographic and Health Survey (ENDSA) records that more than 53 per cent of women report that they have suffered some kind of physical violence at the hands of their spouse, as compared to 27 per cent of men.

52. The ENSA for 2003 makes it possible to systematize and centralize the data on violence, providing official information to assist in understanding the issue, so as to permit formulation or adjustment of policies intended to deal with the problem.

53. One of the government actions to be implemented at municipal level through the Municipalities Act 1998 was the creation of integral legal services as mechanisms for prevention of family violence and provision of care following occurrences of it. In addition the Family Protection Units have been set up under the National Police and care and prevention networks dealing with violence have been established, linking services with community organizations.

54. The data recorded by these bodies corroborate the necessity of taking further actions intended to strengthen care services and of investing in prevention campaigns within the framework of a strategy of coordination and cooperation with civil society organizations.

55. Carrying out a general comparative analysis of the figures on the cases of family violence recorded by the Family Protection Units and the municipal integral legal services in the main cities of Bolivia, including El Alto, we find that during the

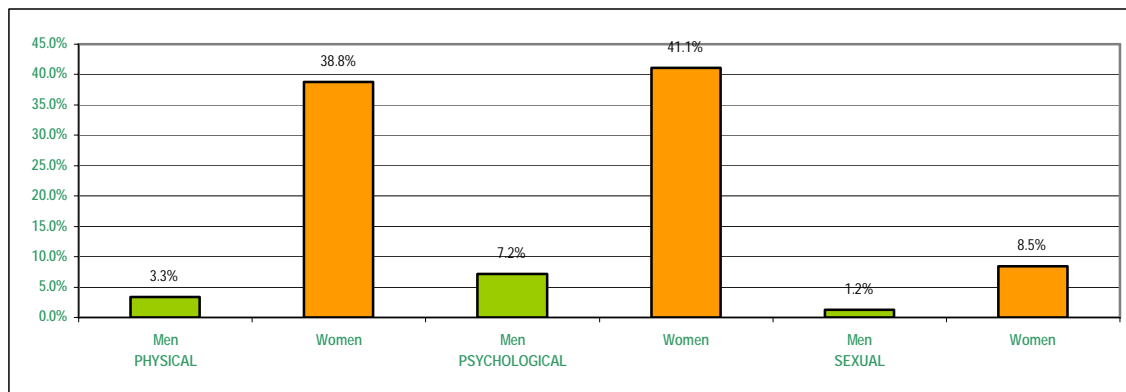
second half of 2003 and the first half of 2004 the cases of physical, psychological and sexual violence were as in the following table:

Number of cases of family violence recorded by the Family Protection Units and integral legal services

Period	Physical		Psychological		Sexual		Total
	Men	Women	Men	Women	Men	Women	
	3						
2 nd half 2003		6,384	1,088	8,035	0	526	16,359
1 st half 2004	953	8,502	1,659	7,735	471	2,719	22,039
Total	1,279	14,886	2,747	15,770	471	3,245	38,398

Source: Information System for Gender-based Citizen Vigilance – CIDEM.

Total percentage of family violence



Source: Information System for Gender-based Citizen Vigilance – CIDEM.

56. It may be said that in this period of time, 88 per cent of women suffered some form of violence, by comparison with 12 per cent of men. Expressed another way, nine out of every ten women suffer some form of violence, by comparison with one out of every ten men. More complaints have been lodged as a consequence of the policies and legal measures implemented since 1995.

57. Finally, it may be stated that domestic violence has generated significant levels of mobilization of women from different sectors of society and their organizations, demanding effective penalties for the aggressors. Over and above the actions taken under the policies of the Government and by the NGOs, there has been energetic participation of legal advocates, counsellors, rights defenders, and so on. The legitimacy achieved by women trained to have knowledge of the laws and of the procedures for ensuring compliance with them serves as a spur to more and more women of the community to seek to obtain such training themselves.

58. Additionally the Law on Protection for Victims of Crimes against Sexual Freedom has received fresh impetus. Such crimes include rape, incest, procuring and forced prostitution, among others.

Cases of rape, child rape and indecent assault

<i>Category</i>	<i>Year</i>				
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Rape	1,462	1,331	1,198	926	1,151
Child rape	214	189	131	118	137
Indecent assault	121	121	91	97	109

Source: Technical Investigative Police.

59. These data promote the establishment of policies directed towards combating sexual violence, embodied in practical terms in the creation of instruments for prevention, care and recovery.

60. Important progress has been made. By 2004, there were 128 municipal integral legal services and 18 Family Protection Units, as well as 53 prevention and care networks operating in the country as a whole. In addition the non-governmental organizations have services providing social, psychological and legal counselling to victims of violence.

61. Additionally, the Department for Women's Affairs, in conjunction with sectors involved in the handling of the problems of violence (such as the Ministry of Health, Office of the Attorney General, National Forensic Institute and the Department for Youth, Children and Older People, as well as municipal governments) has drawn up a model for prevention of sexual violence and care to its victims.

62. At the present time the health Sector is applying the regulations on care to victims of family violence and has incorporated the variable of "violence" into the National Health Information system. Furthermore, its institutional structure now includes the Programme on Gender and Violence, which links system policies and the prevention of violence within health promotion in the community.

63. In the field of education, the topic of violence is included explicitly in the curriculum at both the initial and the primary education levels, and implicitly at the other levels through gender mainstreaming in general. In furtherance of this, specific projects have been developed such as the programme for prevention of violence at school and the application of the guide for detecting violence.

64. Awareness-raising training concerning the application of the Family and Domestic Violence Act, No. 1674, has been provided to the members of the National Association of Judges, and the instructional module on gender, which also covers violence, has also been incorporated and implemented in the curriculum of the Institute for the Judiciary, where candidates for judgeships are trained.

65. In the period 2004–2005, a national information system for recording cases of sexual and family violence was set up, and this will periodically provide data for municipalities throughout the country, the National Police, the Family Protection Units and forensic doctors. All of these bodies will thus be able to gather information in a standardized format, which will facilitate the systematization of the

information. At the present time those instruments are being transferred to the various bodies concerned, although it does have to be recognized that the Family Protection Units and even the police in many locations lack the correct technology for filling in the data.

66. The fact that the ENDSA now includes information on violence will enable us in the future to have an instrument for tracking and evaluating the impact that public policies have on the issue, which will in turn make it possible to implement adjustments or to take further-reaching action to combat the scourge of violence towards women.

67. It is also important to recognize that there is a shortfall in the application of the Municipalities Act, despite the fact that this law urges municipal governments to create municipal integral legal services. The municipalities are putting off the establishment of this service, giving investment priority to other areas. The reasons are diverse, although economic considerations play a significant role, but there is a need to enhance the municipal integral legal services and the Family Protection Units and ensure high-quality care, as well as generating an awareness in society as a whole that violence against women is not something natural, nor a minor offence.

68. In this regard, at the present time a map of the whole country has been drawn up covering the municipal integral legal services, and this information is being supplied to the municipalities in coordination with the Departmental Gender Units; enabling the municipal authorities to determine on the one hand their situation by comparison with other municipalities in the department and throughout the country, and on the other to give consideration to the necessity of having this service and to take on the commitment of bringing it into being.

69. Another important aspect that has to be tackled is the present lack of centralized information. It is hoped to resolve this problem through consistent application of the appropriately designed municipal information system.

70. Also, the regulations and protocols concerning care in the aftermath of sexual violence have been drawn up and coordinated with the sectors, municipalities and others involved.

Article 4

71. Bolivia ratified the Convention on the Elimination of All Forms of Discrimination Against Women in its entirety in 1989, undertaking to comply with it fully. Additionally, the Optional Protocol was signed on 10 December 1999 and ratified on 27 September 2000. Follow-up to the conferences organized by the United Nations, such as the Fourth World Conference on Women, Beijing, 1995, the International Conference on Population and Development, Cairo, September 1994, and other regional commitments, is overseen by way of national bodies from the different sectors, with the monitoring and preparation of progress reports being delegated to specialized governmental institutions.

Table 1

<i>International Conventions</i>	
<i>United Nations</i>	<i>Organization of American States</i>
Convention on the Political Rights of Women (1970)	Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (1994)
Declaration on the Elimination of All Forms of Discrimination against Women (1989)	Inter-American Convention on the Granting of Civil Rights to Women (1999)
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (2000)	Inter-American Convention on the Granting of Political Rights to Women (1999)
Beijing Declaration and Platform for Action (1995)	

Source: Information obtained in drafting the report.

72. Applying the Convention on the Elimination of All Forms of Discrimination Against Women is a supremely important task for the Government of Bolivia, with gender equality being considered essentially as a specific objective of the global agenda and an indispensable condition for achieving other international commitments.

73. Bolivia, as one of the countries of South America, has institutions that are involved in legislating equality between men and women, and has signed international agreements that have opened the way for important legal reforms to make possible a greater increase in the capacities of women, and to protect them from discriminatory and inequitable actions. However, this situation would remain without much support or impact unless also accompanied by processes of training for those working in the justice system. There is also a need to carry forward far-reaching processes of awareness-raising and education of the population in general, directed towards the absolutely essential action of making changes in cultural patterns, that in some way or other are such as to produce inequalities, causing an imbalance between men and women with regard to access to opportunities for development.

74. In this process, the Government of Bolivia has adopted legal measures to bring about the exercise of women's rights:

Legal framework for gender equity

<i>Legislature</i>	<i>Law</i>	<i>Comments</i>
1988	Law No. 975	Stipulates that a woman may not be removed from her employment while pregnant and for a year after the birth of the child and that, during pregnancy, the employer shall ensure that her work is performed under suitable conditions, without any change in her level of earnings or in the location where she works.
1994	People's Participation Act	Promotes the participation of women and men in the drafting, supervision and follow-up of municipal development plans.
1994	Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women	The Convention has been ratified.
1994	Political Constitution of the State	Recognizes women explicitly as citizens, declaring that there is legal equality between persons, without distinction as to race, sex, language, religion or opinion.
1994	Educational Reform Act	<p>Sets in motion a process of transformation of the school system throughout the country, taking measures in the curriculum and teaching methods, administration and finance. This is one of the social policy aspects that has been most consistently pursued in Bolivia. Under the slogan of "Equality of opportunities", interculturality and gender equity are linked. The education is intercultural and bilingual because it recognizes the social and cultural heterogeneity of the country in a climate of respect among all Bolivians, both men and women.</p> <p>The main programmes promoted by the Act are the Educational Reform Programme (PRE) of the Ministry of Education and the Programme to Retain Girls in School (PPNE) of the Department for Women's Affairs. Both programmes have the aim not only of ensuring education of equal quality for men and women but also of generating greater possibilities for girls to have access to education and to remain in school.</p>
1995	Family and Domestic Violence Act, No. 1674	Specifies the different forms of violence in the family environment, describes how they can be prevented and penalizes domestic violence as an offence against public order.

<i>Legislature</i>	<i>Law</i>	<i>Comments</i>
1996	Law on the National Institute of Land Reform (INRA) (art. 3, para. V)	Establishes, as a constitutional guarantee, the application of equity-based criteria in the distribution, administration, ownership and utilization of land, in order to benefit women. The regulation contained in article 146 guarantees egalitarian participation of men and women in the execution of the process of regularization.
1997	Summary Civil Procedure and Family Assistance Act	Introduces reforms to the Family Code, establishing a new set of procedures for the summary proceedings requesting family assistance other than in cases of divorce, important for common-law marriages. Facilitates the provision of family assistance.
1997	Penal Code	Partial modification, with the term “virtuous woman” being eliminated from the provisions on crimes against sexual freedom.
1997	Electoral Reform Act (Quotas Act), No. 1984	Establishes a compulsory level of 30 per cent for women’s participation in the lists of candidates and in the ranking of the candidates (article 112, paragraph 2).
1997	Supreme Decree No. 24864 on Equal Opportunities for Men and Women	Enables a favourable legal framework for the development of public policies concerning gender equity, based on international conventions, with the aim of closing the gaps still present in legislation and in the political, economic, social and cultural situation. Permits women’s empowerment and commits the Government itself to a shared responsibility to prioritize and develop programmes and services to allow full participation of women in planning and execution of sustainable development.
1998	Supreme Decree No. 25087 Regulating Law No. 1674	Regulates the Family and Domestic Violence Act.
1998	Family Code Reform Act, No. 996	Establishes equality among the members of the family and the elimination of discriminatory practices, recognizes the right to equal treatment before the law and the essential worth and dignity of persons.

<i>Legislature</i>	<i>Law</i>	<i>Comments</i>
1999	Political Parties Act	<p>Article 13, paragraph 4 is amended and guarantees that the constitution of every political party shall include the rejection of all types of discrimination, including gender-based discrimination.</p> <p>Article 19 establishes the quota of 30 per cent of compulsory female participation at all levels of party leadership.</p>
1999	Municipalities Act, No. 2028 (art. 8, paras. 14, 19 and 22)	Includes the bodies responsible for ensuring gender mainstreaming in municipal government and the establishment of the municipal integral legal services in all municipalities of the country, as bodies providing protection to women and families. Also provides for inclusion of women's and men's concerns in municipal development plans.
1999	Law on Protection for Victims of Crimes against Sexual Freedom, No. 2033	Criminalizes some sex-related acts and increases the penalties for other offences already included in the Penal Code.
1999	Children's and Young Persons' Code	Establishes the system of care and protection for children and adolescents, as well as the system of penalties applicable to adolescents committing offences.
2000	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women	Has been ratified.
2001	Law on the Need for Reforms to the Political Constitution of the State	<p>Article 6 prohibits all forms of discrimination against women;</p> <p>Article 12 lays down penalties applicable to offences of family and sexual violence;</p> <p>Article 38 provides that both male and female citizens can give Bolivian nationality to a foreign spouse.</p> <p>These reforms were not adopted and have to be considered anew during the Constituent Assembly.</p>

<i>Legislature</i>	<i>Law</i>	<i>Comments</i>
2002	Law on the Need for Reforms to the Political Constitution of the State, No. 2010.	When this law was adopted, there were various discussions on the relevance of articles proposed by the women at the head of the Department for Women's Affairs, contained in the preliminary draft submitted by the Citizens' Council to the legislature. Of 45 items initially proposed, some of those under the three articles referred to above (6, 12 and 38) were not put forward (following public hearings, national debates, etc).
2003	Law on Regulation of Remunerated Domestic Work	Regulates the rights and obligations of paid domestic workers. Includes their participation in the short-term social security scheme; however this is an aspect which still remains to be fully resolved.
2004	Citizens' Associations and Indigenous Peoples Act	Establishes the principle of parity among candidates for municipal and national elections, and the principle that candidates should alternate.
2004	Supreme Decree No. 27915 of 13 December 2004	Establishes the free issue of birth certificates for persons of the age of 18 and upwards, for indigenous and native peoples, and for peasant communities.

Source: Working documents of the Department for Women's Affairs.

75. With regard to the protection of maternity, the Government of Bolivia passed Law No. 975 on 2 May 1988, which is still in force today, which provides that "it shall be prohibited to remove any woman from her employment, whether public or private, from the beginning of pregnancy until one year after the birth of the child".

76. Additionally, policies and programmes have been adopted under that law, falling under the Ministry of Health and Sports, such as the National Plan for Gender Equity and Health (2004-2007) that has the following objectives:

(a) To incorporate strategies and institutionalize mechanisms for the effective participation of women in health care;

(b) To strengthen women's knowledge, information and decision-making in the area of sexual and reproductive health;

(c) To develop primary care activities in mental health for women, placing emphasis on dealing with the different forms of violence to which they are exposed; and

(d) To deepen within the processes of reform of the sector, components relating to information systems, research systems, training systems, human resource and planning systems, incorporating evaluation of gender considerations.

77. The Government has now concluded the revision of the Family and Domestic Violence Act, No. 1674. Over the course of its implementation, its major

shortcoming was discovered to be that of being simply preventive, rather than punitive. Its revision has been possible within the context of work undertaken in consultation with various civil society and Government organizations, based on systematic inputs gathered from the process of application of the law itself.

78. It continues to be a preventive law, but an attempt has been made to render it more effective in practical terms, with the incorporation of implementing regulations into it so as to stipulate, in a special section, the responsibilities of the Family Protection Units, the municipal integral legal services, health services and NGOs. Further, psychological therapy has been added to the range of options available to the judge to apply to those found guilty of domestic violence.

79. The foregoing demonstrates that Bolivia, through its signing and ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, by Law No. 2103, followed by the Optional Protocol to the Convention, has made important progress in creating legislation incorporating considerations of equity between men and women and is working on eliminating discrimination against women from its country's laws.

80. Here, the main challenges still facing the country are firstly to stimulate awareness in both the public and the private spheres so that the Convention will change from something that is simply on the statutes to an instrument that is more fully and more widely implemented in practice, and secondly to act to reduce discrepancies in terms of equality between men and women.

81. On the basis of all of the foregoing it may be stated that there have been important legal advances towards equal rights for women, as well as in gender mainstreaming in sectoral policies. All this has been possible thanks to support from women's organizations in the design and formulation of policies, as expressed in the national plans that have been the basis for the strategic alliances between Government and civil society. It is on this basis that women's rights have been achieved. At the present time, specialists in the formulation of gender-sensitive policies are working in the health and education sectors. There are also people working in the justice system (police, Family Protection Units, forensic doctors, etc.) who are committed to the fight against the scourge of inequality.

82. However, it has to be recognized that financial constraints on the Government of Bolivia do restrict expenditures from tax revenues, in turn impeding budgetary allocations for public policies on gender equality. Furthermore, patriarchal cultural patterns still persist, impeding change that would promote the gender approach, and there remains a long way to go, because significant inequalities between men and women still remain in absolutely all social, economic, environmental, political and institutional spheres.

Article 5

83. The Educational Reform Programme, within the context of education in schools, has introduced the topic of gender equality throughout the curriculum, taking a broad-based approach. Progress has been made relating to changing cultural patterns and customary practices based on the superiority of the one sex or the other, through the drawing up of the new school curriculum with a cross-cutting approach to gender equality, accompanied by the creation of teaching materials, the

theoretical and practical training of teachers and investigation of cultural views, all of which are helping to address the issues raised.

84. With the adoption of the Educational Reform Act in 1994, a process of transformation of the country's school system has been started, taking measures in the curriculum and teaching methods, administration and finance; this is one of the social policy aspects that has been most consistently pursued in Bolivia, incorporating recognition of the ethnic, cultural and linguistic diversity of the country, and thus responding to the educational needs of its marginalized populations.

85. The broad-based topic of education for gender equality identifies three groups of problems upon which work is needed in all areas of the curriculum: (a) identity and self-esteem subordinated to sexist or "macho" stereotypes, (b) inequitable assignment of responsibility and roles to men and women, (c) historical discrimination against women, obstacles to their social and political participation.

86. The incorporation of gender equity into the new educational curriculum and into teacher training has been strengthened through the following actions:

(a) Design of the curriculum for the different levels of the public education service.

(b) A document has been produced for the design of the curriculum for the initial and primary levels that develops, under the heading of cross-cutting topics, conceptual tools, educational ideas and groups of problems identified relating to gender equity.

(c) The drafting of the plans and programmes for the first and second cycles of the primary level has been concluded, identifying responsibilities, indicators and socially relevant contexts of the broad-based topic of education for gender equality.

(d) The working document for the third cycle of the primary level is ready.

A. Production of teaching materials, wall charts and others.

- Teaching materials have been produced, in the form of teachers' guides, with the gender perspective, in the subjects of mathematics, language, life sciences and technology, expression and creativity, and so on.
- There are learning modules intended for the children in four languages, Aymara, Quechua, Guaraní and Spanish, for the first and second cycles of the primary level.
- Classroom libraries now contain material intended to stimulate work on the cross-cutting topics, in particular the values of tolerance and respect for diversity. Furthermore educational wall charts have been produced on gender and health, such as "games and gender equality" that include teaching guidelines for classroom work.

B. Theoretical and practical teacher training.

- The work carried out in the teacher training colleges has been strengthened through the implementation of the new design for the base curriculum for the training of primary level teachers (1999), that includes gender equality. It is important to emphasize this latter point, since it will make it possible for our

country to have new teachers, with a completely different training. This will not only be of high quality academically, in accordance with the new curriculum, but it will also have included the cross-cutting topics.

- C. Research into the cultural views and gender equality in the Quechua, Aymara, Movima, Tsimán, Moxeña, Guaraní, Ayorea and Chiquita cultures.
- With a view to strengthening gender mainstreaming by incorporating an intercultural approach, research has been undertaken in the eastern and Chaco regions, as well as in the Andes and along the Amazon. The results will assist in the drawing up of teaching materials and other documentation intended for teachers.

87. Thus the curricular content has been made more relevant at the primary level, based on incorporation of the different cultural contexts of the country, bringing in the specific local knowledge in the various regions. Additionally, gender mainstreaming has been incorporated, which is expected to change both the male and the female perception of what is feminine and what is masculine, both in school and outside it. The result will be that the gap between males and females at the primary level will disappear in the near future and the system may be expected in the medium term to achieve 100 per cent coverage.

88. In Bolivia, as in other countries of the region, discrimination towards women in the educational sphere does not take the form of lesser access for girls to schooling. This can be clearly seen in the relative parity in the rates of national coverage: 88.3 per cent for males and 85.3 per cent for females. However, the issue of girls' remaining in school is still a matter to be addressed.

89. The illiteracy figures have been going down gradually, from 37 per cent to 14 per cent (INE, CNPV 2001). Similarly, the gap between male illiterates and female illiterates has been halved, although significant gaps remain, especially in the rural areas, where the difference between men and women who know how to read and write continues to be considerable, at over 23 per cent (INE, CNPV 2001).

<i>Area</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Difference men-women</i>
1976 Census	63.21	75.84	51.38	24.46
Area				
Urban	84.86	93.76	76.83	16.93
Rural	47.05	62.9	31.77	31.13
1992 Census	79.99	88.16	72.31	15.85
Area				
Urban	91.1	96.24	86.48	9.76
Rural	63.52	76.86	50.07	26.79
2001 Census	86.72	93.06	80.65	12.41
Area				

90. In the regions having a higher illiteracy rate for women, such as Potosí, Sucre and Cochabamba, programmes of two-language literacy have been incorporated, including the indigenous language within the framework of intercultural and bilingual education, since it has been verified that people learn to read with greater ease and understanding when they do so in their mother tongue. There has been a

huge rate of participation by women in such programmes. The course content has been directed towards strengthening of sexual and reproductive rights and awareness of discrimination and violence motivated by ethnic, cultural, linguistic, socioeconomic and gender considerations. Thus the methodologies and approaches of literacy teaching are production-oriented.

91. One of the achievements resulting from the two-language literacy programme is the incorporation of the approach into municipal development plans, in those regions where such plans have been implemented.

92. Given Bolivia's diversity, cultural patterns play a very important role in any attempt at mainstreaming gender equality in practice: while there is much talk of equality and of the valuable role played by women, in reality this talk of equality is used to inhibit them from exercising their rights.

Article 6

International instruments signed by Bolivia

93. The international instruments ratified or signed by Bolivia in this field are:

(a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, signed by Bolivia on 12 December 2000, approved by Parliament by way of Law. No. 2273 of 22 November 2001, and in the process of ratification.

(b) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ratified on 6 October 1983.

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 3 June 2003.

National legal protection and Political Constitution of the State

94. Article 5 of the Political Constitution of the State does not recognize any form of servitude or provision of personal work without consent or without any recompense. Personal services can only be demanded when the relevant laws so stipulate.

95. Furthermore, this instrument establishes that every human being has juridical personality and capacity in accordance with the laws of Bolivia and enjoys the rights and liberties recognized by the Basic Law, free of any type of discrimination.

96. The rights, guarantees and duties of persons are laid down respectively in articles 7, 8, 9 ff. of the Political Constitution of the State. Here are noted in particular the civil, political, economic, social and cultural rights to which women are fundamentally entitled.

97. The Penal Code, in its Section XI, articles 308 to 325, criminalizes offences against sexual freedom. The offences defined here are: rape, child rape, impersonation, indecent assault, abduction, statutory abduction, abduction for purposes of marriage, corruption of minors, aggravated corruption, corruption of adults, procuring, obscene acts and publications and obscene spectacles. Some of

these offences are considered as aggravated where the victims are children or adolescents.

98. The Law on Protection for Victims of Crimes against Sexual Freedom has the objective of protecting the life, the physical and mental integrity, and the sexual safety of all human beings, as is laid down in its first article.

99. This law modifies the following criminal classifications defined in the Penal Code: rape, child rape, indecent assault, corruption of minors, aggravated corruption, corruption of adults and procuring. Additionally, it defines new offences related to sexual violence that were not covered in the Penal Code, such as rape of a boy, girl or adolescent, rape of an unconscious person and trafficking in persons.

100. The direct relationship of these criminal classifications with sexual violence for commercial purposes is found in the offences of procuring, pimping, obscene publications and spectacles and corruption of minors.

101. The category of sexual violence for commercial purposes against children or adolescents includes the offence of procuring, understood as conduct which, for money-making purposes, promotes, facilitates or contributes to the corruption or prostitution of a person of either sex. This offence is aggravated if the victim is under the age of 18.

102. The Law on Protection for Victims of Crimes against Sexual Freedom introduces as an innovation the criminal category of trafficking in persons, aggravated if the victims are adolescents below the ages of 18 and 14.

103. A further important advance from the legal point of view has been the ratification, on 3 July 2003, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Sexual violence

104. The international framework that specifically defines the various categories of violence and enumerates a series of rights is the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, which was ratified by Bolivia through Law No. 1599 of 18 October 1994. Adoption of this convention opened the way to the immediate establishment of a Government policy against violence within the family and appropriate penalties against those damaging the physical, mental, moral and sexual integrity of the members of the nuclear family. This was embodied in the Family and Domestic Violence Act, which entered into force on 15 December 1995. This is primarily a preventive rather than punitive law, and was recently revised after being in force for almost ten years.

105. Sexual violence is associated with abuse and violence within the family, and it is also related with processes of disintegration of the family and a patriarchal culture, while in its consequences it is related to prostitution and the production of pornography.

106. Another vitally important legal aspect is the Children and Adolescents Code. This establishes protective measures, assigning responsibilities to the Children's and Adolescents' Defence Offices that fall under the municipalities to intervene in cases of conflict between the rights of children and adolescents and those of the parents or guardians, in order to make their primary interests prevail. If necessary, the case can be submitted to the criminal authorities. In those cases neither mediation nor

conciliation is permitted (articles 196.10 and 212). Complaints in such cases are submitted to a judge in juvenile court, who decides on the measures to be taken for the treatment, protection and care of the child (article 269).

107. One important undertaking in this field is the creation of an interinstitutional National Council for Promoting a Culture of Respectful Treatment. In this connection, materials have been prepared covering prevention of sexual abuse.

Sexual violence for commercial purposes (commercial sexual exploitation)

108. Sexual violence against children for commercial purposes is understood to be sexual abuse by adults who may or may not reward the child or adolescent, monetarily or in kind.

109. Sexual violence for commercial purposes against children of either sex constitutes a form of coercion and violence against them, with the boy, girl or adolescent being treated as merchandise, as an object. Consequently, commercial sexual violence may be regarded as a modern form of slavery.

110. The term prostitution is commonly understood as a transaction that implies a willingness or consent to participate in sexual activities in exchange for money. Thus, the use of the expression “child prostitution”, is misleading, since this is a forced activity, occurring within a relationship of unequal power. Many different causes contribute to the explanation for the phenomenon, having to do with an adult-centred approach to gender, rendered possible by forms of violence, conditions of poverty, cultural hybridization and patterns of consumption.

111. Sexual violence for commercial purposes is generally hidden from view, and is a growing problem throughout the country.

112. According to data obtained from investigative research, it is considered that the proliferation of sexual violence for commercial purposes is the product of:

- A growing demand for this type of service;
- The possibilities for moving the girls and adolescents who are victims of commercial sexual violence around the country, in a strategy of concealing the illegality of the activities;
- The growing situation of poverty to which families are subject;
- The victims of sexual violence for commercial purposes have certain common features in their life histories and characteristics: early entry into the labour market, an offer to make more money, family breakdown, experiences of sexual abuse or sexual relations at an early age;
- Deception, blackmail and persuading the victims to consume alcohol and other drugs are the most common strategies for keeping commercial sexual violence flourishing;
- The victims of sexual violence for commercial purposes have low self-esteem and have not made plans for what they want to do with their lives.

113. The category of “Sexual violence for commercial purposes” has to be incorporated into the criminal legislation in a precise and clear manner, since it is a pattern of conduct that from any point of view cannot be considered as work but is a violation of the law. Therefore drastic penalties have to be applied to the persons

who are generating the demand and profiting from the services, namely the procurers, in line with the theory that the greater offence brings the lesser one in its wake. Within this context we currently have drafted the Trading in Children Act. This has been discussed primarily in the context of childhood and adolescence, since this is precisely the most vulnerable sector of society and the issue has the greatest impact on female adolescents and girls.

Sale, trading and abduction

114. There is a study carried out by Defence for Children International¹ with information on 442 children and adolescents in La Paz, El Alto, Oruro, Cochabamba, Santa Cruz and Sucre on trafficking for the purpose of labour exploitation. The deterioration of the economy, the infantilization and feminization of poverty, and early entry into working life are the primary causes of this situation. The highest percentages are found among those between 11 and 15 years old. In general, females take up domestic work, but are also caught up in the trafficking and sexual exploitation of virgin girls. There exists trafficking in organs in the form of illegal adoptions. Additionally, minors are transported to Argentina to work in clothing factories, under prison-like conditions.

115. This trafficking in children and adolescents is caused to a very great extent by their own parents, seeking to alleviate the difficult situation of the family and allowing the shipment of their children to the cities, especially La Paz, Cochabamba and Santa Cruz. There are people who travel to the provinces and act as intermediaries and there are also some who kidnap children and adolescents from their homes, from school or while they are tending animals.

116. In 1997, 332 cases of kidnapping of children were reported to the National Office for Minors, Women and the Family (ONAMFA). Many of the victims never returned to their homes. Every year, some fifty boys, girls and adolescents are reported as having disappeared just in the three cities of the central part of the country.

117. The principal advances in this area are:

- Awareness-raising in officials of public and private institutions;
- Production of packages of educational material on prevention of sexual abuse;
- Introduction of topics concerning prevention of sexual abuse into the school curriculum;
- Coordination with the National Council for Promoting a Culture of Respectful Treatment;
- Creation of the communications committee of the Committee against Commercial Sexual Violence.

118. From the legal point of view the Optional Protocol on the sale of children, child prostitution and child pornography (2001) has been ratified. Subsequently, a draft Addendum to the Penal Code was prepared, covering Criminal Organization, Trafficking and Prostitution, that penalizes the sex trade and trafficking in boys, girls and adolescents.

¹ DCI. 1998.

119. Another important advance in this field consists of the investigations carried out with focus groups in the cities of La Paz, El Alto, Cochabamba, Santa Cruz and also in the frontier regions; these investigations have led to the creation of the National Committee against Commercial Sexual Violence, and the local and departmental committees. The results were distributed to the municipalities where the investigations were carried out and thus, with the support of institutions of Government, cooperation agencies and civil society, the National Plan against Commercial Sexual Violence is currently being drafted and the communications strategy for coverage and provision of information about sexual violence in the media is being drawn up.

120. Further, the same Government department is working on the Ten-Year Plan on Children's Rights, which will include a national plan against commercial sexual violence involving children. Currently this plan is at the research stage, and it should be approved by November of the current year.

121. At the same time, a National Committee against Commercial Sexual violence is being created, under the leadership of the Department for Childhood in coordination with civil society and public institutions.

122. Furthermore, Constitutional President Carlos D. Mesa Gisbert approved Supreme Decree No. 27420 of 26 March 2004, which established the Interinstitutional Council and Interministerial Commission on Human Rights, to be technical coordination and cooperation bodies for the drafting, implementation, follow-up and evaluation of the National Strategy for Promotion and Protection of Human Rights. Under this, women are considered to be one of the priority groups for the fostering of the promotion and protection of their human rights.

123. Within the national human rights strategy, vulnerable population groups have been identified. Among these, women are considered to be potential victims of violence and discrimination.

124. At the present time, the various vulnerable populations identified are all organizing themselves into working groups in order to ensure that their needs are included in the agenda of the national human rights strategy.

125. Furthermore, work is being undertaken under the Comprehensive Plan for Citizen Security, by means of discussion groups for orientation and awareness-raising in colleges, schools, neighbourhood groups and other groupings of citizens, in order to protect the safety of children, adolescents and women; the responses obtained so far are positive; however they also have to be sustained.

126. Additionally, monitoring operations are being carried out by the National Police, municipal mayors' offices, the Office of the Public Prosecutor, the Ministry of the Interior, and the prefectures. The objective of these operations is to detect the places where sex workers ply their trade and to check that they are meeting the operating requirements and the necessary health conditions. It is also part of this task to check that there are no minors involved in such activities. At the present time research is being pursued in this regard, and subsequently an appropriate legal framework for the sex trade will be established.

127. The National Migration Service has the authority to monitor the flow of persons, however it proves to be fairly difficult to identify the purposes for which persons are being taken out of the country. For this reason, work is currently under way on the international level, especially in the context of MERCOSUR, on an

agreement to approach and deal with the trading and trafficking in women and children in a coordinated way.

128. Where complaints are lodged, these are investigated through coordination between INTERPOL and the police. Where prostitution networks are detected, these are tracked at the request of the Office of Foreign Affairs, and then a complaint is made to the police.

129. However it may safely be stated that to date it has been very difficult to achieve effective control since that does not depend only on national policies and regulations; on the contrary, what is required is joint and committed work on the part of all countries, especially the destination countries of the women in question.

Part II. Articles 7 to 9

Article 7

130. For this process the Government of Bolivia has made provision for legal mechanisms to permit women's participation on an equal footing in the exercise of power:

A. Political Parties Act:

- The declaration of principles of the political parties must contain a rejection of any form of discrimination, whether based on gender, age, ethnic background or culture (article 13, paragraph 4).
- The basic statutes of a political party must provide for mechanisms and actions that will guarantee women's full participation (article 15, paragraph 4).
- The political parties are obliged to promote equality of opportunities for their male and female candidates; with the aim of reducing the existing inequalities, they must establish a quota of not less than 30 per cent for women at all levels of the party leadership and in the candidacies for representative office.

B. Citizens' Associations and Indigenous Peoples Act:

- The guiding principles of any citizens' or indigenous peoples' association shall include the principle of equity, with the duty to observe and promote criteria of equity as to gender, age and culture in the composition of their organization (article 3, paragraph d).
- In terms of female representation it is stipulated that any citizens' or indigenous people's association shall establish a quota of not less than 50 per cent for women, in all candidacies for representative office, and that candidates shall alternate (article 8).

131. The right to vote of all Bolivian citizens, male and female, over the age of 18 is recognized by the Political Constitution of the State and by the Electoral Code. The only requirement is that people be recorded on the electoral roll.

132. The National Electoral Court, when granting juridical personality to a political party, or citizens' grouping, verifies that all the requirements stipulated by the Political Parties Act and by the Citizens' Associations and Indigenous Peoples Act have been complied with.

133. The National Directorate for Civil Registry, under the National Electoral Court, has executed, is currently executing and will continue to execute special projects for free registration and free certification, with the objective of eliminating the political and social exclusion of Bolivian men and women by recognizing their

juridical personality through the birth certificate which is the essential component for obtaining recognition by and protection of the Government in order to be able to exercise their fundamental rights and duties. The outcome of these projects demonstrates that registration breaks down equally to 50 per cent for men and 50 per cent for women, and the projects are speeding the reduction and elimination of the present discrepancy and deficit in registration, providing men and women with Bolivian nationality and giving them full rights of citizenship.

134. Within the legal system, the participation of women has increased significantly, reaching 20 per cent of judges and prosecutors. Likewise, within the executive branch, for the first time in the history of Bolivia there are four women in ministerial positions, and the Head of the Anti-Corruption Unit is female. Factors like these have contributed to a rise in the average number of women in the executive branch in the past administration. In the case of the legislative branch, by way of the Political Parties Act and the Electoral Code there has been some slight progress, but it does not reflect the 30 per cent women's representation stipulated in the law. In the Chamber of Deputies, 17.7 per cent are women and 82.3 per cent are men, and in the Senate 14.8 per cent are women and 85.2 per cent are men. The fact that the female candidates are outside the band where male candidates are given priority is one of the reasons for the failure of this percentage to show an increase.

135. Within Parliament, female political representatives come together in the Commission on Gender and Generational Affairs. This has achieved various of its objectives, among them changes in the law in favour of women and girls.

136. In addition, the National Women's Political Forum was created in 1996. It is open to participation by women of different political parties, as well as female representatives of institutions both governmental and non-governmental, and its purpose is to discuss, coordinate and monitor political and institutional actions that are of benefit to women from the gender perspective.

137. Furthermore, there exist areas for coordination between non-governmental and governmental institutions involving the women politicians of the different parties, such as the Union of Women Parliamentarians of Bolivia (UMPABOL), the Women's Political Forum, and the Association of Female Councillors of Bolivia (ACOBOL). In coordination with the Department for Women's Affairs and women's NGOs, the women politicians have now drawn up a women's legislative agenda for the period up to 2007.

138. Within this strategic and coordinated work, these bodies have played a very important role in this democratic process, strengthening women's political participation, offering training and capacity-building, holding discussions and making proposals, monitoring and lodging complaints about violence against women in positions of power.

139. At the present time, a coordinated effort is under way to promote the Law against Political Harassment of Women, which will be submitted to the legislature, where women parliamentarians and the Department for Women's Affairs will play a very important role in ensuring it is passed, as will civil society in monitoring progress and pressing for its adoption.

Participation of women in positions of power at national and local level

<i>Positions of power</i>	<i>1996</i>	<i>2004</i>
Female senators (%)	3.7	14.8
Female deputies (%)	9.2	17.7
Female mayors (%)	4	8
Female councillors %	7.7	32
Female Government ministers (%)	7	26*
Female judges and prosecutors (%)	13	20

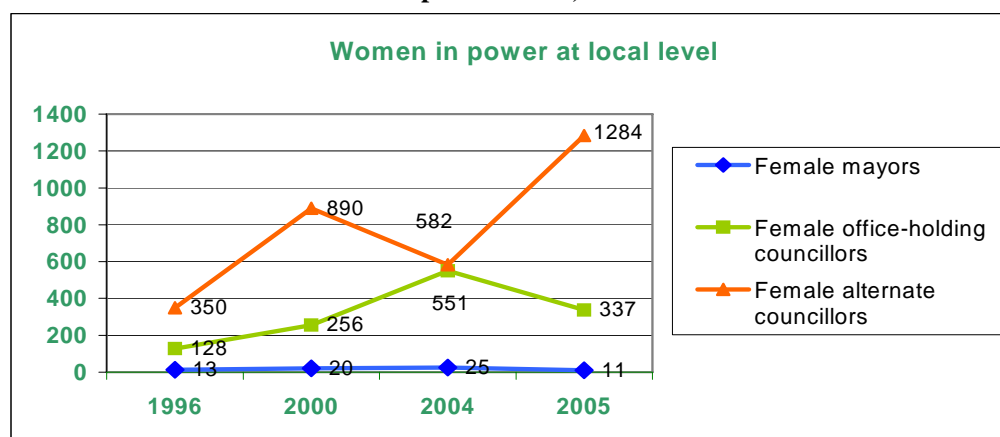
Sources: Association of Female Councillors of Bolivia, National Congress, Ministry of Justice.

* Data updated to February 2005.

140. As can be seen in the table, in all positions of power, both at national and at local level, women have made significant progress; however, there is still a long way to go for them to achieve real equality.

141. The table shows a significant increase in the number of women in both local and national government.

Results of the most recent municipal elections, 2004



142. The graph shows the changes in the number of female councillors and mayors in the municipal governments of the country at different times. It will be seen that the number of female office-holding councillors has been tending to increase. However, comparison of the municipal councils in the year 2004, before the municipal elections, with those for 2005 shows that there were fewer women in office in 2005, after the municipal elections. This is due to the fact that the male office-holding councillors, in order to give their attention to their political campaign and their re-election, in many cases put women in their posts as alternates, (in any event if we compare the figure for female councillors elected in the most recent municipal elections, with those elected in the preceding ones); however, it may be predicted that over the course of the next few years, as male office-holding councillors come to the end of their term, the number of female office-holding councillors will increase. This shows us that the impact of the recent Citizens' Associations and Indigenous Peoples Act has been to break the monopoly of the political parties, opening up greater space for women's representation.

143. In this context, the results of the most recent municipal elections (2004) reveal that the number of female mayors has gone down relative to the previous municipal elections, which translates into a downturn in the number of women leading municipal governments. This reduction may be due to various factors, which include the empowerment of the municipal governments, which in turn is a result of the People's Participation Act, that stipulates that mayors' offices may receive more economic resources. The result is that those offices of local power are increasingly sought by men, with the women being relegated to positions lower in the hierarchy and consequently having less decision-making power. This shows that there has been little change in the tendency of men to monopolize the positions of power. Another factor is the disfavour into which the political parties have fallen not only as a result of the impact of the Citizens' Associations and Indigenous Peoples Act, but also because the traditional politicians have adapted to these new forms of representation, and thus continue to relegate women politicians with less of a track record to second-rank positions.

144. The situation is different in the National Police. Chapter VII, article 79 of the Basic Law on the National Police states that the personnel of the National Police have the right to promotion on the basis of a standing order once they have complied with all the requirements set forth in the relevant laws and regulations.

145. By virtue of this set of provisions, which does not exclude women, in recent years the National Police has become an area where women have made inroads. At the present time the force has a total of 3,967 women police officers, including both administrative personnel and personnel on front-line duty. Of these, 271 are officers and senior officers, 840 are junior officers and sergeants, and 2,856 are constables.

146. In terms of women on front-line duty in the National Police, the totals are: 87 officers and senior officers, 809 junior officers and sergeants, 1,577 constables. Recent years have seen an abundant entry of women into the National Police, with some of them reaching senior ranks

147. The reform of the Political Constitution of the State, that includes the possibility for indigenous peoples to present candidacies that are independent of the political parties, plus the Citizens' Associations and Indigenous Peoples Act that lays down a 50 per cent participation of women in the candidate lists, introducing the concept of parity and alternation, may together make it possible in the future for Bolivian indigenous women to play a greater part in politics.

148. Furthermore, the high participation of women, almost 50 per cent of the electorate, in the gas referendum in 2004, shows an important advance in their involvement in the destiny of the country. It may be noted that this participation was founded on a wide-ranging campaign, both by the Government and by civil society organizations, to provide information to women. It is also envisaged that women will make up 50 per cent of the members of the Constituent Assembly, from which it may be concluded that it will be possible to propose the inclusion of considerations of gender equity in the new Political Constitution of the State. Important civil society organizations, such as the Catholic church, the indigenous peoples' organizations, women's organizations and the Technical Team of the executive branch, have put forward mechanisms to guarantee participation by men and women on an equitable basis. The Special Commission to establish the Constituent Assembly is analysing these proposals with a view to incorporating them into the law that will create this important forum for citizens' political participation.

149. The Bolivian National Productive Dialogue of 2004 saw a significant level of participation by women in the municipal and departmental councils, which had the effect of bringing concepts of gender equity into the adjustments to be made to the country's development strategy.

150. In municipal government, the number of female mayors in 1994 was 4 per cent of the total, a figure which had increased to 8 per cent by 2004. There is a significant participation by women on the local level, with female councillors amounting to 32.4 per cent of the total in 2004. Thus there is greater female participation in local government than the number even of candidates at national level.

151. With regard to the legislative branch, while women still account for fewer than 20 per cent of the membership of both chambers of Congress, there is a significant trend towards greater participation: the number of women in the Chamber of Deputies is almost double that of the preceding legislative period, while the number in the Senate is four times greater.

152. It is also important to note that in the judicial branch women make up 20 per cent of judges and public prosecutors and that for the first time in history there are two women on the Supreme Court.

153. At the present time a set of legal provisions is being promoted to protect women's political participation, entitled the Gender-based Political Harassment and Violence Act, under the alliance with the Association of Female Councillors of Bolivia (ACOBOL) and other bodies.

154. However despite these advances there are also major obstacles in the way of greater involvement of women in political spheres: the idea still holds that the domain of public office is for men and the private domain is for women. Together, the lack of awareness of international and national legislation to support and sustain a greater political participation by women, and the fact that, where such instruments are known, people are only just beginning to embrace them, make up part of the reason that women do not occupy more public functions.

155. It must be recalled that working conditions are unfavourable to women who are in the labour force. Together with the fact that men do not take a share of household chores, this creates a very heavy work burden that uses up women's disposable time and thus makes it difficult for them to take a greater part in politics.

156. In summary, women have not succeeded in playing a full role in decision-making areas, whether in politics, in institutions or in community affairs, as they have not been able to take up all the places that are reserved for them under the law. In many cases, women are subjected to violence intended to make them withdraw. In other cases, the poorest women do not have access to the basic documentation such as birth certificates or identity cards. This almost makes them non-existent as citizens and means that they cannot gain access to credit, health services, or land, cannot participate in elections and, obviously, cannot be elected.

Article 8

157. The representation of Bolivian women in the international sphere and the central Foreign Affairs and Religion department is shown by the following current figures:

Overseas service:		
Men	134	54 per cent
Women	112	45 per cent
Total	246	100 per cent

Central service:		
Men	125	55.56
Women	100	44.44
Total	225	100 per cent

Total overseas and central service:		
Men	259	54.99
Women	212	45.01
Total	471	100 per cent

158. A favourable level of women's representation in the country's diplomatic missions has been achieved and it is important to stress that steps are being taken to ensure that these are career officers and not simply political appointments.

Article 9

159. Various of the articles of Law No. 2631 of 20 February 2004, modifying the Political Constitution of the State, in particular articles 38 and 39 referring to nationality, indicate clearly that women who are married to foreigners do not lose their nationality. Bolivian women do not lose their nationality as a result of acquiring a different nationality and they cannot be obliged to give up their nationality.

160. When a woman of another nationality marries a Bolivian man, having acquired Bolivian nationality she does not lose that nationality even if the husband should die or the couple divorce.

Part III. Articles 10 to 14

Article 10

161. The cross-cutting topic of education for gender equality has developed a component that has the objective of promoting girls' access to primary education in rural areas and keeping them in school longer than has been the case in the past, through sustainable and replicable strategies.

162. Education is a fundamental human right. For people to be able to raise their standard of living through education, they need to be able to seize social and educational opportunities. It is the right that promotes the full exercise of citizenship in an excluding world, and makes possible the democratization of knowledge and participation in society. For that reason the Government places special emphasis on access to primary education of good quality, that is both free and compulsory; it is also working on the possibility of widening access to secondary education, thereby eliminating disparities between the sexes, between social groups and between urban and rural areas.

Access to an education of quality

163. The most important measures adopted by the country to guarantee the right to education are enshrined in article 177 of the Constitution, which lays down that education is the highest responsibility of the State and guarantees freedom to be educated under its tutelage, stipulates that publicly-financed education is free and is provided through a unified and democratic school system, and that attendance at the primary cycle is compulsory.

164. Subsequently, the Educational Reform Act (July 1994) entails a number of measures whose objective is to guarantee a solid and on-going training of human resources, to improve the quality of education, widening its coverage and making it relevant to the needs of the community, to create conditions that will improve the likelihood of pupils' remaining in the education system, and to give preferential attention to the less well-favoured sectors, guaranteeing equal rights for men and women and the creation of an educational system that is both intercultural and participatory.

165. Starting in 1998 a series of decrees was approved dealing with personnel administration, temporary contract work and functions of the School Boards with a view to assisting in the improvement of the management of the system. In 2001 Ministerial Resolution 162/01 gave effect to the Regulation on Educational Units, and this is currently undergoing revision in order to incorporate the recommendations submitted by various sectors on protection of the rights of children and adolescents. Additionally, a system for measuring the quality of education (the SIMECAL system) has been designed, rules of administrative procedure for the public education service have been laid down and the Educational Reform Programme has been adapted to the new decentralized administrative structure. The most important change to education in Bolivia is the process of educational reform started in 1995, that has been widened and deepened since then with programmes that are implemented not only in Spanish but also in native languages.

166. At the primary level, the transformation of the curriculum has been implemented gradually, over a number of years, and progressively, in a steadily increasing number of schools. The process was started in the rural areas. The public education service has been reorganized into educational clusters, that consist of groupings of educational units that, as a whole, provide the community with all levels of schooling. This reform is being expanded progressively to an ever-increasing number of schools at the primary level. These are known as the educational units or clusters undergoing transformation, and receive new materials, infrastructure improvements and a teaching adviser assigned by the Ministry, who guides the process of improving the teaching.²

167. In relation to the cross-cutting topics, education to create respect for human rights, maintenance of adequate health, the exercise of a full sexuality, respect for gender equity, democratic tolerance and conservation of natural resources and the quality of the environment are basic questions in any development process and indispensable requirements for its success.³ Fulfilling the stipulations of Law

² The schools that continue to operate in the traditional way are identified as educational units undergoing improvement.

³ Curriculum design for the primary education level. 2003.

No. 1565 and its implementing regulations, the Educational Reform Programme has defined four cross-cutting topics to be covered in the education of Bolivian children:

- (a) Education for democracy. This includes the topic of human rights;
- (b) Education for gender equity;
- (c) Education on health and sexuality;
- (d) Education on the environment.

168. Work has been undertaken in order to make a reality of intercultural bilingual education during the ten years of the educational reform. This has included the preparation of educational materials both for teachers and for pupils, not only in the children's first or native language—Aymara, Guaraní or Quechua—but also in their second language, namely Spanish. These are learning modules in the areas of language and communication and mathematics for the first cycle and in the same areas, plus life sciences, for the second cycle. The modules are bilingual, in other words are both in the native language and in Spanish, except for the language area that is 100 per cent in the native language. For the purposes of teaching Spanish as the second language there is a package of materials: cassettes, an anthology, books, wall-charts, etc. There are also teaching guides for the areas of the curriculum and the teaching of Spanish as a second language; documents covering the linguistic standardization of the Guaraní, Quechua and Aymara languages; self-teaching guides for children to learn, on their own, to read and write in their native language; and a set of written texts, both in one language only and in both the native language and Spanish.

169. In addition, training has been provided to the teachers working at the educational units operating in the bilingual mode, in the reading and production of texts in native languages and the use of them for teaching purposes, as well as in the teaching of Spanish as a second language. Also, training has been given to teachers in this form of education in the teacher training colleges specializing in intercultural bilingual education, and the Ministry of Education is supporting the training of teachers in that educational speciality at the Universidad Mayor de San Simón.

170. Additionally, research has been carried out into the different world views of the native peoples with regard to education, sexual and reproductive health, the environment and democracy, and the Native Peoples Educational Councils have been formed for the Quechua, Guaraní and Aymara peoples and also for those of the Amazon and Bolivian Chaco regions. Also, Educational Unit School Boards have been formed at cluster and district level.

171. In addition, the project to increase rural girls' access to school and to keep them in school has been drawn up. This is a component of Agreement No 3096 of the Project for Strengthening the Quality and Equity of Education as part of educational reform, undertaken by the Department for School or Alternative Education.⁴

172. The long-term objective of this component is stated as "to promote access to school for girls from the rural areas and to encourage them to remain in school, through the generalized implementation of effective and sustainable intervention

⁴ Formerly the Department for Initial, Primary and Secondary Education.

strategies, and to promote a change in attitude in the educational community with respect to the participation of girls in school at the primary level”.

173. The component consists of three phases:

(a) Quantitative and qualitative diagnostic research, comprising identification of the municipalities where girls are marginalized,⁵ in order to understand the factors that impede and/or facilitate rural girls’ access to school and their staying there.

(b) Awareness-raising and capacity-building in the educational community.

(c) Implementation of targeted interventions in two municipalities: Poroma in Chuquisaca and Tiraque in Cochabamba.

174. With regard to the secondary level, the Educational Reform Act lays down that it is composed of two cycles. The first, that of "technological courses", provides first-level technical skills and knowledge. It lasts for two years and results in award of the basic technical diploma with which the young person can enter the labour market. Alternatively, he or she can continue studying in the following cycle.

175. The second cycle is that of "specialized courses", with two options: either the "mid-level technical course" which leads to the award of the mid-level technical school-leaving certificate and opens the way to continuing technical training at a higher level. The second option is that of the "scientific and humanistic course" that results in the award of the school-leaving certificate in the humanities, qualifying the student to continue higher-level studies in those fields. These systems are important, since they provide skill levels that open up employment possibilities for those adolescents who do not pursue higher education.

176. A series of studies has been carried out on modification of the curriculum in the secondary level, gathering proposals from the teachers, parents and the community. It had been hoped to start the reform process at this level in 2003, and at the same time to extend reform to the initial level, but it did not prove possible to advance as hoped.

177. With regard to higher education, an initial project for reform has been drawn up, based on the creation of the Fund for Improvement of the Quality of Higher Education. Additionally, the process of consolidation of the National System of Technical Education Accreditation has been started and the legal framework underpinning the development of science and technology has been formalized by way of the Science, Technology and Innovation Act.

Teacher skills and quality of teaching. The evaluation processes

178. For budgetary reasons, the teaching advisory service has been withdrawn. In order to replace the role of the teaching advisers the heads of the educational units have been trained to carry out the tracking and support both of the units’ teaching activities and of their administrative activities.

179. Pupils have been evaluated and in general it is observed that – as shown in evaluations of language and mathematics carried out by UNESCO in the third and fourth year of primary education – the quality of Bolivian education is below the

⁵ An indicator that is constructed on the basis of the difference between female and male coverage (i.e. the number of enrolments as compared with the population of school age).

average for Latin America. Since the year 2002 the SIMECAL system has not been used to carry out any further test of performance at the primary level.

180. This is a central issue within the process of educational reform since having good teachers is fundamental to improving the quality of education. However, this has been a difficult matter to take forward owing to opposition to certain aspects of the reform raised by the teachers' trade unions.

181. Nevertheless, there have been important successes. According to information from the Ministry of Education, in the past two years 20,000 teachers have been trained, receiving a bonus that has encouraged their participation in the programme.

182. Of the teachers working with the new curriculum, 57 per cent are in the first cycle of primary education and 43 per cent in the second. These teachers account for 56 per cent of the primary-level teachers in the whole country.⁶

Illiteracy

183. The educational situation is analysed by means of result indicators such as the rate of illiteracy, children's access to school and how long they stay there, and others. However it should be pointed out that the results from the national educational system do not only reflect the effort being made by the sector, but also relate to the pupil's family environment and the economic situation of the country. The fact that Bolivia is one of the poorest countries in Latin America, with more than half of its population in a situation of poverty, especially those living in the rural areas, has a negative impact on its educational results.

Table 1
Trends in some indicators

<i>Indicator</i>	<i>1992</i>	<i>2001</i>
Average of years of study (1)	6.1	7.4
Illiteracy (2)	20 %	13.3%
Gross coverage (primary)	99.8%	108.4%
Gross coverage (all levels)	75.5%	88.4%
Drop-out rate (all levels)	10.1% (3)	6.4%
Completion rate (8th year of primary)	55.4%	71.5%
Completion rate (4th year of secondary)	31.1%	48.4%
Cost of education /GDP (4)	2.8%	4.2%

(1): Population 19 years old or more.

(2): Population 15 years or old or more.

(3): 1997.

(4): Does not include universities.

184. For example while in the neighbouring countries, except for Brazil, the illiteracy rate for the population aged 15 or more is below 8 per cent, in Bolivia this indicator is 13.3 per cent, even though the percentage of illiterate people went down between 1992 and 2001.

⁶ Department for Initial, Primary and Secondary Education.

Rate of illiteracy, population over 15 years old

Area	1992 census			2001 census			Annual variation		
	Total	M	F	Total	M	F	Total	M	F
Rural	36.5	23.1	49.9	25.8	14.4	37.9	-3.8	5.1	-3.0
Urban	8.9	3.8	13.5	6.4	2.5	10.0	-3.6	-4.5	-3.3
Total	20.0	11.8	27.7	13.3	6.9	19.4	-4.4	-5.8	-3.9

Source: INE.

185. In the rural areas, 37.9 per cent of women aged 15 years or over can neither read nor write, by comparison with 14.4 per cent of men in the same situation. In the urban areas, although illiteracy is less, women are still at a disadvantage (10 per cent of women and 2.5 per cent of men can neither read nor write).

186. The National Literacy Plan for Life and Production has enabled 160,000 people to be rendered literate, between 1999 and 2001. The figures include young people and adolescents, with the proportions of males and females being virtually equal. Also, under this plan four Centres for Technical Education in Agriculture were established for young people and adults in the departments of Potosí and Chuquisaca.

Years of schooling

187. Analysing the years of schooling achieved, the female population, and more particularly those girls living in the rural areas, is the segment that is encountering most difficulties. In the rural areas, the average for years of schooling completed is three, corresponding in the best of cases to the third year of primary education, while males in the rural areas on average complete five years of schooling. Meanwhile, in the urban areas, the average number of years of schooling completed is approximately eight for females and ten for males.

Table 3

Average years of schooling, population as a whole

Area	1992 census			2001 census			Annual variation		
	Total	M	F	Total	M	F	Total	M	F
Rural	3.4	4.3	2.4	4.2	5.2	3.1	2.4	2.1	2.9
Urban	7.9	8.9	7.1	9.2	10.1	8.5	1.7	1.4	2.0
Total	6.1	7.0	5.2	7.4	8.2	6.7	2.2	1.8	2.9

Source: INE.

188. For the adult population living in the rural areas, 39.3 per cent of women have had no education at all, while 15.7 per cent of men are in the same situation. In the urban areas, 10.5 per cent of women and 3.2 per cent of men have no education at all.

Remaining in school

189. The problem of failure to remain in school is widespread throughout the country, mostly among children and adolescents who learned to talk in a language other than Spanish, since they face greater difficulties, especially those who learned to talk in Quechua or Guaraní. Of these groups, by the age of 17 only 37 per cent and 42 per cent, respectively, are still attending school. By contrast, the attendance of those who learned to talk in Spanish is 67 per cent, and of those who learned to talk in Aymara, 54 per cent.

190. Despite the problems impacting the schools, the number of children and adolescents completing primary and secondary education has increased since 1992. In the year 2001, the completion rate for primary education was 71.5 per cent and that for secondary education was 48.4 per cent. However, a large geographical disparity can be observed: in the rural areas, 49.1 per cent of pupils complete primary education, while in the urban areas the figure is 84.9 per cent. The numbers are a matter of even greater concern with regard to females from the rural areas, since only 43.9 per cent of them complete primary education. For secondary education, the rate of completion is even lower, at 60.1 per cent in the urban areas and 22.9 per cent in the rural areas.

Access to school

191. The actions undertaken by the education sector, together with the country's economic development, brought about an increase in access to school between 1992 and 2001. Even so, access at the secondary level continues to be low, with only half of the population aged between 14 and 17 attending secondary school. This situation can be explained by the problems that still exist at the primary level and the insufficient educational offering at the secondary level. At the initial level, access is still lower, with only a quarter of children between 4 and 5 years of age attending this level, owing probably to the scarce offering of the schools and teachers and the lack of understanding on the part of society of the importance that attaches to the initial level in terms of its influence on the results in the following educational levels. In the case of the primary level, access is high relative to the other levels, with 86.5 per cent of the population aged between 6 and 13 attending this level, owing probably to the scarce offering of the schools and teachers and the lack of understanding on the part of society of the importance that attaches to the initial level in terms of its influence on the results in the following educational levels. In the case of the primary level, access is high relative to the other levels, with 86.5 per cent of the population aged between 6 and 13 attending this level. However, there still remain problems to be resolved, such as those relating to children's staying in school and completing this level.

192. Access to school in the rural areas is lower at all levels of education, most notably at the secondary level, which is attended by only 30.9 per cent of those between the ages of 14 and 17 years, while the corresponding figure in the urban areas is 61.6 per cent.

Percentage of children of primary school age (6 to 14) attending primary school, 2000

<i>Details</i>	<i>Attendance, boys</i>	<i>Attendance, girls</i>	<i>Total attendance</i>
Bolivia	88.2	86.6	87.4
Region:			
High plains	87.7	83.7	85.7
Valleys	87.0	87.8	87.4
Plains	90.2	89.8	90.0
Living in:			
Urban areas	89.2	89.2	89.2
Rural areas	86.8	82.9	84.8

Source: MICS. 2000.

193. The table above shows the percentage of children attending primary school in the year 2000. At the national level, the ratio of boys to girls is fairly balanced. The high plains region is the most unbalanced (83.7 per cent girls and 87.7 per cent boys), as is also the ratio in the rural areas (82.9 per cent girls and 86.8 per cent boys).

Access to school without and with implementation of the educational reform

194. The first year of secondary education shows the lowest rate of advancement to the next level of all the twelve years of primary and secondary education. One interesting aspect is that women demonstrate higher rates of advancement than men. This does not necessarily reflect a better utilization of the educational system by women: it might in fact be demonstrating that less favourably situated women give up school earlier and that the indicator reflects the advancement of the better-situated women who continue their studies. By contrast, in the case of men, the less favourably situated remain in school and consequently lower the average advancement rate for men.

Gross and net coverage in public primary education for males and females, 1998–2002

	<i>Coverage</i>			<i>Coverage</i>		
	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
1998	95.1%	99.0%	97.0%	85.6%	87.7%	86.7%
1999	95.0%	98.2%	96.6%	86.1%	87.9%	87.0%
2000	96.1%	99.0%	97.6%	86.3%	87.6%	87.0%
2001	97.7%	99.8%	98.7%	87.7%	88.1%	87.9%
2002	98.0%	99.8%	98.9%	88.0%	88.1%	88.0%
Annual var., %	0.8%	0.2%	0.5%	0.7%	0.1%	0.4%

Source: SIE.

195. Pupils begin to drop out of school at around the age of 10 or 11, a phenomenon that is more pronounced in the rural areas. Females abandon school more rapidly than males from the age of 13 or 14. At 17, only 43 per cent of young people living in the rural areas and 67 per cent of those living in the urban areas are still attending school.

196. In addition there still persist problems related to girls dropping out of school during pregnancy, pupils falling behind their year and advancement granted so that female students should continue to progress through the successive years of schooling. The drop-out rate during pregnancy, despite the reduction demonstrated between 1997 and 1999, remained relatively constant from that point up to 2002.

Drop-out from school

197. Analysing the drop-out rate by year, it can clearly be seen that the seventh year of primary education and the first of secondary have high drop-out rates. However, the drop-out rate for the first year of primary education is also remarkably high: in fact it is the highest of the first five years of primary education.

198. Up to the fifth year of primary education there are not major differences in the drop-out rate among males, a phenomenon that is still more marked during the entire secondary level. Looking at the geographical areas, it can be observed that drop-out is higher in the rural areas in all school years.

199. The high level of pupils falling behind their year arises in the first year of primary education as a consequence of late entry into schooling, and here there is no difference between males and females. Starting from the third year of primary education it starts to become more pronounced in males, and this pattern continues until the end of secondary education. This does not mean that it is only a minor problem for females: it still exists, but to a lesser degree (33 per cent for males and 25.9 per cent for females in the fourth year of secondary education).

Secondary and higher education

200. Development of secondary education is promoted fundamentally through the ongoing establishment of schools in response to natural growth.⁷ The Regulation on Educational Units (article 4) lays down that "The newly formed educational unit shall gradually expand the levels offered over the number of years that are needed to complete the levels". There is an increase in demand but the rural areas do not have sufficient secondary schools to meet it, which frequently means that the possibility of offering children higher levels of education is one of the reasons for migration towards more populous centres.

201. Only 15 per cent of the population of the age to attend secondary education succeed in completing it, and only 5 per cent subsequently achieve a university degree.⁸ However, it should be pointed out that the rate of drop-out from secondary school has been showing a downward trend since 1994, although it is still high.

202. In conclusion, there have been important advances towards ensuring the right of children and adolescents to development by way of education. Those who benefit most from this process are the boys and girls attending primary school. Also

⁷ Ministry of Education, Culture and Sport.

⁸ UNICEF, 2001.

important is the sustained effort to improve access in rural areas and to implement the curriculum with both an intercultural approach and a gender approach. The gender difference is shrinking, including in the rural areas.

203. At the current time the greatest challenge consists in improving the quality of the teaching and applying new procedures in programmes to reduce drop-out and guarantee that children remain in school. Also, an increase in the coverage of the initial cycle can be observed. The Early Education Programme, directed towards boys and girls under six years of age, depends on external resources in order to be able to operate and is thus not assured of sustainability. Expanding the reform to the secondary and initial cycles of education, starting in 2003, will make it possible to take further steps in the process that has been started.

204. An important advance of the 1997-2002 administration was the widening and deepening of the educational reform. This reform, within the framework of the principles of non-discrimination, the higher interests of the child and respect for his or her opinion, has introduced new concepts in educational philosophy and in rules and regulations, with the result that there has been an improvement in the administration of the system, in the quality of the teaching staff and in the promotion of citizen participation. The new curriculum has progressively incorporated cross-cutting approaches to citizenship, gender, abuse and human rights.

205. The culture existing in the country, however, still places obstacles in the way of the right of children and adolescents to express themselves freely, to develop in conditions encouraging participation and free of violence, and to further their intellectual development. Access to information has actually increased with the opening-up of a globalized society rather than as a result of specific policies in this field.

206. The objectives of education are as follows:

(a) To guarantee solid and ongoing training of our human resources, through dynamic instruments, in order to place education in Bolivia at a level appropriate to the demands of the processes of change in the country and the world;

(b) To organize a national educational system capable of renewing itself and of improving its quality on an ongoing basis, in order to satisfy the changing needs for learning and development in the nation and to incorporate technological and scientific innovations; creating instruments for monitoring, tracking and evaluation, with special emphasis on measurement of quality, as well as instruments of educational information and research;

(c) To improve the quality and efficiency of education; making it relevant to the needs of the community, widening its coverage, increasing the number of students who stay in the school system and guaranteeing equality of rights for males and females;

(d) To organize a full range of educational activities offering multiple and complementary options that will allow the student to learn for himself or herself, in a process of continuous self-improvement;

(e) To build an intercultural and participatory educational system that provides access to education for all Bolivians, without any form of discrimination;

(f) To achieve the democratization of the educational services, from full coverage at the primary level to a significant widening of coverage in secondary education, by developing actions that promote equality in access, opportunities and achievements in education, giving preferential attention to females and the less favoured sectors and affirming the decisive role played by public education in achieving these goals;

(g) To support institutional and curricular change in higher education;

(h) To foster children's and young people's interest in manual, creative and productive work, facilitating their vocational learning in all of the specializations needed for the development of the nation.

207. Strategic health plans approved:

- National Plan for Safe Motherhood and Childbirth (2004-2008), intended to contribute to improving the conditions of life and health of pregnant women and newborns in conformity with the National Programme for Sexual and Reproductive Health. Its goals include:
 - Reducing maternal mortality by 40 per cent by the year 2008, and by 75 per cent by the year 2015, relative to 1990 levels;
 - Reducing neonatal mortality by 10 per cent by the year 2008, relative to the levels in the 2004 ENDSA survey;
- National Plan for Control of Cervical Cancer (2004–2008), intended to reduce mortality due to cervical cancer by 15 per cent for every 100,000 women by 2008. Its goals include:
 - Increasing detection coverage to 30 per cent by 2008;
- National Plan for the Comprehensive Health and Development of Male and Female Adolescents (2004–2008). Its goals include:
 - Contributing to the improvement of the comprehensive health and development of male and female adolescents by promoting healthy lifestyles, within the framework of citizen rights and with respect for the country's ethnic and cultural diversity;
 - Reducing by 20 per cent the number of unwanted pregnancies among adolescents between 15 and 19 years of age;
 - Increasing by 25 per cent the knowledge of preventive practices having to do with sexually transmitted infections, HIV/AIDS and sexual and reproductive health;
 - Reducing the prevalence of HIV/AIDS in adolescents;
 - Increasing by 50 per cent the rate of condom use among the adolescent population using birth control methods;
 - Increasing by 50 per cent the detection, treatment and referral of cases of sexual and gender violence in educational, medical and legal establishments, and increasing care for its victims by the same amount;
 - Increasing knowledge and healthy practices relating to sexual and reproductive health;

- Developing a communication strategy to prevent the consumption of narcotics, as well as to prevent sexually transmitted infections, HIV/AIDS, early pregnancy and sexual violence.
- National Contraception Plan (2004–2007), intended to bring about a 30 per cent reduction in the unsatisfied demand within the population for the use of contraceptive methods.
- National Plan against Sexual Violence (2004–2007), intended to assist in reducing sexual violence and its consequences for female adolescents, girls, and boys, taking a comprehensive approach based on gender equity and sexual and reproductive rights, as a component of human rights. Its goals include:
 - Making the health services be part of an integrated approach model, taking into account aspects of gender, age and interculturality to respond immediately and appropriately to cases of sexual violence.
- National Plan for Comprehensive Health for the Under-Fives (2004-2008), intended to reduce morbidity and mortality of children under the age of five by implementing strategies for the integrated care of common childhood illnesses and the Universal Maternal and Infant Insurance scheme (SUMI) within the health system.

Article 11

208. The Political Constitution of the State stipulates, in article 7, paragraphs (d) and (j), the right of all persons to work and engage in trade or any legal activity, provided that this does not infringe the collective good, as well as to receive a fair remuneration, and makes no distinction between men and women. Article 8 of the same fundamental law makes it obligatory for every person to work in line with their capacities and possibilities.

209. Paragraph (k) of the same article recognizes the right of every person to social security, and articles 97 and 98 of the General Labour Act establish protection of workers in cases of occupational hazard, and compulsory social security at the employer's expense. This is in line with articles 39 to 41 and 66 to 69 of the Social Security Code.

210. Article 59 of the General Labour Act prohibits the employment of women and minors on hazardous, unhealthy or heavy work and in occupations detrimental to their morals and decency. However, it has to be recognized that there are not sufficient mechanisms to put that provision into effect, and in addition the economic and social conditions currently affecting the country make it difficult to enforce.

211. Law No. 975 of 2 March 1988 stipulates that a woman cannot be dismissed between the start of a pregnancy and one year after the birth of her child. Infringement of this rule constitutes an offence under the law on social affairs, which is subject to appropriate penalties and fines.

212. Furthermore, article 61 of the General Labour Act grants pregnant women 45 days of prenatal and 45 days of post-natal leave, with the right to retain their job and to draw 100 per cent of their salary, and additionally the right to short breaks during the working day for purposes of breast-feeding, for one year after the birth of the child.

213. Article 62 of the same law provides for the compulsory establishment of rest rooms with cots in companies with more than 50 workers, in accordance with articles 56 and 57 of the decree implementing the law, but this measure is not observed by some companies. In order to evade the rule they prefer to hire a greater number of male workers, or alternatively to ascertain that the women are not pregnant or do not have small children. Such cases are not reported by the female workers, out of fear of finding themselves without a source of work.

214. Law No. 975 also provides, in its article 2, that those pregnant women who are performing tasks involving a degree of effort such as to impair their health, have the right to special treatment, allowing them to carry out appropriate activities without any impact on their wage level nor on the location of their workplace. This rule is observed by the majority of employers. If there are reports to the contrary, the Ministry of Labour is responsible for dealing with them.

215. Within the Ministry of Health there is a Directorate for Social Welfare and Health Insurance, which is governed by rules and regulations.

216. Working women have the right to join short-term social security scheme in their own right, or as beneficiaries if they are in a state of dependency through being married.

217. That body is responsible for all coverage in terms of health and family allowances under the long-term social security scheme, as well as the right to draw a pension upon retirement.

218. With regard to the civil service, from the year 1999 to the present, Bolivia has seen the enactment of important instruments that regulate the various aspects of the civil service, making no distinction as to gender. Among these, we may cite Law No. 2027 of 27 October 1999, which gave approval to the Statute of Public Officials. This law was promulgated pursuant to article 43 of the Political Constitution of the State, on the basis of the fundamental principle that public officials are exclusively the servants of the interests of the community as a whole and not of any special interests or any political party. The statute itself entered into force on 19 June 2001, as a result of the regulatory measure on its applicability enshrined in Law No. 2104 of 21 June 2000.

219. The object of Law No. 2027 is to regulate the relationship of the Government with its public servants, to guarantee the development of the public service career and to ensure dignity, transparency, efficiency and an attitude of service to the community as a whole in the exercise of civil service functions, as well as the promotion of efficiency and productivity in their performance.

220. Among the most important aspects of the Statute of Public Officials we may cite:

- (a) Classification of public servants, who may be elected officials, appointed officials, independent technical advisers, career officials or temporary officials;
- (b) Recognition of rights for all public servants and of specific rights for career officials;
- (c) Stipulation of duties and prohibitions to which public servants are subject;
- (d) Establishment of a public ethics system;

(e) Stipulations on the responsibility for the civil service and disciplinary system, which were established earlier by Law No. 1178 and Supreme Decree No. 23318-A;

(f) Establishment of the public service career, which guarantees the stability of the civil service on the basis of merit and dependent upon performance. The career is managed through the personnel administration system;

(g) Establishment of working conditions, in which are laid down provisions relating to working hours, absences, leave, including leave for marriage or the decease of parents, spouses, siblings or children, vacations and remuneration;

(h) Stipulations on the declaration of assets and incomes;

(i) Creation of the Office of the Superintendent of the Civil Service, the purpose of which is to supervise the arrangements for and management of the public service career in public bodies, falling within the scope of application of the Statute of Public Officials, by ensuring the application of the principles of efficiency and effectiveness in the civil service and the achievement of results based on the performance, dignity and rights of public servants.

221. Law No. 2104 of 21 June 2000 amended Law No. 2027, making changes relating to the provisions on the public service career in municipal governments, public universities, the promotion scale for the judiciary, and others; duties of public servants; function of the Office of the Superintendent of the Civil Service; and applicability of the Statute of Public Officials.

222. Supreme Decree No. 25749 of 20 April 2000 gave approval to the Regulation on the Partial Implementation of Law No. 2027, the function of which is to establish the scope of application, special rules, and working arrangements of public servants and those in the public service career, and the changes being made in the hiring of public servants. This relates both to the situation of temporary officials (who until Law No. 2027 entered into force were able to join public bodies without a process of public examinations), who henceforth will gain access to the public service career by way of competition and selection set up for that specific purpose, and to that of the officials who joined public bodies through a process of examination after the creation of the Office of the Superintendent of the Civil Service, who will have to undergo confirmation of their incorporation into that career.

223. Supreme Decree No. 26115 of 16 March 2001 gave approval to the Basic Regulations of the Personnel Administration System, the purpose of which is to regulate the personnel administration system and the public service career within the framework of the Political Constitution of the State. Also relevant are Law No. 1178 on Government Administration and Control and Law No. 2027 on the Statute of Public Officials and the corresponding implementing decrees. It is mandatory to use and apply these basic laws in all entities of the public sector included within the scope of application of both Law No. 1178 and Law No. 2027, as amended by Law No. 2104.

224. The subsystems that are regulated by Supreme Decree No. 26115 are: human resources, performance evaluation, personnel mobility, productive training and registration.

225. This Supreme Decree also regulates aspects related to the public service career established by Law No. 2027, which makes possible and promotes the creation of a

new culture of public service, by means of programmes of personnel administration, directed towards the selection, induction, training, evaluation, development, promotion, productive long-term career and dignified retirement of all career public servants.

226. The objectives of the public service career are to strengthen ethical values; to ensure rigorous selection of the personnel based on institutional requirements, merit, capability and probity; to grant incentives to stimulate productivity, performance, the productive long-term career and the occupational stability of public servants; to increase professionalization for the development of the civil servant; to establish options for pursuing a career in public service; to improve quality in the working environment and to provide for a dignified retirement of the career public servant.

227. It may be explained here that pursuant to the functions conferred by Law No. 2027, the Office of the Superintendent of the Civil Service, after verifying that all the requirements for the acceptance of candidates for a public service career have been complied with (as stipulated by Title III of Law No. 2027), registers the candidate and allocates him or her a registration number, thereby establishing him or her as an official within the public service career.

228. In this context, from the year 2002 up to the present, the Office of the Superintendent of the Civil Service has engaged 3,492 public servants in the public service career. Of these, 1468 are women, who enjoy, just like male career officials, all the rights recognized by article 7 of Law No. 2027, which include the right to steady employment, based upon the principles of recognition of merit, evaluation of performance, capability and equality; the right to enjoy a fair remuneration, in line with the responsibility involved in the position and the efficiency with which the work is performed; the right to enjoy vacations, absences, leave and other benefits; the right to receive the necessary protection with regard to hygiene and safety at work; the right to health benefits; the right to draw a retirement pension, as well as invalidity and survivor's pension for their successors; and others.

229. Also, those officials, both male and female, in the public service career, as well as candidates for it, enjoy the right to contest the administrative decisions that impact situations relating to their entry, promotion or retirement, or those that result from disciplinary processes, doing so through the twin resources of a motion to repeal and an appeal to higher authority.

230. In this context, and in line with the powers conferred by paragraph (a) of article 61 of Law No. 2027, the Office of the Superintendent of the Civil Service, since the year 2001 to the present, has resolved 549 appeals to higher authority, filed both by candidates to be officials in the public service career, and by career officials. Of these, 197 were filed by women, 44 by a group comprising both men and women, and 308 by men. Of the 549 appeals, 236 were resolved in favour of the appellants, of whom 92 were women, 16 were mixed groups and 128 were men.

231. The education sector, in which there are a significant number of women, currently enjoys favorable legal protection. The historical injustice relating to teachers who became pregnant has been corrected since 2002, by way of Joint Ministerial Resolution 001/02 and the related implementing regulations, with the provision that the Government would take on the payment for the replacement teacher. It is also providing payment of the maternity grant to female teachers. Additionally, and by virtue of Ministerial Resolution No. 457, the expulsion of

pregnant students from the national educational system is prohibited, regardless of whether the student is married or not.

Situation of women in the economic field

232. Although rules favourable to women are in existence, their progress on the economic front has not proved to be adequate. They continue to be disadvantaged, for reasons which are many and complex, and poverty is having a far greater impact on women than on the rest of the population. The causes for this are diverse, but with the structural adjustments in line with the free market model (1985), the degrees of poverty tend to become steadily worse and worse.

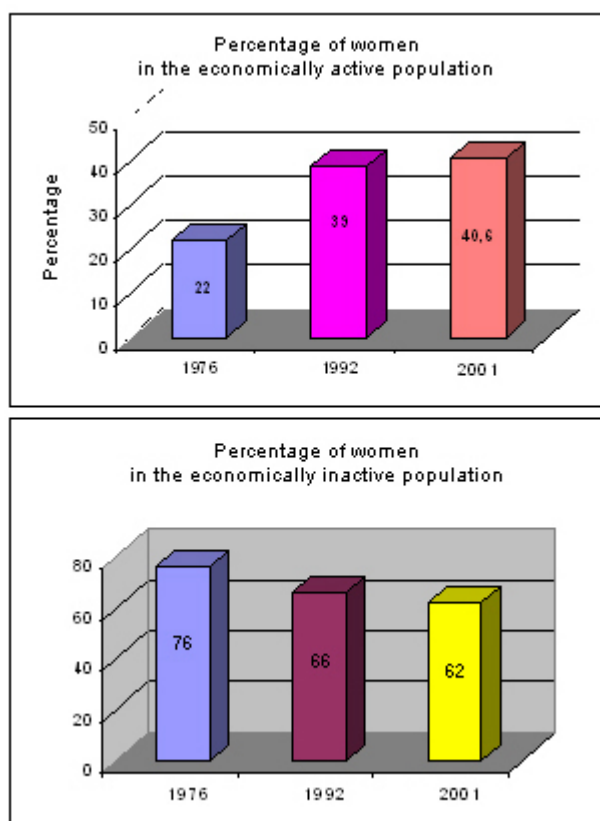
233. This situation is illustrated by the fact that by the year 2001 women accounted only for 40.58 per cent (INE; CNPV 2001) of the working population, by comparison with 59.42 per cent (INE; CNPV 2001) for men. That reflects an increase of 1 per cent relative to 1992.

Table 2

Ratio of the economically active female population

234. On the other hand, out of the population considered to be economically inactive (understood as the population declaring itself to be without paid work and not to be seeking paid work), 62.49 per cent (INE; CNPV 2001) are women, which demonstrates how women's contribution is rendered invisible, both in the area of domestic work and in agricultural work in the rural areas. Their contribution is not taken into account as work but rather as a role that is inherent to women in propagating society and the family.

235. With regard to employment, the sectors in which large numbers of women are to be found are precisely those in which the possibilities of having a high income are fewer, as is the case, for example, of shop assistants, office personnel and unskilled workers. In other words, women basically enter the labour market in those sectors where incomes are lower, which has to do with the levels of



training received by women, demonstrating that the degree of training and education provided for women continues to demonstrate gender discrimination, relegating them to situations of worsened poverty.

236. With reference to incomes, in all branches of activity women receive lower wages and salaries than men. This shows us that even when they have abilities equal to those of men, women do not receive the same salary compensation, once again revealing the discrimination against them. Furthermore there exists a cultural viewpoint which holds that because of their reproductive function, women are less suitable for work, it being held in the culture that maternity and domestic work reduce efficiency in terms of the use of time and utilization of abilities.

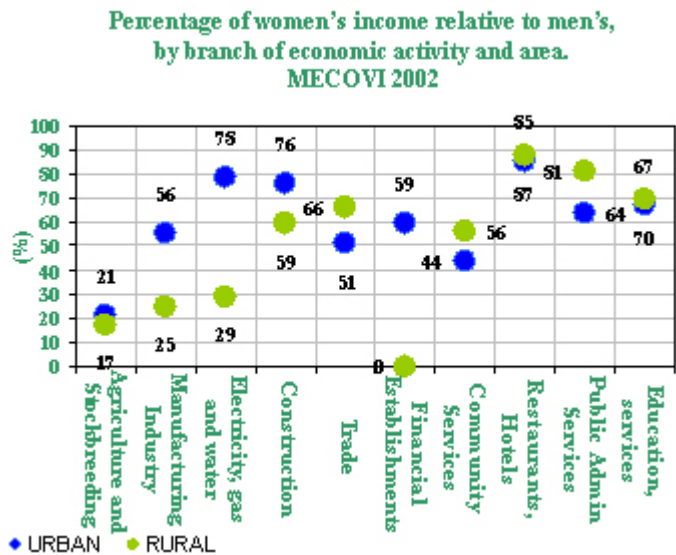
237. Productive employment comprises in and of itself a goal and a necessary condition for achieving economic development with equity. In this situation, gender segregation is entrenched in the labour market.

238. The disadvantaged situation of women in seeking all types of work is well-known, even when their level of education is similar to that of men. Their situation in the labour market is characterized by a smaller number of occupations, at a lower hierarchical and salary level. Thus two types of market are created, the first with occupations and positions that are “typically feminine” and the second with occupations and positions that are “typically masculine”.

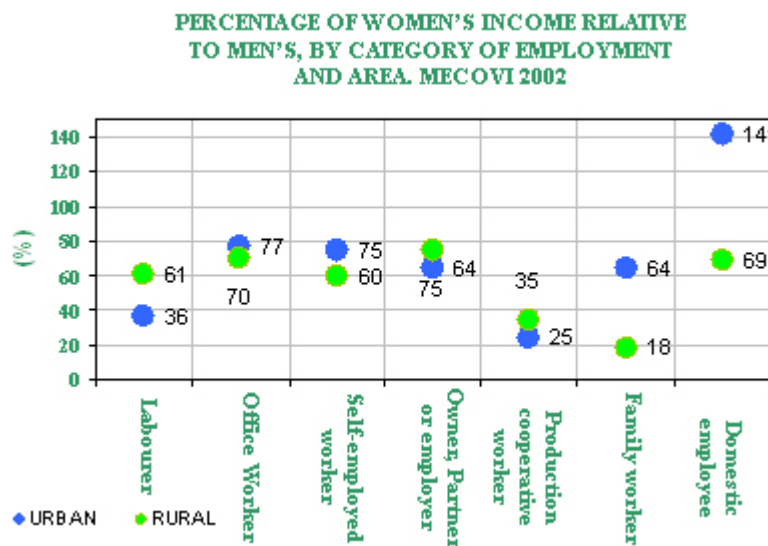
239. The make-up by sex of those working shows the gender-based labour segmentation. Women feature in the branches considered feminine (community; social and personal services, restaurants and hotels, trade, education) and men feature in construction, transport, mines and quarries. Thus the challenge that remains is to develop strategies that will place women in non-traditional working spheres.

Ratio of women’s income to men’s, by branch of economic activity

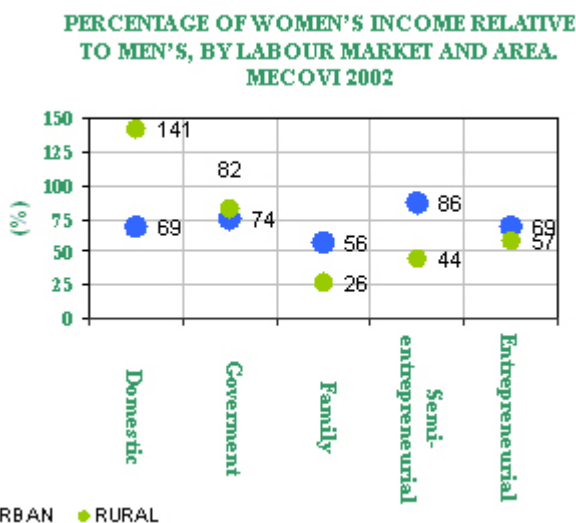
240. There is also a gender bias with regard to remuneration. For example if we consider manufacturing industry, women from the rural areas make only 25 per cent of the earnings of men.



In the category Occupation it may be observed that a female worker from the urban areas receives only 36 per cent of the amount received by a male worker from the same area.



In the case of the stratification by form of occupation it can be observed that a woman from the urban areas who is operating in the semi-entrepreneurial sector makes 44 per cent of the earnings of a man in the same sector.



Source: National Statistics Institute.

241. It may also be observed that women's average income from working, regardless of the branches or positions in which they are operating, represents approximately 54 per cent (INE; CNPV 2001) of the wages or salaries received by men. If to this situation we add the fact that wages and salaries in the most recent years have not increased, indeed, their purchasing power and their value relative to the dollar have been weakening, we see how the economic crisis is having its greater impact on women.

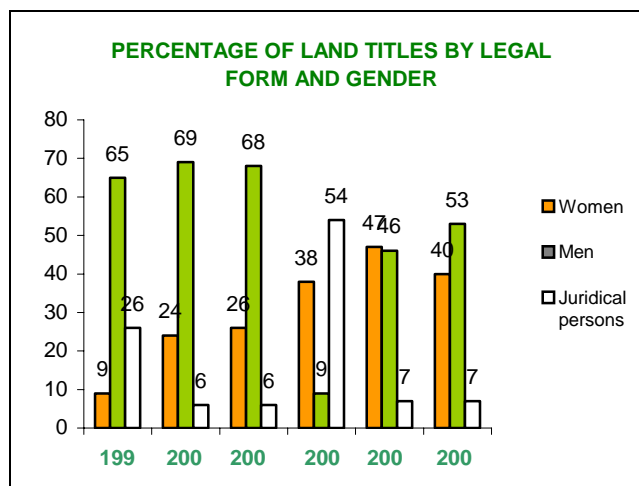
242. Starting with the economic crisis created by the free market economy, a greater number of women have entered the labour market, in order to provide for the continued survival of their families, which is now no longer possible just from the man's work, but their entry into the labour market has taken place under conditions unfavourable to them, primarily in the informal and agricultural sectors, with incomes below the national minimum (455 Bs., approximately \$US 57, INE; CNPV 2001), and without access to any type of worker protection or social security. While women have found themselves faced with the need to work, this major economic contribution to their families has not been matched by any redistribution of domestic work. This in turn has meant a double or even triple working day for women.

243. In the light of this situation, the Government of Bolivia has taken on the objective of improving the situation and condition of women by taking steps to strengthen their capacities, facilitating their entry into the labour market in a sustainable and equitable manner within the framework of the Government's economic plan, the Supreme Decree on the "Buy Bolivian" scheme, local economic development and other economic undertakings directed towards the more marginalized groups of the population, such as, for example, indigenous, native and peasant women. It has taken steps to insert gender considerations into the National Agricultural and Rural Development Strategy (ENDAR). Finally, the Government is promoting women's participation in access to, distribution of and control of land and property, within the framework of the national productive strategies (National Bolivian Productive Dialogue) and the process of creating the Constituent Assembly. However, the gap between men and women referred to above is wide, and it continues to be a challenge to implement policies that will make it possible to overcome it.

244. It has proved possible to incorporate the topic of the shortfall in women's condition and position into the public agenda, as well as to set up mechanisms and public policies aimed at reducing the obstacles to recognition of women's contribution and to equitable redistribution of the benefits of growth between men and women.

Ownership of land by legal form and gender

The advances in incorporating gender into the process of regularization are revealed in two ways: in the legal sphere and in the increase in women's access to ownership. By the end of 2004, 40 per cent of land ownership was in the hands of women, either as individuals or as joint owners.



Source: National Institute of Land Reform– Integrated Regularization and Titling System, 2004.

245. The actions undertaken by the Department for Women's Affairs in collaboration with bodies such as the Ministry for Peasant Affairs (MACA) or the Ministry for Indigenous and Native People's Affairs (MAIPO), on a basis of shared responsibility and coordinating the work within the National Agricultural and Rural Development Strategy and local economic development, are directed towards mainstreaming the gender perspective in social and economic policies, taking a multidimensional approach to poverty and adopting a concept of broad-based economic growth, making allowance for differences in gender, age, culture and ethnic origin, as a weapon in the fight against poverty.

Situation of working children and adolescents

246. The problem of working children and adolescents in Bolivia is not a recent phenomenon; in the past they were to be found in agricultural, domestic and craft work. However, starting from the 1980s, the widening gaps in economic and social equity, increasing levels of poverty, have impelled children and adolescents to enter the working world in considerably larger numbers, in particular in service and trading activities pursued in the public areas of the cities.

247. In total they amount to approximately 800,000, according to projections from the 1992 census, which corresponds to 32 per cent of the population between the ages of 7 and 19, and also represents 21.3 per cent of the economically active population .

248. Girls and female adolescents represent 26 per cent of the total of the child or juvenile working population.

249. Out of the total of working children and adolescents, around 232,000 live in the urban areas (29 per cent), of whom 174,000 (75 per cent) are to be found in the country's ten major cities. According to the International Labour Organization, the urban areas of Bolivia have a much higher percentage of working children than is found in other countries of Latin America.

250. Research undertaken indicates that the conditions in which children and adolescents are working frequently involve violence, abuse and discrimination, long working hours, low wages and a lack of social security. Many of the children do not have documents, their access to school and to health services is limited and they are exposed to disease. It has been calculated that more than 56 per cent of them either never attended school or else dropped out.

251. There are children and adolescents who carry out work considered hazardous, and under conditions of exploitation. This applies to sugar cane harvesting, work in mines, harvesting of brazil nuts and rubber-tapping. Also, the presence of children and adolescents is increasing in factory assembly, about which very little is known so far; in prostitution, primarily of girls; and in the production of pornography.

252. Given the scarcity of information, the laws prove in many cases to be inadequate or insufficient and in some cases even to run counter to the needs of these groups. This situation has led to the formulation and implementation of the Plan for the Progressive Elimination of the Worst Forms of Child Labour (2000-2010), intended primarily to help children and adolescents who work in sugar cane harvesting, in mines, in the harvesting of brazil nuts, who work in other people's

homes and who are sexually exploited. The project is supported by the International Labour Organization pursuant to its Conventions 138 and 182.⁹

253. Research has revealed that in Santa Cruz the sugar cane harvest involves more than 30,000 people every year, of whom 7,000 are children and adolescents. In Tarija the figure is 5,500, of whom 2,860 are children. This means that every year this activity involves, directly and indirectly, around 10,000 individuals from this segment of the population. Furthermore, in seven municipalities where mining activity is concentrated (both gold-mining and more traditional forms), it has been determined that there are approximately 3,800 child and adolescent mine workers.

254. A recent study on child labour in Bolivia (Ledo; INE 2003) demonstrates that in urban areas in which pre-capitalist production systems prevail, the entry of people into the labour market is not necessarily governed by criteria of productive efficiency nor by the logic of capitalist accumulation.

255. The domestic economy plays a predominant role here, taking the form of an “abundant tertiary sector” (Ledo; INE 2003) in which there is a very large representation of female adolescents, as evidenced by the fact that 85 per cent of girls and 89 per cent of female adolescents work. On the other hand, the activities included in the secondary sector are predominantly masculine (the areas of construction and industrial processing), and here the figures are 24 per cent of boys and 36 per cent of male adolescents. This distribution confirms the existence of a sexual division of work from an early age, with women taking up work in service activities, particularly domestic personal services.

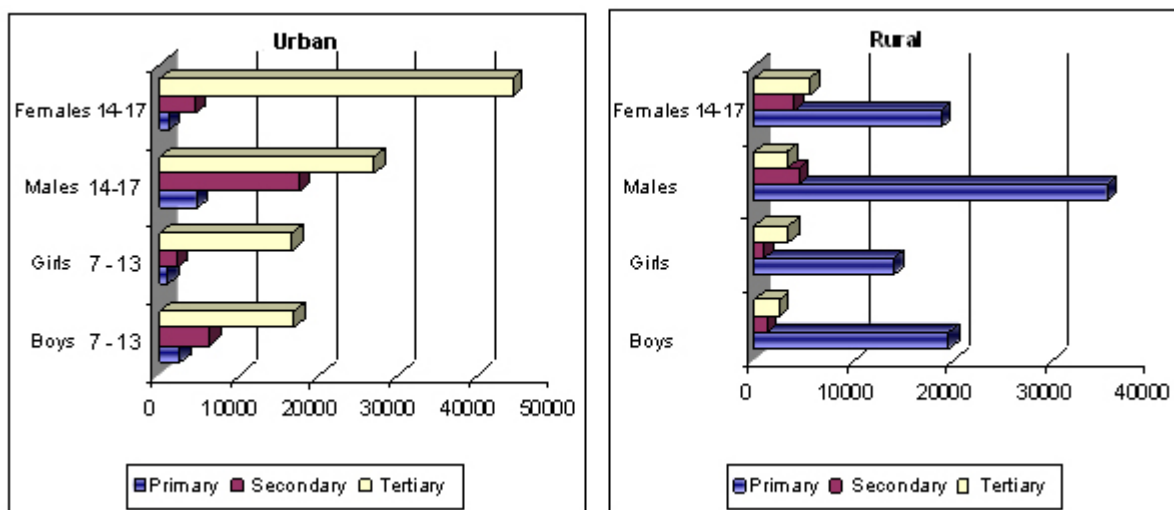
256. Studying the entry of children and adolescents into the labour market reveals that in the rural areas there is an absolute predominance of adolescents in the primary sector of the economy. Eighty-one per cent of adolescents between the ages of 7 and 13 are occupied in agricultural activities, with the differences in roles between the sexes not being as marked as it is in the urban areas.

257. In the rural areas, of the 77 per cent of children and adolescents who state that they are working in the primary sector, amounting to 88,000 individuals, 99 per cent work in agriculture (87,000 individuals), and 1 per cent work in the mines (750 individuals). In the urban areas the primary sector comes third in the order of importance (9,000 cases who state that they work in production, agriculture or mining). Ninety-five per cent state that they work in agriculture and 5 per cent work in the mines (525 cases). With involvement of children in activities covering prospecting for and working minerals being specifically prohibited in the Children and Adolescents Code, it is important to focus efforts in order to bring about compliance with this law.

258. Access to health and education services is limited for the children and adolescents that work in the street, being provided primarily through the Government, non-governmental organizations and churches. As a result of its living and working conditions, this population is continually exposed to communicable diseases, including gastro-intestinal, skin and respiratory illnesses, and in some cases to sexually transmitted infections.

⁹ These Conventions deal with the minimum age for admission to employment and the elimination of the worst forms of child labour.

Working children and adolescents by sex, economic activity and area of residence, 2001



Source: Ledo: Drawn up on the basis of data from the INE, Special Tables, National Population and Housing Census, Final results, 2001, La Paz, 2003.

Note: Appended in the annex is a table on the scale of the participation of children and adolescents in activities relating to retail trade and repair work, by area of residence and sex (2001).

259. Another activity that has been growing rapidly is that related to sexual violence against children and adolescents, through prostitution and the production of pornography, which are classified as criminal acts punishable by law.

260. There can be no doubt that the presence of working children and adolescents has revealed, on the one hand, the inability of the Government to resolve the socioeconomic problems that afflict the majority of the population, with the younger generations being the most affected, and on the other the productive capacity and economic input of this population, that have existed since the historical past and are not specific to these societies but are also found in others on the planet, including the “developed” countries.¹⁰

261. The National Plan is being implemented through the following lines of action:

262. The Code defines a working adolescent as one who carries out productive activities or services, by way of which he or she generates economic income and in some cases receives wages. Also considered a working adolescent is one who performs activities directed towards the satisfaction of basic needs to allow his or her own survival and the survival of the family, even if the adolescent does not receive an economic remuneration and there is no relation of worker to superior, since what is involved is work within the family or the community (article 124).

263. The minimum working age is 14, according to article 126 of the Children and Adolescents Code. The age at which compulsory schooling ends fluctuates between 10 and 12. Thus, the minimum working age of 14 does not have an impact on the ending of compulsory schooling. The Government of Bolivia has ratified

¹⁰ For further and more in-depth information on these aspects, see the study carried out by Liebel, M. “Infancia y Trabajo” [Children and Work]. Ifejant 2003.

Conventions 182 and 138 of the International Labour Organization, dealing with the worst forms of child labour and the minimum age for admission to employment.

264. In articles 125 and 126 of the same code it is laid down that all adolescents have the right to perform work that does not jeopardize their physical, mental or moral health, to labour protection, to comprehensive training and to vocational training. Hazardous work, that may place at risk the life, the health or the physical or mental integrity of the adolescent, is prohibited. Article 135 also lists among the prohibited forms of work those that take place in premises for obscene spectacles, places of entertainment for adults, and advertisements, films and videos that infringe the dignity of the adolescent. (article 133)

265. Article 134 also contains a listing of the types of work that are unhealthy, hazardous or likely to infringe the dignity of the adolescent. These are:

- (a) The transportation, loading and unloading of weights disproportionate to the adolescent's physical capacity;
- (b) Work carried out in quarries, tunnels, pitheads and in locations involving risk;
- (c) Loading and unloading using mechanical or electrical loaders, cranes or hoists;
- (d) Work as an engine-driver, stoker or other similar activities;
- (e) Work as a sprayer of herbicides, insecticides or substances that prejudice normal physical or mental growth;
- (f) Handling moving conveyors or belts;
- (g) Work with circular saws and other high-speed machinery;
- (h) Smelting of metals, fusing of glass or glassblowing;
- (i) Transport of glowing-hot materials;
- (j) Work carried out near the frontier which places the adolescent's life or health at risk;
- (k) Work carried out in premises for the distillation of alcohol, fermentation of products for the production of alcoholic drinks or the blending of spirits;
- (l) Production of white lead, red lead or other toxic colourants, and also the handling of paints, enamels or varnishes containing salts of lead or arsenic;
- (m) Work in factories, workshops or other premises handling, making or storing explosives, or inflammable or caustic materials;
- (n) Locations where there are commonly emissions of dust, gases, irritating vapours or steam and other toxic materials;
- (o) Locations with high temperatures or excessively low temperatures, damp or badly ventilated locations;
- (p) Work related to the harvesting of cotton, brazil nuts and sugar cane; and,
- (q) In general, activities that create risks to life, health, or physical or mental integrity.

266. The wage paid to adolescents may not be less than the national minimum wage (article 129), and they must receive all of the benefits stipulated by law (article 130), they may not be transported to another location to carry out work without the permission of their parents, nor may they be transported out of the country. (articles 127 and 128). The Children's and Adolescents' Defence Offices have the responsibility for ensuring compliance and for protecting adolescents from economic exploitation (article 126).

267. The maximum length of the working day for adolescents is eight hours, and a break of two days per week is mandatory. They may not work at night, they have the right to fifteen working days of vacation per year and if they have not completed primary or secondary education they must be given the necessary time in order to be able to attend an educational centre (articles 142, 147, 145 and 146). Those who work as employees enjoy the rights to organize and to participate in labour unions (article 137).

268. The Code also regulates the situation of self-employed workers (articles 149 to 152) and the system for work in the family (articles 153 to 156).

269. The Children's and Adolescents' Defence Offices are the institutions responsible for ensuring observance of the rights of children and adolescents, to which end they deal with complaints relating to any type of exploitation directed against children.

270. Using age as the category for defining work is not sufficient and does not reflect the reality in which children and adolescents are growing up, above all when aspects of a cultural nature are taken into account. These characteristics that make up the identity of these populations, as has been explained in earlier chapters, reveal the necessity to re-imagine the meaning of work and the application of the rules under the legislation currently in force. Because one of the consequences that is particularly damaging to boys and girls is their lack of protection under the legislation, since its coverage is restricted to adolescents older than 14.

271. The current legal framework is based on a theory of work. Account must be taken of the fact that the country's present reality is one of a major increase in the population working in the informal sector and independently, which represents a barrier to their access to social security.

272. Despite the efforts made and the progress demonstrated to date in the sphere of gender equity, still the gap persists between men and women, as well as between the urban and rural areas.

273. The entry of children and adolescents (primarily females) into the working environment is due primarily to the gaps in economic and social equity that have increased levels of poverty.

274. While at the present time there does exist a legal instrument governing the twin resources of a motion to repeal and an appeal to higher authority, by way of which both candidates for the public service career and officials already in it can challenge decisions that are solely related to their income, promotion or retirement, or those arising from disciplinary processes, there is no law to regulate the working arrangement established in Title IV of Law No. 2027 on the Statute of Public Officials. This situation makes it impossible for the Office of the Superintendent of the Civil Service to handle complaints or disputes relating to that arrangement.

Article 12

275. From 1996 onwards, the Ministry of Health and Sport has initiated a process of giving structure to gender mainstreaming within the actions and policies specific to this sector, and furthermore a tripartite intersectoral coordination system involving health, education and gender has been created.

276. The National Maternity and Childhood Insurance scheme was introduced, intended to improve the provision and quality of basic services in health, especially for women and children. Subsequently, in the health reform process, the Basic Health Insurance scheme was implemented, with free benefits for children up to the age of five. This insurance was in force until the end of 2002, when a Law of the Republic instituted the Universal Mother and Child Insurance scheme which increased the financing and widened the coverage of the benefits. The Public Health and Social Security Centres are required to provide these services, and to do so free of charge. The same obligations apply to those health centres of NGOs and of churches that have signed agreements with the municipalities.

277. This policy thus continues on from that of the administration of 1997, which was the period when the health reform was initiated and the Strategic Health Plan drawn up.

278. The Basic Health Insurance scheme constitutes a Government policy framed within the Strategic Health Plan, and contains a package of primary health benefits, that increased in number from 32 in 1997 to 92 during the 2002 administration, at which time it was terminated and superseded by the Universal Maternal and Infant Insurance scheme.

Universal Maternal and Infant Insurance scheme (SUMI)

279. Drawing on the experiences of the National Maternity and Childhood Insurance scheme created by Supreme Decree No. 24303 of May 1996, as well as of the Basic Health Insurance scheme created by Supreme Decree No. 25265 of 31 December 1998 (entered into force on 31 December 2002), Law No. 2426 of 21 November 2002 established the Universal Maternal and Infant Insurance scheme (SUMI). This has been in force throughout the entire Republic of Bolivia as from 1 January 2003, with coverage at national level.

280. The SUMI provides universal, comprehensive and free coverage; it provides benefits to expectant mothers from the beginning of pregnancy until six months after the birth and to children from their birth up to the age of five. The benefits provided by the SUMI cover prevention, treatment and rehabilitation and include: comprehensive outpatient care; hospitalization; additional diagnostic services and medical and surgical treatment; supplies, essential medicines, and traditional natural products; transportation in the case of referral or counter-referral, emergency gynaecological or obstetric and pediatric care at the levels of care provided by the national health system and the short-term social security scheme. Provision is made for Bolivian traditional medicine where the usages and customs of the indigenous, native and peasant peoples are to make use of it.

281. Owing to their high cost, low incidence and, in some cases, a lack of technology, the following benefits are excluded from the SUMI: artificial limbs, orthodontics, plastic surgery; chemotherapy, radiation therapy and cobalt therapy; organ transplants; diagnosis and follow-up of chromosomal pathologies and other

dysmorphic syndromes; rehabilitation after infantile cerebral paralysis; and other congenital malformations not specified in the lists of benefits.

282. The SUMI is an effort specific to the country that is financed from national resources, coming from three sources.

- The General Treasury of the Nation.
- National taxes.
- The National Solidarity Fund with resources from the Special Account of the National Dialogue 2000 (HIPC II resources, external debt relief programme).¹¹

283. The SUMI and the health reform have jointly played an important role in improving the conditions of life in the country. According to information contained in the Bolivian Poverty Reduction Strategy¹² the achievements are remarkable, especially in the increase in the rate of births in health establishments, which in 2003 reached 55 per cent for the country as a whole, with the rate of maternal mortality going down from 390 women per 100,000 live births in 1994 to 229 women per 100,000 live births in 2003; however it is important to point out that the rate continues to be fairly high.

Rules on food and nutrition established for pregnant women.

284. Fortifying foods with micronutrients for pregnant women and women of childbearing age, addition to the diet of vitamin A capsules and iron sulfate tablets for puerperas and pregnant women. Communication strategies concerning micronutrients (iron, folic acid, vitamin A), primarily aimed at women. Tracking and monitoring of the nutritional status and susceptibility to anaemia of pregnant women during prenatal checks.

285. Currently, the Ministry of Health and Sport is working on the basis of the principle of not only considering women as beneficiaries of the health systems but also of seeking to re-imagine them as participants in decision-making on health services, thereby pursuing their empowerment and thus improving their conditions of health and quality of life. It is a fact in Bolivia that it is women who have the greatest need of health services, and they are also to be found in population groups that are among the poorest. Furthermore, it may be noted that in contrast to men, women find themselves in the jobs with the lowest remuneration, prestige and decision-making power within the formal system, and it is also women who are the principal providers of care within the family and those primarily responsible for the health of the family.

National Programme of Extension of Health Coverages, the EXTENSA programme

286. This programme is a part of a strategy established by the Ministry of Health and Sport in order to break with the exclusion in health of numerous groups of the population located in rural and marginal urban communities throughout the country, with the objective of widening health care. It focuses its actions on municipalities

¹¹ *Caracterización de la Exclusión en salud en Bolivia* [Description of health exclusion in Bolivia] Social and Economic Policy Analysis Unit - PAHO/WHO, p. 73.

¹² Bolivian Poverty Reduction Strategy. 2000.

and communities selected for their levels of poverty, difficulties of access, high population dispersion and through being composed primarily of indigenous, native and peasant peoples.

287. At the same time, the programme is developing actions directed towards strengthening of local health administration, seeking an effective implementation of the management model with a view to creating a model of integrated care, that combines the healing capacity of the health establishments with that of traditional medicine, based on an intercultural approach.

288. Furthermore, the reproductive health indicators demonstrate the urgent need to intensify education on sexuality. At the present time the Law on Sexual and Reproductive Rights is blocked in the legislature.

Indicators on childbirth to adolescents (1998–2003)

	<i>Percentage</i>	<i>Source</i>	<i>Percentage</i>	<i>Source</i>
Percentage of pregnancies among girls under the age of 18	22%	ENDSA 1998	15.70%	ENDSA 2003
Percentage of children under the age of 3 years receiving exclusive breastfeeding for the first 6 months	33%	ENDSA 1998	54%	ENDSA 2003
Percentage of newborns with low birthweight	10%	SNIS 2000	11%	SNIS 2003

Primary prenatal and post-natal care; maternal mortality

289. The Code lays down in its article 15 that it is the responsibility of the Government to protect maternity by means of health units that provide care free of charge in the prenatal and post-natal phases, providing specialized medical treatment, medicines, supplementary examinations and nutritional support. These services will also be provided to pregnant women who are in prison.

290. The percentage of pregnant women with four prenatal checkups¹³ increased from 29 per cent to 33 per cent between 1999 and 2000; additionally, the coverage of births in a health establishment increased between 1997 and 2001 from 39 per cent to 54 per cent.¹⁴

291. The prevalence of anaemia in pregnant women and women of childbearing age is 27 per cent and 28 per cent respectively. These are the levels observed in 1998 by ENDSA and are the baseline from which future measurements will be taken.

292. With respect to maternal mortality, the information available comes from the National Demographic and Health Survey (ENDSA) for the year 1994, showing that between 1989 and 1994 maternal deaths went down from 416 per 100,000 live births to 390 per 100,000 live births, representing a reduction of only 6 per cent and

¹³ Total pregnant women with 4 checkups / Total pregnant women with a first prenatal checkup.

¹⁴ National Health Information System. 2000.

a major setback to achievement of the target of a 50 per cent reduction. According to ENDSA 2003, maternal mortality is at 230 per 100,000 live births, which would be a reduction of 46 per cent.

293. The insurance schemes (Basic Health Insurance and SUMI) have improved the conditions of access of the population to these services. A total of 314 municipalities have signed agreements to implement this. There are projects with resources from international cooperation throughout the country: National Reproductive Health project, Health Sector Reform project, and Maternal and Neonatal Health project. Implementation is being started of the Sexual and Reproductive Health programme and the National Forum on Sexual and Reproductive Health is in place as an interinstitutional and intersectoral coordinating body.

Sexual and reproductive health; adolescent pregnancy

294. The National Reproductive Health programme (2004-2008) was approved by way of Ministerial Resolution No. 56 on 19 February, and represents the national policy for reducing maternal and neonatal mortality, with a plan aimed at comprehensive care that seeks to achieve safe maternity and delivery and includes comprehensive care for the health of male and female adolescents, placing considerable emphasis on sexual violence. Within the Ministry of Health and Sports there is a National Programme for Sexual and Reproductive Health that through the actions defined in a National Plan (2004-2007) has as its objective "To contribute to the improvement of the health and comprehensive development of male and female adolescents, by promoting healthy lifestyles, within the framework of their rights and respecting their ethnic and cultural identity".

295. Adolescence is an especially critical stage owing to the changes that take place, both physical changes and changes in personality. Morbidity and mortality are not frequent in this stage, and, if they do occur, are due primarily to accidents. This is an age that is highly vulnerable to sexually transmitted diseases, as well as to drinking and smoking, and to unwanted pregnancies. Adolescent pregnancy and maternity are associated with poverty and are accompanied by undernourishment and risks during pregnancy and childbirth.

296. The activities directed towards adolescents are still insufficient; however, efforts have been made to improve this situation through the National Programme for the Adolescent. Below, we are able to give some figures concerning the present situation in the health of male and female adolescents:

- Maternal mortality and neonatal mortality among adolescent mothers aged between 15 and 19 has been reduced by 10 per cent.
- The number of unwanted pregnancies in the adolescent population has been reduced by 20 per cent, and understanding of preventive practices in relation to STIs, HIV/AIDS and sexual and reproductive health has been increased by 25 per cent.
- The prevalence of HIV/AIDS in adolescents has been reduced.
- There has been a 50 per cent increase in the rate of usage of condoms within the adolescent population that uses contraceptives.
- The occurrence of a second pregnancy in adolescents between 15 and 19 years of age has dropped by 20 per cent.

- There has been a 50 per cent increase in the detection, treatment and referral of cases of sexual and gender violence in educational, medical and legal establishments, and care to the victims has increased by the same amount.
- A strategy of healthy practices relating to sexual and reproductive health has been developed.

297. At the national level, knowledge of contraceptive methods is relatively high among men and women in Bolivia. Almost 90 per cent of women of childbearing age, and of men between 15 and 64 years of age, have heard about at least one method, and this is due in large measure to the campaigns that have been undertaken.

298. Recruitment of users of planning family methods, on the basis of women who attended prenatal check-ups,¹⁵ has increased from 38 per cent to 46 per cent.

299. Furthermore, the health services have introduced, between 1994 and 1996, measures intended to prevent the consumption of controlled substances and to promote sexual and reproductive health.

300. In the past twelve years various health plans have been formulated, including: the Strategic Health Plan, which placed emphasis on sexual and reproductive health; the National Plan for Accelerated Reduction of Maternal, Perinatal and Infant Mortality, which tackled maternal mortality, recognizing the gravity of the health situation of women in Bolivia, and introduced the concept of the right to health and the right of women to decide about their own sexuality and to participate in decision-making, as a part of sexual and reproductive health; the Strategic Health Plan to Combat Poverty, covering the aspects of family medicine, domestic violence, basic health insurance and national mental health, that recognized inequalities and ethnic, gender and age discrimination, seeking an intersectoral and cross-cutting approach; and the National Health Plan (2002-2007), that provides for the creation of the Universal Maternal and Infant Insurance scheme (SUMI), directing investment towards the building of health networks that include the three levels of care through the process of health reform, within a decentralized framework, linking the health system with popular participation and seeking to integrate the component of interculturality into the health sector, as the absence of this component has always been one of its greatest shortcomings.

301. In August 2002 the Ministry of Health and Social Welfare issued Ministerial Resolution No. 0422, which ordered the creation of the National Gender and Violence Unit, that subsequently, as a consequence of the Executive Power Organization Act, No. 2442, of March 2003, became the National Programme on Gender and Violence, under the Directorate-General for Health Services.

302. The mission laid down for the National Programme on Gender and Violence is as follows: "Generation of policies, laws and strategies that will contribute to reducing the occurrence of all types of gender violence and inequities; and their dissemination, application and proper monitoring with efficiency, responsibility and commitment, with a view to improving the health both of the population in general and of vulnerable groups within the community".

¹⁵ (new users / new prenatal consultation) x 100. National Health Information System 1997 and 2000.

303. The policies on health directed towards women include the National Programme for Sexual and Reproductive Health (2004-2008), that aims to provide essential obstetric and neonatal care, including contraceptive services and skilled attention for pregnancy, childbirth and complications, as well as care for infections and diseases of the reproductive system for schoolchildren and adolescents and the victims of sexual and gender violence. In order to carry this programme forward, three plans have been established:

- National Plan for Safe Motherhood and Childbirth: this is directed towards reducing the levels of maternal and infant mortality; it follows on from and reinforces the Universal Maternal and Infant Insurance scheme (SUMI) and calls for unity, a collaborative approach, optimization of resources, integration of technical aspects and programmes, consideration of the intercultural aspect, reorganization of systems and the inclusion of civil society, so that in conjunction with the health personnel it shall guarantee continuity in care and services for pregnant women.
- Plan on Sexual Violence: this is set up as an instrument for guidance and follow-up in order to deal with this issue on a basis of institutional responsibility and in collaboration with other sectors that also watch out for the physical and psychological integrity of persons. The plan seeks to strengthen the health service networks, with regard to care for victims of sexual violence; to contribute to the collaborative operation of the service networks and the social networks so as to provide for an integrated approach to sexual violence; to promote the empowerment of women, adolescents, children and persons with special needs, so that they can exercise their rights with regard to prevention, detection and reporting of sexual violence and care for its victims.
- National Plan for Control of Cervical Cancer: cervical cancer is the principal cause of death in adult women in our country, and its incidence is much higher in women who live in conditions of poverty and exclusion, despite the fact that detection, diagnosis and treatment of this disease in its early stages is relatively simple and effective. This plan is the result of numerous discussions and evaluations, and it comprises an instrument for the regulatory and operational decisions not only of the health services but also of other actors such as volunteer associations, non-governmental and community organizations, and cooperation agencies.

304. Additionally, the high rates of infant and maternal mortality (the principal causes of maternal mortality in Bolivia are haemorrhages, lack of appropriate care and mishandled abortions), have resulted in the creation of the Universal Maternal and Infant Insurance scheme (SUMI) as a leading policy of the sector, administered decentrally by the municipal governments. Creation of this scheme has resulted in a major increase in coverage of maternal health services, allowing women access to modern and high-quality health services.

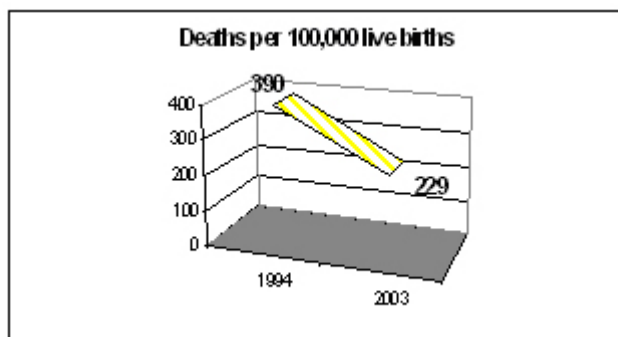
As a result of the widening of the sexual and reproductive health services, it can be seen that the total fertility rate in accordance with the National Survey on Population and Health (ENDSA, 2003) has gone down from 4.8 children per woman in 1994 to 3.8 children per woman in 2003. This has come about through a better awareness among women of family planning methods, as is shown by the figure of 78 per cent of women using birth-control methods in 2003, as against 69 per cent in 1998 (ENDSA 2003). This demonstrates how a widening of the knowledge of family planning methods, the result of public policies and the work undertaken by non-governmental organizations, is allowing women to have fewer babies than before, with such family planning practices being related to a greater autonomy for women with regard to their own bodies. This is enshrined in the law on Women's Sexual and Reproductive Rights, the objective being to give women the right to a higher quality of life.

Birthrate and knowledge of contraceptive methods

Year	Birth rate, children per woman	Percentage of knowledge of contraceptive methods in women
1994	4.8	69%
2003	3.8	78%

Source: ENSDA

Table 12



Although maternal mortality continues to be high in Bolivia, it has decreased significantly. In 1994, the rate was 390 maternal deaths for every 100,000 live births, while for 2003, it is calculated that for every 100,000 live births, 229 women died (ENDSA 2003). This decrease is due in large

degree to the widening in the coverage of the health system, starting from the introduction of the Universal Maternal and Infant Insurance scheme (SUMI). As a result of this, 79 per cent (ENDSA 2003) of women received prenatal care and, of those, 70 per cent (ENDSA 2003) were attended by skilled medical personnel.

305. The existence of legal frameworks constituted by Supreme Decree No. 5315 (Regulation of the Social Security Code); the Health Code; the Pensions Act, No. 1732; and the Family Code Act, No. 996; Supreme Decree 24303 (Maternity and Childhood Insurance); the Universal Maternal and Infant Insurance (SUMI) Act, No. 2426, provides support to the interinstitutional effort to reduce the difficulties in the way of achieving the objective of mainstreaming gender into national health policies, thus furthering women's access to health services.

306. There has been increasing recognition of the importance of the gender perspective, with health policies focusing their actions on providing a response to the high rates of maternal and infant mortality, the high fertility rate and the low life expectancy of men and women, and with the central focus being on women, particularly poor women.

307. Significant strides have been made towards ensuring access to health services for the population in general, and access in particular for women to health promotion, disease prevention and curative care services. This has had the effect of improving the coverage and quality of the health services.

308. Despite religious and moral prejudices there has been clear progress in making reproductive health one of the priorities, through expanding acceptance of it in both urban and rural areas, and thus providing women with the possibility of making decisions about their own bodies.

309. However, one of the main obstacles to the further development of the health sector is the scarcity of human resources, that translates into a limited capacity to provide care in rural areas. In general, supplies are scarce and personnel insufficiently trained. The shortcomings of the administrative personnel create obstacles to more efficient management and reduce the impact of care. In general there is a lack of coordination, duplication of functions, and scarce response capacity in the service-providers, all of which reduces efficiency.

310. Another aspect that requires urgent attention is the fact that the SUMI scheme covers women only during their child-bearing years. Consequently, a policy has to be developed and economic resources applied to permit a lifecourse approach to women's health.

311. There is a demand for the inclusion in women's health services of screening for and detection of diseases such as cervical cancer, breast cancer and osteoporosis, and the provision of specialized care for women that takes account of their cultural and regional differences, so as to ensure quality, equity and equality in the delivery of care.

312. A large number of women are still unaware of their sexual and reproductive rights, lacking access to information or to care services of quality; women die for lack of care and the national health policy does not cover women's entire life cycle.

Article 13

313. On 22 September 2003, the Ministry of Health issued Ministerial Resolution No. 0570 which gave approval to the regulation on family allowances. This provides for the supply of dairy products, to a value equivalent to the minimum living wage, to all mothers who are insured or beneficiaries. This allowance initially benefits the mother and (indirectly) the baby, and subsequently remains as a benefit for the newborn until the end of the first year of life. The allowance is granted to all workers, male and female.

314. In the event that the employer does not comply with the provisions described above, or does not permit a worker to be a member of a health fund, it is the duty of the Ministry of Labour to ensure that the legal regulations laid down are observed.

315. In cases of divorce or separation, articles 15 ff. of the Family Code provide for family assistance to children and spouses (including common-law wives). In the

event of non-compliance with these regulations those responsible render themselves liable to imprisonment, as laid down in article 431 of the same code.

316. The various prisons in the country are holding a total of 209 persons for non-payment of family assistance (73 in Santa Cruz, 44 in Cochabamba, 3 in Oruro, 13 in Tarija, 6 in Beni, 6 in Pando, 27 in Potosí and 37 in La Paz). Those detained in such circumstances do not remain in prison very long, being released as soon as they have cleared the amount of assistance that they owe.

317. Family assistance remains an entitlement of the beneficiaries in the event of divorce or separation.

318. It is very important to recognize that the family allowances do not benefit all women, given that the majority of them are working on their own account and neither enjoy monthly salaries nor pay contributions to pension funds. Consequently, they do not benefit from social security either.

Article 14

319. Legally speaking, the indigenous and native rural women have the same rights as the rest of Bolivian women; however, the specific characteristics of their activities, which are primarily agricultural and directed towards the subsistence of their family, mean that the families earn only 18 per cent of their income in their places of origin, with 81 per cent of their additional income relating to places outside their communities.

320. This situation of working for their own account does not permit them to exercise the full extent of their rights, such as to benefit from health-related social security, family allowances, the right to prenatal and post-natal leave, or the pregnancy and nursing subsidy that initially benefits the mother and child, and then remains as a benefit for the newborn until the end of the first year of life. This benefit is granted to all workers, both male and female.

321. However, a national programme for extended health service coverage, known as EXTENSA, has been set up, under which services for pregnant women are provided taking an intercultural approach, through the work of health units in 3000 scattered and poor rural communities that lack access to regular health services.

322. In addition, a Plan for Nutritional Development of Women of Childbearing Age is being implemented, that will also be of benefit to children.

323. With the aim of providing rural populations with greater access to medicines, provision has been made for the installation of communal pharmacies.

324. The Universal Maternal and Infant Insurance scheme (SUMI) provides coverage at the national level, and is thus of benefit also to rural, indigenous and native women.

325. With regard to coverage in terms of water and sanitation in the rural areas of Bolivia, from a gender point of view, official data from the 2001 National Population and Housing Census 2001 reveal the following figures:

- (a) Rural women with access to basic services.
 - Drinking water: 743,125 women
 - Sanitation: 508,235 women

(b) Total coverage of basic services in the rural areas.

Drinking water: 46.38 per cent

Sanitation: 31.72 per cent

326. The lack of economic resources prevents any increase in the levels of coverage in water and sewage systems. While there do exist programmes and projects that are operating in rural areas, the data show that overall levels of coverage in the rural areas are still low.

327. At the present time evaluation is in progress on a ten-year National Plan for Basic Sanitation (2001–2010), by means of which it is hoped to increase the coverage in drinking water and sewage systems.

Part IV. Articles 15 and 16

Article 15: Political Constitution of the State

328. This lays down that every human being has juridical personality and capacity in accordance with Bolivian legislation and enjoys the rights and liberties recognized by the constitution, without any type of discrimination.

329. This same body of law stipulates in a specific chapter that the administration of justice in Bolivia is carried out through the judicial branch and is implemented by the Supreme Court of Justice of the Nation, the Constitutional Court, the Superior District Courts, the courts and judges having jurisdiction to hear questions of both fact and law, and other courts and jurisdictions established by law.

330. The constitutional precepts referred to above recognize women's rights as equal before the law; as well as their legal standing to act in legal proceedings, to sign contracts and to administer assets, without any form of discrimination.

Organization of the Judiciary Act

331. This legal measure, promulgated by means of Law No. 1455 of 18 February 1993, establishes the basic principles of judicial proceedings in Bolivia. These are applied without distinction to men and women. Among these principles, important ones are that proceedings shall have independence and legitimacy, that they shall be free of charge and open to the public, and that the courts will act with responsibility and in a spirit of service to the community, and with speed and honesty. These principles serve to guarantee access to the administration of justice in all courts and jurisdictions of the Republic.

332. Likewise, civil legislation recognizes a woman's legal standing to sign contracts and administer assets; and these aspects are recognized in all of the relevant legal provisions.

Law on Protection for Victims of Crimes against Sexual Freedom

333. This law entered into force on 29 October 1999, with the intention of protecting the life, the physical and mental integrity, the safety and the sexual freedom of all persons, by criminalizing new offences; lengthening the validity of legal actions and increasing the penalties in those cases that were already defined in the Penal Code; establishing the guarantees and rights of the victims to information, to anonymity, to security, to the performance of a single forensic medical

examination, to emergency care and to post-traumatic, psychological and therapeutic treatment, all free of charge.

334. It introduces modifications to the following offences classified in the Penal Code, imposing longer terms of imprisonment: rape, indecent assault, corruption of minors, aggravated corruption and corruption of adults, procuring.

335. It creates the following criminal classifications:

- Rape of a boy, girl or adolescent and rape of an unconscious person.
- Trafficking in persons

Family and Domestic Violence Act

336. This entered into force on 15 December 1995, with the aim of establishing a Government policy against violence in the family and the appropriate penalties against those damaging the physical, mental, moral and sexual integrity of the members of the nuclear family, creating a procedure for legal action against acts of violence in the family.

337. In categorizing the forms of violence that occur in the family as being physical, psychological or sexual, as well as any action involving a risk to the physical or mental integrity of children or adolescents, and in defining penalties in the form both of fines and imprisonment, as well as therapy, community service and alternatives to the imposition of penalties, it proposes the following:

- (a) The dissemination of rights of protection of the woman within the family, access to health services and elimination of discrimination;
- (b) Instruction to health services personnel, administrators of justice, police officers and those entrusted with upholding the law, to provide respectful treatment and comprehensive care to the persons that turn to them; and
- (c) The establishment of temporary shelter for the persons that turn to them.

338. The implementing regulations for this Act (Supreme Decree 25087 of 6 July 1998) stipulate that the Government shall take responsibility for the prevention of violence, embracing a humanistic concept of the family, and shall also create the municipal integral legal services, as supporting bodies at municipal level in the fight against violence in the family.

Law on the National Agrarian Reform Service

339. Law No. 1715 of 18 October 1996 came into force with the objective of establishing the scheme for distribution of land throughout the territory of Bolivia, guaranteeing the right to ownership of land and managing the regularization of agricultural property by applying considerations of equity in the distribution, administration, occupancy and utilization of the land, in the interests of women regardless of marital status, and guaranteeing the egalitarian participation of men and women in the performance of all proceedings relating to agricultural property.

People's Participation Act

340. This came into force on 20 April 1993 with the objective of recognizing, promoting and consolidating the process of popular participation by linking the

indigenous, peasant and urban communities into the legal, political and economic life of the country, in an attempt to improve the quality of life of the women and men of Bolivia, with a fairer distribution and better administration of public resources and equality of opportunities for women and men at all levels of political representation.

Municipalities Act

341. This lays down that the aims of municipal government shall include the principles of equity and equality of opportunities, and that its responsibilities shall include the organization, regulation and administration of the municipal integral legal services to provide protection to families and to women, as well as the Children's and Adolescents' Defence Offices.

Educational Reform Act

342. Law No. 1565 of 7 July 1994 structures education in Bolivia as a right and duty of all persons, without restrictions or discrimination relating to ethnic or regional origin, culture, or social standing, to physical, mental, or sensorial condition, or to gender, beliefs or age. Its purposes are:

- To provide comprehensive teaching to the men and women of Bolivia, stimulating the development of their full potential.
- To generate gender equity in the educational sphere, stimulating and improving active participation of women in society.
- To achieve the democratization of the educational services by widening the coverage in education as far as possible, taking steps to promote equality of access, opportunities and achievements in education, giving preferential attention to females and the less favoured sectors.

Political Parties Act

343. This came into force on 25 June 1999 with the objective of regulating the organization, operation, recognition, registration and dissolution of the political parties, as well as their relationship with the State, and of recognizing the right of all citizens, men and women, voluntarily and freely to join political parties. It also stipulates that such organizations will be required to reject, in their declarations of principles, all forms of discrimination, whether based on gender, age, ethnic origin or culture, and to establish in their by-laws mechanisms for the full participation of women.

344. Their duties include promoting equality of opportunities for their candidates, both men and women, to which end they shall establish a quota of not less than 30 per cent for women at all levels of party leadership and in candidacies for representative office.

Universal Maternal and Infant Insurance Act

345. This came into force on 21 November 2002, with the objective of providing health benefits at all levels of the national health system and the short-term social security scheme to expectant mothers from the beginning of pregnancy to six months after the birth, and to children from their birth until five years of age. These

benefits may be provided by practitioners of traditional medicine, to which end the law establishes an integrated health services network comprising health care facilities at the primary, secondary and tertiary levels.

Law on Rights and Privileges for the Elderly and Free Old-Age Medical Insurance

346. This entered into force on 1 October 1998, with the objective of making reductions in the charges for public services (water, electricity, transport) and in property tax for men and women over the age of 60 meeting certain requirements.

347. This law also establishes a free old-age medical insurance for those Bolivian men and women that do not have medical insurance, guaranteeing their right of access to health services.

Law Regulating Paid Domestic Work

348. This entered into force on 9 April 2003 with the objective of regulating paid domestic work, establishing the principle that the rights which it recognizes may not be waived, including the payment of wages and year-end or years of service bonuses, severance pay in the event of dismissal without cause, vacations, the right to belong to a union, membership in the national health fund, a working day of 10 hours of actual work, and one day of rest per week

349. This law also establishes a scheme of rights and duties of employers and of domestic workers.

Supreme Decree No. 24864 of 10 October 1997

350. Through the provisions of article 1 of this Decree, the Government guarantees equality of rights between men and women in the political, economic, social and cultural spheres, as well as gender mainstreaming in public policies, in order to achieve genuine equality by promoting specific measures.

351. In parallel, gender equality is recognized throughout the territory of Bolivia through the full applicability of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and the American Convention on Human Rights.

352. It can be stated that the country has legislation favourable to women, however it is also important to analyse how those instruments are applied: as has been said elsewhere in this report, a patriarchal culture still obtains in Bolivian society and in its authorities, when the latter come to apply the legal provisions.

Article 16

Same rights and responsibilities in marriage and relating to children

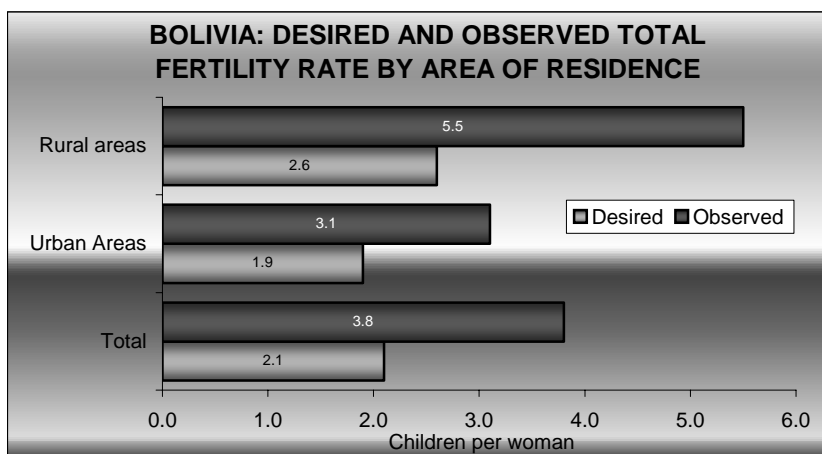
353. It is difficult to obtain information in figures with regard to the rights and the responsibilities that women have in marriage and with respect to children, since generally it is taken as read that it is the woman who is responsible for the care of the children, although no figures are available to support this information. However, support for this view may be found in the fact that in a specialized survey such as the 2003 National Demographic and Health Survey (ENDSA 2003), Section 4B "Immunization and

health”, in the women’s questionnaire has approximately 35 questions dealing with the care of children’s health, while Section 6, “Participation in caring for health”, in the men’s questionnaire has no more than five questions referring to the care of children’s health. This in no way implies that the survey is badly designed; on the contrary it means that if it is desired to have accurate information about children’s health, the person to talk to is the mother.

Same rights to decide on the number of children

354. With the aim of measuring the impact of unplanned births on the level of fertility, ENDSA 2003 calculates a total fertility rate taking into account only desired births, and draws a comparison with the total fertility rates actually observed. Chart 1 shows the difference between the number of children that women would like to have and the number that they have in fact. The total fertility rate in the country would average 2.1 children per woman if all of the non-desired births could have been prevented. As at they present time they are not prevented, the total fertility rate observed averages 3.8 children per woman, 1.7 children more than desired, or in other words 81 per cent higher than the desired total fertility rate. This difference becomes more marked among women living in the rural areas, whose observed total fertility rate is more than double the desired rate.

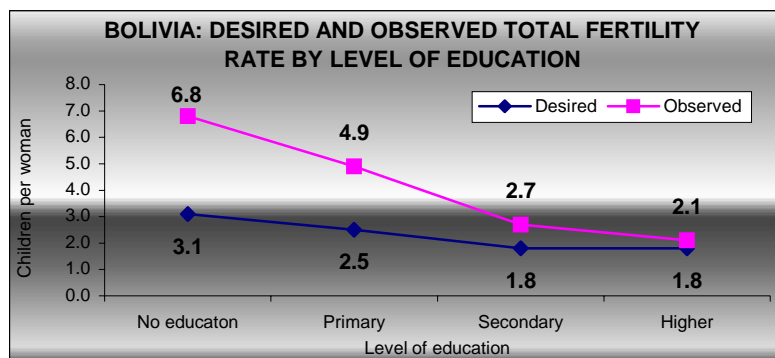
Chart 1



Source: INE; ENDSA 2003

355. Chart 2 shows that the difference between the observed total fertility rate and the desired rate correlates directly with the woman’s level of education. Therefore, if it were possible to prevent all of the unwanted births, the greatest reductions in fertility levels, in absolute terms, would occur among women who live in the rural areas and women whose level of education does not exceed primary school. Furthermore, since the desired total rate is approximately the same as the observed rate in women with a higher level of education, the smaller reductions in fertility would occur among those women.

Chart 2



Source: INE; ENDSA 2003

356. At the departmental level, Potosí and Chuquisaca show the greatest discrepancies between women's desired and observed fertility rates, while in Tarija and Santa Cruz the differences are much smaller. This is closely related to the fact that in the former, the total fertility rates are highest, while in the latter they are lowest.

Table 2

Bolivia: Total fertility rate desired and observed (2000-2003)

<i>Area, department and level of education</i>	<i>Total fertility rate desired</i>	<i>Total fertility rate observed</i>
Total	2.5	4.2
Urban	1.9	3.1
Rural	2.6	5.5
Department		
La Paz	2.0	3.9
Oruro	1.7	3.6
Potosí	3.0	5.1
Chuquisaca	2.0	4.5
Cochabamba	2.0	3.8
Tarija	1.9	3.1
Santa Cruz	2.1	3.3
Beni / Pando	2.6	4.2
Level of education		
No education	3.1	6.8
Primary	2.5	4.9
Secondary	1.8	2.7
Higher	1.8	2.1

Source: INE; ENDSA 2003.

357. The questionnaire in ENDSA 2003 includes a section on knowledge about and use of family planning methods. The knowledge was measured by asking the subjects, male and female, what methods they were aware of or had heard of to delay or avoid a pregnancy. The knowledge and use of methods in general and of modern methods in particular is reflected in Table 3, which shows that knowledge of methods to regulate reproduction is relatively high in both women and men. Ninety-three per cent of women of childbearing age, and 94 per cent of men between the ages of 15 and 64, know of some method.

358. The intrauterine device (IUD), pills, injection and the condom are the most widely-known methods, being familiar to around 80 per cent of all women in total. Two-thirds of women in total know about female sterilization, but barely 15 per cent know about emergency contraception.

359. The condom, the intra-uterine device (IUD) and the pills are the modern methods most widely known by men in total (87, 73 and 73 per cent, respectively).

Table 3

Bolivia: Percentage distribution of contraceptive methods known and used by men and women, by type of method

<i>Type of method</i>	<i>Methods known¹⁶</i>		<i>Methods used</i>	
	<i>Women</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>
Total	93.2	93.8	57.6	67.6
Some modern methods	91.4	91.9	42.2	40.9
Female sterilization	63.4	54.7	4.3	4.6
Male sterilization	35.5	35.4	0.0	0.3
Pill	82.1	73.0	14.0	0.0
IUD	81.5	73.2	15.0	0.0
Injection	77.7	63.6	13.0	0.0
Implants	9.7	11.3	0.0	0.0
Condom	80.4	87.4	15.3	38.4
Female condom	43.2	46.0	0.7	0.0
Foam/ jelly	45.3	45.3	2.9	0.0
LAM	47.0	35.9	9.8	0.0
Emergency contraception	15.2	16.0	0.6	0.0
Some traditional methods	76.7	80.0	36.9	57.1
Periodic abstinence	73.4	77.1	31.8	52.1
Withdrawal	39.6	51.9	12.9	29.1
Beads	15.4	15.9	1.1	0.0
Folk methods	3.0	1.8	0.6	0.0
Average of methods known	7.1	6.9		

Source: INE; ENDSA 2003.

¹⁶ "Knowing about a method", for the purposes of ENDSA 2003, does not necessarily mean that the woman or man has a good level of information about the method; it is sufficient if she or he at least knows of it by name or has an idea of how it is used.

360. With the objective of evaluating to what extent contraceptive methods are actually practised, in ENDSA 2003 all of the women and men who stated that they knew of some method were asked if they had ever used it. The results are also shown in Table 3. It can be seen that around 58 per cent of women have used contraceptive methods at some time, or are currently using them. The most frequently used method is periodic abstinence, used by 32 per cent of the total number of women. The modern methods most widely used among all women at some time or another are the IUD and the condom. For men, the most widely used method is periodic abstinence, adopted by 52 per cent of men in total. The modern method most widely used among all men at some time or another is the condom (38 per cent).

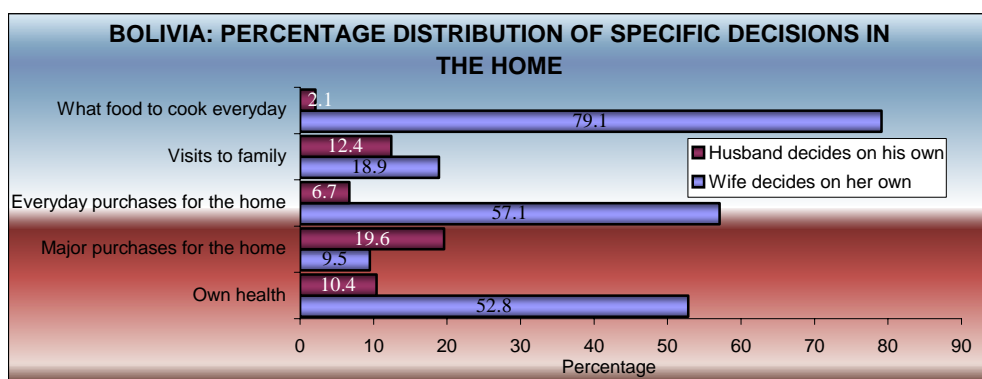
361. The information gathered in the ENDSAs shows the extent to which it is the woman who carries the greater load with respect to family planning, since of the methods used, the greater part represents those used by women. Among modern methods, the condom is the only one used by men, and although approximately 35 per cent of men are aware of male sterilization, it is practised by barely 0.3 per cent.

Same rights with regard to the administration of property

362. ENDSA 2003 included certain questions intended to give a picture of women's participation within the home, as reflected in the decisions and opinions about the couple's relationship. Firstly, the woman was asked who had the final word in her home, with regard to daily activities.

363. With respect to the participation of the woman in decision-making and administration of assets in the home, as Chart 3 shows, the aspect of daily life most frequently controlled by women who are married or in a relationship is the decision as to what food to cook every day (79 per cent). Major purchases for the home constitute the area where they least often act on their own (10 per cent) and where in the majority of cases the husband takes the decisions on his own.

Chart 3

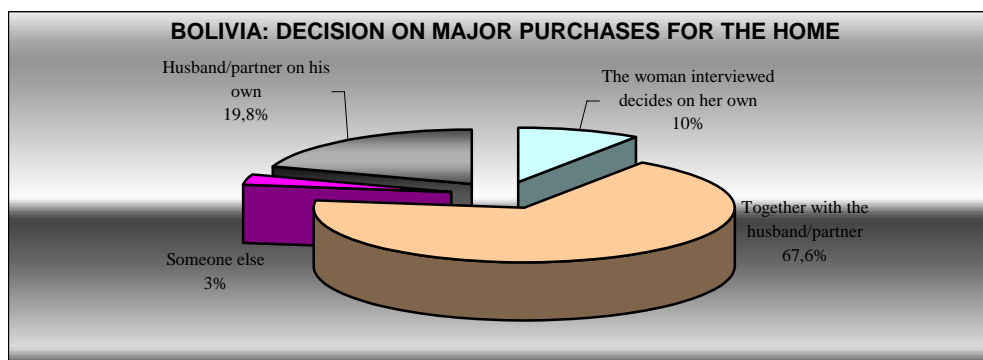


Source: INE, ENDSA 2003

364. The greatest levels of independence in women who are married or in a relationship are found in the decisions relating to the food to cook every day

(79.1 per cent), everyday purchases for the home (57.1 per cent) and care of their own health (52.8 per cent).

Chart 4



Source: INE, ENDSA 2003

365. With regard to the major purchases for the home, around 20 per cent of women who were married or in a relationship stated that these were decided on exclusively by the husband or partner, and 67 per cent said that the decisions were taken jointly. Approximately one out of every 10 women who are married or in a relationship decides on her own about the major purchases for the home.

Table 4

Bolivia: Participation of Woman in Decisions Concerning the Home (Percentage)

<i>Persons deciding and marital situation</i>	<i>Own health</i>	<i>Major purchases for the home</i>	<i>Everyday purchases for the home</i>	<i>Visits to family</i>	<i>What food to cook every day</i>
Married or in a relationship					
The woman interviewed decides on her own	52.8	9.5	57.1	18.9	79.1
Together with the husband/partner	34.8	67.1	32.4	66	13.7
Together with someone else	0.4	0.6	0.7	0.5	0.8
The husband/partner on his own	10.4	19.6	6.7	12.4	2.1
Someone else	1.2	2.4	3.0	1.0	3.7
No decision/not applicable	0.3	0.7	0.1	1.2	0.5
Single /widowed /divorced /separated					
The woman interviewed decides on her own	60.4	24.8	29.1	50.6	36.5
Together with someone else	5.5	6.3	5.9	6.5	6.9
Someone else	33.4	68	64.7	41.6	55.4
No decision/not applicable	0.7	0.9	0.2	1.3	1.1

Source: INE; ENDSA 2003.

366. It is notable that whether in a relationship or not, women are not fully autonomous even in the area of their own health, since only just under 53 per cent of women in a relationship and 60 per cent of single women reported that they take such decisions on their own (Table 4). This shows that the degree of control that women have in areas that affect their own lives and surroundings is still insufficient.

Marriage

367. The Family Code, in its articles 44 and 53, states that the minimum age for contracting matrimony is 16 years for males and 14 years for females. Marriages between adolescents have to be approved by their parents, although there does exist the option that, if the parents do not give their consent, a judge may authorize the marriage. This provision was already the customary practice in almost all native communities even before the Family Code was adopted.

Conclusions

368. It is important to recognize the advances that have been achieved in Bolivia, primarily in the context of women's development and political participation, starting from the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women in 1989.

369. In 1993 structural reforms were carried out in the country, known as the second-generation reforms, and the government body responsible for gender matters was created, the Department for Gender Affairs, under the Ministry of Human Development. Thus for the first time the Bolivian Government responded to the existence of needs differentiated by gender, and to the demands from the women's movement aimed at tackling the issue of inequalities and inequities.

370. Starting from this milestone, the gender approach has been incorporated into national policies and legal provisions. As a result, at the present time the country has various laws that treat women as actors in human development. However, it is also important to recognize that these are not sufficient.

371. The input of the women's organizations to the design and drafting of the policies enshrined in the national plans has formed the basis for the strategic alliances between the Government and civil society and thereby for implementation of the rights of women.

372. Another important aspect to be taken into account is the restriction on expenditures from fiscal revenues, the result of the austerity facing the Government of Bolivia, that makes it hard to allocate budgetary resources to public policies to do with gender equity. In this context it is important to take into account the structural adjustment policies of 1985 (Supreme Decree No. 21060) that worsened poverty and exacerbated inequality and social exclusion, as a result of the changes that occurred in the labour market. These impeded the sustainable achievement of gender equality, given that the social structures also have an important political, economic and cultural foundation. This is a major part of the reason that the plans and policies generated on the basis of the problems identified have resulted in only partial and sectoral advances in the gender area.

373. It cannot be denied that patriarchal cultural patterns do persist, placing obstacles in the way of changes favourable to the gender approach.

374. While most important advances have been achieved in the public policies and in the legislative sphere, and more concretely in actual conditions of equality between men and women, there is still a very long way to go, because significant inequalities between men and women still remain in absolutely all social, economic, environmental, political and institutional spheres.

375. In Bolivia, as in other countries of the region, discrimination towards women in the educational sphere does not take the form of lesser access for girls to schooling. This can be clearly seen in the relative parity in the rates of national coverage: 88.3 per cent for males and 85.3 per cent for females. However, the issue of girls' remaining in school is still a matter to be addressed.

376. Illiteracy figures have gone down gradually, from 37 per cent to 14 per cent (INE, CNPV 2001). Similarly, the gap between male and female illiterates has been halved; nevertheless, major gaps remain, particularly in the rural areas, where the difference between men who can read and write and women who can is very high, in fact over 23 per cent (INE, CNPV 2001).

377. Given Bolivia's diversity, cultural patterns play a very important role: while there is much talk of equality and of the valuable role played by women, in reality this talk of equality is used to limit them.

378. A further important aspect is the approval of Supreme Decree No. 27420 of 26 March 2004, by which the Interinstitutional Council and Interministerial Commission on Human Rights were created, to be technical coordination and cooperation bodies for the drafting, implementation, follow-up and evaluation of the National Strategy for Promotion and Protection of Human Rights. Under this instrument, women are considered to be one of the priority groups for the fostering of the promotion and protection of their human rights.

379. The reform of the Political Constitution of the State, that includes the possibility that native peoples may present candidacies independently of the political parties, together with the Citizens' Associations and Indigenous Peoples Act that establishes a level of 50 per cent for women in the lists of candidates, introducing the concepts of parity and alternation, may together make it possible in the future for Bolivian indigenous women to play a greater part in politics

380. However, conditions are unfavourable to women who seek to enter the working world. Together with the fact that men do not take a share of the housework, these cause a very heavy workload that uses up women's disposable time, making it difficult for women to take a greater part in politics.

381. It is important to stress that the high participation of women, reaching almost 50 per cent of the electorate, in the 2004 gas referendum, and the fact that that participation was based on a wide-ranging campaign both by the Government and by civil society organizations to provide information to women, demonstrates a major advance in their participation in the destiny of the country. In addition, it is planned that the membership of the Constituent Assembly shall be 50 per cent women, from which it may be concluded that it will be possible to propose the inclusion of factors of equity.

382. Women have not succeeded in taking their full place in political, institutional or communal decision-making spheres, not having been able to fill all the appointments that are reserved for them by law, and in many cases women are

subjected to violence to force them to withdraw. In other cases, the poorest women do not have the basic documentation such as a birth certificate or an identity card, which has the effect that in practical terms these women do not exist as citizens and they cannot have access to credit, to health services or to land, and cannot participate in elections.

383. The current legal framework is based on a theory of work. Account must be taken of the fact that the country's present reality is one of a major increase in the population working in the informal sector and independently, which represents a barrier to their access to social security.

384. The entry of children and adolescents (primarily females) into the working environment is due primarily to the gaps in economic and social equity that have increased levels of poverty.

385. The existence of legal frameworks constituted by Supreme Decree No. 5315 (Regulation of the Social Security Code); the Health Code; the Pensions Act, No. 1732; and the Family Code Act, No. 996; Supreme Decree 24303 (Maternity and Childhood Insurance); the Universal Maternal and Infant Insurance (SUMI) Act, No. 2426, provides support to the interinstitutional effort to reduce the difficulties in the way of achieving the objective of mainstreaming gender into national health policies, thus furthering women's access to health services.

386. A majority of women are unaware of their sexual and reproductive rights, they do not have access to information or to quality care services, women die owing to a lack of care and the national health policy does not cover women's entire lifecourse.

What is to be done in this situation?

387. Systematic organization of the information gathered from the different sectors of Government has made it possible for the Department for Women's Affairs to undertake an in-depth examination of the progress made so far in women's development and their contribution to national development. The conclusion of this is that while there has been progress, it has not been sufficient to eliminate gender inequity. It is very important, therefore, that on the one hand there should be sectoral commitments to genuine application of gender mainstreaming in plans, programmes and projects, and on the other that provision should be made for the resources necessary for the implementation of policies favourable to women within the context of their economic, social, political and cultural rights.

388. The Department for Women's Affairs has drawn up, in agreement with the various relevant sectors, the National Public Policy Plan for the Full Exercise of Women's Rights (2004–2007), and its implementation is currently in full swing. Its principal policies and areas of action are as follows:

(a) **Economic aspects:** enhancing equitable access for women to employment, income and productive resources, so as to encourage economic activity and access to and control of land, thereby improving the condition and position of women in the handling of plans, strategies, programmes and projects related to the economic sphere.

(b) **Violence:** providing the women of Bolivia with mechanisms to prevent family violence and gender-based sexual violence, as well as quality care services

for victims, within the framework of an efficient and effective set of policy measures at national level.

(c) **Health:** incorporating strategies and institutionalizing mechanisms for the effective participation of women in health care.

(d) **Education:** reducing the educational discrepancies at national level between women and men, taking into account the social and cultural characteristics of each region.

(e) **Political and citizen participation:** strengthening the mechanisms for women's representation and access to political and representative decision-making at local and national level, in order to achieve a greater participation by women in the taking of decisions.

(f) **Legal and judicial reforms:** implementing laws that are a source of equity for women, with the objective of widening appropriate and effective access for women to justice, within the context of the new Political Constitution of the State.

(g) **Communication and culture:** promoting the rights of women and the establishment of values, practices and attitudes within a context of democracy and solidarity, through implementation of the communication strategy and the creation of strategic alliances and communication networks.

(h) **Future challenges:** it is of supreme importance to take measures so that in the near future accurate statistical data will be to hand with respect to the advances made and women's participation at national level, in the various spheres, with such data also being broken down by sex, since this will provide us with precise information and enhanced opportunities for action.

389. It is necessary to have a strategy and a mechanism for tracking the international commitments undertaken with regard to women, which will make possible a better and greater commitment to work in this sector.

390. It is also important to have an ongoing and flexible passage of information between the Government and the civil population with respect to those international commitments, so that civil society on the one hand can exercise the relevant rights and on the other can watch over and support the Government in making those rights a reality.

391. Finally, it is also important to strengthen the Department for Women's Affairs as the body assigned by law with responsibility for gender mainstreaming in national policies, both in the economic and in the technical spheres, such that national policies favourable to women shall be the basis and starting point for the work of the different sectors, both within the Government and those involving the non-governmental organizations that have their sphere of operations in Bolivia.