



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

Distr.  
GENERAL

CEDAW/C/BOL/1  
9 July 1991

ENGLISH  
ORIGINAL: SPANISH

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Committee on the Elimination of Discrimination  
against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

BOLIVIA

V.91 26926 0995E

94-50154



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## Introduction

1. The purpose of this initial report, following the signature and ratification by our Government of the Convention on the Elimination of All Forms of Discrimination against Women, is to describe the legal, judicial, administrative and other measures that are part of Bolivian legislation.
2. This is an initial report and, as such, it is designed to indicate the progress that has been achieved and the measures that have been taken in the areas in question, as well as the obstacles that still exist to the active participation of women in Bolivian society.
3. The first section of the report presents a general discussion of the efforts to eliminate discrimination against women, while the second part contains specific information regarding the individual articles of the Convention.
4. Bolivia wishes to express its support for the Convention and calls on all the world's countries to ratify it as quickly as possible.

## PART I

1.1 General framework

1. Bolivia, which on 6 August 1825 gained its independence as a democratic republic consisting of nine departments, is located in the centre of South America. It is a country with no outlet to the sea, although it does have a number of rain-fed rivers, especially along the frontier with Paraguay.
2. Bolivia shares common borders with the Republics of Brazil, Argentina, Chile and Peru. The country covers an area of 1,098,581 km<sup>2</sup>, having lost more than 50 per cent of its original territory as a consequence of various conflicts. In the War of the Pacific, with Chile, it lost its outlet to the sea, a factor that has since then greatly limited its development.
3. Within Bolivia there are three well defined ecological zones: the plateau in the west, the valleys in the centre, and the eastern plains in the east.
4. The plateau, which lies at an altitude of 3,800 m above sea level, occupies 16 per cent of the national territory and provides a home for 38 per cent of the population. The valleys extend over 19 per cent of the territory, accounting for 40 per cent of the population, and are located at altitudes of 2,500-3,000 m above sea level. The plains constitute the country's most extensive and at the same time least populated ecological region, accounting for 65 per cent of the territory but only 20 per cent of the population. Of the total Bolivian population, 48 per cent live in rural areas. As is true in many developing nations, the country has a young population, with 41 per cent of the inhabitants falling into the 0-to-15-year age bracket.
5. Bolivia is a multicultural and multilingual country in which the rural and suburban communities represent more than 60 per cent of the national population. Three out of every four Bolivians live in the Andean region and belong to the Quechua and Aymara cultural groups, which account for somewhat more than four million inhabitants out of a total of 6,690 million.
6. The State recognizes and supports the Apostolic and Roman Catholic Church, but guarantees the right to the public exercise of any other religious system.
7. The following official languages are spoken in the country: Spanish, Quechua and Aymara. The percentages of those using these languages is as follows:

Spanish only	44 per cent
Quechua only	5 per cent
Aymara only	2 per cent
Quechua and Spanish	25 per cent
Aymara and Spanish	19 per cent
Others	5 per cent
8. Bolivia presents a diversity of ethnic groups and forest-dwelling tribes distributed in seven departments. Among the most important are the Mojeños, the Paunacas, the Yuracaes, the Guarayos, the Chiquitanos, the Toronomas, the Matacos, etc.



## 1.2 Economic framework

9. Bolivia faces a number of obstacles to its socio-economic development. These include the economic crisis, poverty, the loss of purchasing power and high rates of malnutrition, particularly among women and children. Nevertheless, certain readjustment policies are being implemented to deal with these problems. All these factors are delaying the time when it will be possible to put into effect the measures called for in the Nairobi strategies.

10. The Bolivian economy has traditionally been based on the production of minerals, such as tin, lead, zinc and tungsten. During the decade of the 1980s, however, there was a decline in production owing to the fall in prices at the international level, accompanied by an increase in the mining of gold. In 1988, it was the medium-sized mining enterprises in the private sector that achieved the highest production figures and generated the most foreign exchange revenue through the sale of minerals worth \$US 109,296,567, in comparison with the \$US 68,011,215 produced by the State Mining Corporation of Bolivia (COMIBOL), a situation that has not been without its effects on the mining population.

11. In 1985, the mines were shut and some 25,000 miners found themselves without a job. The rate of inflation reached 8,275 per cent a year, one of the highest in the region. A new economic development model, referred to as neoliberal, was adopted, producing two immediate socio-economic consequences: the stagnation of the national production system and the expansion of the informal sector of the economy. During the last six years the failure to achieve a revitalization of the economic life of the country has struck at the standard of living of the urban and rural population.

12. Of Bolivia's total population of approximately 6,690 million inhabitants, women account for 50.6 per cent. This population is concentrated in the younger age groups, something that can be seen in the fact that more than 66 per cent of the female population is under 29 years of age, whereas women in the 30-to-44-year age bracket account for only 16.32 per cent; the oldest categories, those 45 and above, represent only 16.20 per cent. With regard to the distribution of the female population, women slightly predominate in the urban communities with 52.06 per cent as against 47.94 per cent in rural areas.

13. Women are totally integrated into the economy and the evolutionary processes contributing to the formation of society in Bolivia. On the other hand, their subordinate position is the result of the weakness of the economy, the distorted structure of the labour market, and the tensions arising out of their double role and the social prejudice they face. Even so, their active participation subsidizes the economy through the unpaid tasks they perform, primarily by supplying a workforce for employment under substandard conditions.

14. Society benefits from women's working role. The current models of accumulation draw on the status of women, given the impossibility of tapping the workforce represented by the family economies, or on ideologically motivated systems of social domination and reproduction.

15. The Government does not have sufficient budgetary resources to meet basic infrastructural needs and requirements, especially in rural areas. Thus, 86 per cent of the rural population is without drinking water and 64 per cent without health services.

### 1.3 Political framework

16. Bolivia is a democratic and independent nation currently governed by a president who was constitutionally voted into office in national elections.
17. There are three branches of government: the legislative, the executive and the judicial.
18. The legislative branch, which has its seat in the Lower House, consists of 157 deputies who work in committees - Mining, Juveniles, Women, Environment, Defence, etc.
19. The Chamber of Senators, or Upper House, is made up of 27 senators, who approve the laws and also form working committees. They all serve for the same period as the president, whose term of office is four years.
20. The Executive Branch, or Cabinet of Ministers, consists of 18 heads of ministries, who are designated by the President of the Republic and perform executive functions.
21. The Judicial Branch consists of 15 ministers who sit on the Supreme Court of Justice in the city of Sucre and represent the highest appellate authority within the judicial system.
22. Bolivian history is marked by events that have had an important and enduring effect because of the participation of women in political movements alongside men. There have been other times, however, when women have gone totally unnoticed, or even when their involvement has been wholly absent.
23. It would take a long time to cite all the instances in which women have been involved at critical junctures or historical moments in the life of the nation, but their involvement has always represented a positive contributing factor in the country's various movements of social and political mobilization.
24. By way of example, we might mention that, in the political arena, women have fought to secure their civil rights, and that they have made an effective contribution to the resistance against dictatorship, having repeatedly shown a desire to play a direct role in the politics of the country. Thus it was that in 1979, for the first time in Bolivia, a woman, Mrs. Lidia Gueiler Tejada, ascended to the presidency of the nation.
25. In the area of peasant participation, women have met not only for food distributions at the Mothers' Clubs, but have also come together to discuss the economic claims put forward at their meetings.
26. The demands raised by rural women represent a challenge to the conscience and programmes of institutions, trade union organizations and political parties, as they call for active and more direct participation with fewer intermediate links.
27. In the struggle to achieve democracy, women performed a vital role alongside the men who led the movement. As part of their contribution, women distributed and displayed brochures and leaflets, posters and other information materials, engaged in proselytizing and organizational activities,

travelled the country, drafted and issued proclamations, and arranged for the attendance of other women at meetings and study sessions in the provincial and departmental capitals.

28. Subsequently, since the institution of democratic rule, women have played a serious and militant role, approaching with great discipline the tasks of grass-roots training and education. Another field in which women were active was the campaign to reintroduce free education.

#### 1.4 Legal framework

29. During and following the Chaco War, women contributed in a substantial way to the achievement of the constitutional reforms of 1938 and 1943. This long process, marked by a line of political conduct that was later to acquire both a name and concrete form in the national revolution of 1952, culminated in the structural changes reflected in the nationalization of the mines, agrarian reform, universal suffrage, the reform of the schools, the social security code, and the provision of protection for mothers and children, all achievements that crowned years of struggle and collective efforts.

30. As they exercise their civil and political rights, women are entering the universities in larger numbers in pursuit of a liberal education. They are active in the judicial system and are beginning to participate in politics, where at the present time there are committed women in senior positions. They are making their way into the industrial, teaching and peasant trade unions and are organizing themselves into housewife groups and associations of mineworkers' wives.

31. The legal equality, proclaimed in the 1967 Political Constitution of the State, grants women the right to vote and to be elected along with the right to hold public office, subject to no requirement other than suitability for the position aspired to and the ability to read and write.

32. Article 41 of the Political Constitution of the State stipulates: "Bolivian men and women over 21 years of age or, in the case of married persons, 18 years of age are citizens, regardless of their level of education, occupation or income".

33. Article 219 of the same document states: "Suffrage represents the foundation of the democratic system and is based on the universal right to vote".

34. Women continue to be a clear minority at all decision-making levels, especially at the highest echelons of government and in the political parties. They are not sufficiently involved in the process whereby decisions are reached regarding public affairs or in the planning of the country's development strategies, including those that affect them directly.

35. Not all the measures recommended in the Convention on the Elimination of All Forms of Discrimination against Women have been publicized in our country, even though the Convention itself was ratified on 8 June 1990. The Convention is not part of Bolivian law.

## PART II

36. In this second part of the report, specific information will be provided regarding the substantive articles of the Convention.

### Articles 1 and 2

#### Policies and measures designed to eliminate discrimination

37. The legislative basis for the legal equality of all Bolivians is found in the Political Constitution of the State.

"The Political Constitution of the State is the supreme law of the national juridical system. The courts, judges and authorities shall apply it above any other resolutions."

38. Article 6 of the Constitution recognizes that every human being has legal personality and capacity, under the law, and enjoys the rights, freedoms and guarantees proclaimed by the Constitution without discrimination on the basis of race, sex, language, religion, political or other views, origin, economic or social status or any other factor. The dignity and freedom of the person are inviolable, and their respect and protection is the overriding duty of the State.

39. The Constitution makes no distinction between men and women, but speaks in general terms. Since the constitutional reform of 1949, men and women, regardless of their level of education, occupation or income, are recognized as citizens.

40. The current Civil Code, which came into force on 2 April 1976, recognizes, without limitations, the civil rights and legal capacity of men and women.

41. Similarly, Bolivia has a General Labour Act containing clear and specific provisions with regard to women. This instrument, which was promulgated in 1939 and enacted into law in 1942, provides women with protection in the area of labour relations.

#### Equality of treatment in the area of employment

42. The application of the principle of legal equality between men and women also gives rise to equality in acquiring employment and training, in professional advancement, etc.

#### Equality of family rights

43. Bolivia has, within its legal system, a Family Code as a special instrument regulating all areas of concern to women and the family. The Code has been in effect since 2 April 1973.

#### Equality before the law

44. The present Penal Code, which has been in effect since 1972, regards bigamy as an offence and provides that the punishment for it will be the same

in the case of men and women. The Penal Code also punishes **family abandonment, failure to provide assistance, and abandonment of a pregnant woman.**

#### Equality of treatment in the area of social security

45. Women are eligible for medical, disability, old-age and life insurance in the same way as men. These aspects are regulated under the 1842 General Labour Act and its regulatory decree.

#### Equality of remuneration

46. In the case of tasks that can be performed by both sexes, women receive the same remuneration for their work as men. No wage or salary may be stipulated below the minimum level that is set by the Ministry of Labour according to occupational branches and national zones. The wage or salary is proportional to the labour involved, and no distinctions may be made on the basis of sex or nationality.

### Article 3

#### Measures to guarantee comprehensive advances by women

##### The Commission on Women's Affairs

47. The first draft for the establishment of a Commission on Women's Affairs (CWA) was submitted during the 1982-1983 legislative period, but was not approved. The draft was resubmitted during the 1983-1984 period, at which time, on 23 August 1983, it was unanimously adopted and Ms. Remedios Loza was elected Chairman of this Commission. Its main elements are women, health and the family.

48. The Commission operates in the following areas within the legislative branch.

49. In the law-making area, experts in the relevant fields are preparing bills of concern to women and are revising the Family and Labour Codes. On matters requiring direct attention, the Commission handles an average of 10 individual cases a day involving violence against women, labour relations, family problems and abandonment. This work is enabling the members of parliament to simultaneously perform a monitoring function, on which they report to the legislative branch.

50. The Commission coordinates its activities in the form of agreements with other institutions in the interest of more effective and concerted efforts on behalf of women and for the formulation of policies to contribute to the enhancement of their status in all areas.

51. The Commission's nominal working staff consists of five MPs, but actually there are two plus a team of advisers consisting of men and women professionals.

52. Under the executive branch, a number of measures are being taken to promote the participation of women and their advancement.

53. As part of its work of analysis and publicity, the Commission on Women's Affairs of the Chamber of Deputies also organizes seminars, discussion groups, meetings and talks on subjects of interest to women living in suburban and rural areas. These events involve the participation of institutions and broad-based organizations that are working with and for women throughout the country. There are obstacles in the form of budgetary constraints, which are limiting the scope of this work.

#### Ministry of Labour

54. The Department of Socio-Labour Promotion, established in 1990 under Supreme Decree No. 22,407, is subordinate to the Directorate for Socio-Labour Affairs. Its main objective is to train women and to protect them at the workplace, and also to formulate wage policies favourable to working women.

#### Ministry of Rural Affairs

55. The task of the Office for the Social Promotion of Rural Women, within this ministry, is to frame social policies on behalf of women in rural areas.

#### Ministry of Education

56. Decree No. 22,407, promulgated in 1990, recognized the need to reform and modernize Bolivian education, bringing it into harmony with the country's needs. This reform is to be embodied in the Draft Educational Reform Act, which represents one of the Government's priorities. Included under this subject are basic and rural education, with special attention to be directed at the education of women, who particularly in this field are the victims of discrimination.

57. This ministry is about to approve a development plan for women in the educational area whose basic objective is to involve women in teaching and training, with particular emphasis on rural women so that they may have the opportunity to become teachers in the areas in which they live.

#### Ministry of Health

58. There is an intersectoral programme entitled Women, Health and Development, which is being carried out in coordination with the World Health Organization and the Pan-American Health Organization, its aim being to involve women in programmes focusing on health, housing, the workforce and other concerns.

59. Article 79 of Supreme Decree No. 22,407 of 11 March 1990 reaffirms the national priority to be accorded to health-care activities on behalf of women and children. This same priority was expressed in Supreme Decree No. 22,354 of 6 November 1989 and is reflected in the National Plan for Infant Survival and Development and Maternal Health.

#### National Committee for Solidarity and Social Development

60. The National Committee for Social Development, which was established under a Supreme Decree of 22 September 1971, changed its name in 1982 to its

current one of National Committee for Solidarity and Social Development (NCSSD). The Committee is a public service and social promotion institution that enjoys administrative, technical and financial autonomy and has independent assets.

61. As a leading institution in the social sector, the Committee's central objective is the implementation of the Bolivian Government's social development policies in the following areas:

- (a) Protection and assistance for juveniles, elderly persons and the low-income urban population;
- (b) Fostering of the family group;
- (c) Promotion of social development, including advances by women and the family;
- (d) Encouragement and organization of a volunteer force to carry out NCSSD objectives;
- (e) Coordination and supervision of the work being performed throughout the country by the welfare and promotion organizations and institutions.

62. Since its establishment, the Committee has been under the direction of the First Lady of the Nation. In addition to its involvement in charitable activities and in meeting the food and housing needs of abandoned juveniles and the aged, in recent years NCSSD has also placed particular emphasis on projects for low-income elderly persons and women.

63. During the first four months following its establishment, the Committee formulated programmes and projects. In January 1990, for the first time, a meeting was held at the national level bringing together the regional directors for the presentation of the operational plan. The Committee has also coordinated its activities with a number of non-governmental organizations. NCSSD has 67 subregional offices throughout the country.

64. The Committee's current administrative structure consists of its President, Mrs. Rosario Paz Zamora; the Board of Governors; the advisory staff; the National Directorate for Juveniles; the National Directorate for Social Promotion and Development, under which is located the National Department for Women and the Family; and the National Directorate for Financial Administration.

65. The general objective of the National Directorate for Social Promotion and Development (NDSPD) is to deal with the problems of women and the family through specific programmes and projects aimed at providing legal aid, social counselling, education and health care, and at strengthening women's organizations that lack sufficient resources.

66. The Directorate's specific objectives are:

- To provide legal counselling for individuals and groups so as to enable women to understand their rights and obligations and demand that these rights be respected;

- To establish organizational systems for women and families that will make it possible to provide low-cost food and health care;
- To organize groups of women and train them to produce goods and provide services;
- To make available to children of from one to six years of age comprehensive care, including such aspects as diet, health and early stimulation;
- To provide low-cost health care for women and families.

67. The Committee's basic activities on behalf of women are focused on the medical clinics, the training centres, the family legal aid offices, the multi-family dining halls and the children's homes.

68. As a means of publicizing the Convention, the intention is to use the communication media and to translate Convention articles into native languages, such as Aymara and Quechua, so as to bring them to the attention of all women, especially in rural areas.

69. The launching of this publicity effort took the form of a national workshop that was held in the city of Santa Cruz from 11 to 13 June 1991 with the participation of professionals from the aforementioned legal aid offices, representatives of women's and civic institutions from that city, and national and international (UNICEF) experts.

70. From 22 to 26 July 1991, a training workshop will be held, at the national level, for social workers of the National Directorate for Social Promotion and Development, representing a major element in the programme to publicize and explain the Convention.

71. Of the Committee's total budget, approximately 30 per cent is allocated to activities in the social area.

72. An inter-agency agreement was signed on 27 February 1991 between the Commission on Women's Affairs of the Chamber of Deputies and the National Committee for Solidarity and Social Development. The signatories to the agreement agreed to coordinate their work and to refer situations affecting women and the family through the family legal aid offices, which operate throughout the country, to the National Directorate for Social Promotion and Development under NCSSD.

#### Family legal aid offices

73. There are 10 family legal aid offices located throughout the country. These offices were established by the Government in 1990 to protect the rights of women and families and to move beyond the counselling stage to the litigation stage by seeking mechanisms to back up the established procedures. They provide advice to groups and individuals on legal, social and psychological matters.



74. The objectives of the Family legal aid offices are the following:

(a) To promote the participation of women in interpreting and applying the legal provisions aimed at preventing abuse, exploitation, abandonment and unjustified dismissal from employment;

(b) To encourage research aimed at identifying and investigating problems facing women and families.

#### Article 4

##### Special measures of a temporary nature

75. There are still not even any temporary laws or measures, directly related to the Convention, for the purpose of accelerating the equality of women.

76. Moreover, no government commission has been established to look into legislation, policies and practices affecting women in the areas of civil, criminal and labour law; employment; public and private administration; and practices relating to the right of women to participate in the political process.

77. The Commission on Women's Affairs of the Chamber of Deputies and the non-governmental institutions working with women have presented bills dealing with labour relations, criminal matters and social security.

#### Article 5

##### Measures to change sex roles and stereotypes

78. There still exist in Bolivia sex-based prejudice and stereotypes that affect all aspects of societal life and are essentially rooted in economic differences, which determine one's position and status in society. At the same time, however, prejudice concerned with considerations of prestige having to do with one's social class and family name still plays an important role, especially in certain of the country's cities.

79. Prejudice and differences based on economic considerations persist and are in fact sharpened by the customs and habits inherited from the colonial period.

80. The educational authorities in the cities and countryside are endeavouring to overcome the differentiated attitudes towards men and women through mixed classes and sex counselling.

81. It is fair to say that recent years have witnessed a growing awareness on the part of Bolivian women, as reflected in their increasing involvement in the struggle for their rights, the defence of national sovereignty, peace and social causes, while at the same time these women have maintained their cultural identity and a perspective of their own. Nevertheless, this greater awareness has not yet been translated into a factor for economic development or for a more active social involvement on the part of women.

82. Women are used as instruments of publicity in all the communication media, especially to advertise and promote the sale of the consumer articles produced by the large business and industrial consortia.

Restrictions or limitations on equality imposed by law or practice

83. There are no laws in Bolivia restricting women in the exercise of their rights. Accordingly, women are free to pursue whatever occupation they wish in any field of activity.

84. In practice, however, because of the deep-rooted "machismo" that is encountered in Latin America, including Bolivia, discrimination exists with regard to women's holding certain positions or offices.

Remedies and sanctions provided for by the law to combat discrimination

85. There are no clear cases of discrimination at the workplace or in the exercise of duties. If such discrimination were to exist, the woman against whom the discrimination was directed could claim her rights through the remedies that the law provides and that are laid down in the Political Constitution of the State. The discrimination that does affect women is practised in a covert and subtle way by bosses or employers; pregnant women, for example, are not hired by businesses or factories.

Article 6

Prostitution

86. Bolivian legislation contains no specific provisions regarding female prostitution, although, in practice, this profession exists and is indirectly approved, considering that prostitutes must periodically undergo a medical examination administered by institutions authorized for this purpose.

87. The Penal Code, in Title XI "Offences against Morality", describes behaviour that represents an offence against sexual morality, and punishes the guilty parties with the loss of liberty.

88. Trafficking in women as such does not exist within Bolivia.

89. Article 318 of the Penal Code. Corruption of minors. "Anyone who through lewd acts or in any other way corrupts or contributes to the corruption of a person under 17 years of age shall be subject to deprivation of liberty for a period of from one to five years.

90. "The punishment may be freely reduced or the offender may be exempted from punishment if the minor was a corrupted person."

91. Article 319. Aggravated corruption. "The punishment shall be deprivation of liberty for a period of from one to six years:

"(a) If the victim was under 12 years of age;

"(b) If the act was committed for the purpose of profit;

"(c) If the act was committed using deception, violence or any form of intimidation or coercion;

"(d) If the victim suffered from a mental disease or deficiency;

"(e) If the offender was an ascendant, husband, brother, guardian or some other person with responsibility for the education or custody of the victim."

92. Article 320. Corruption of persons of full age. "Anyone who in any way corrupts or contributes to the corruption of a person over 17 years of age shall be punished with imprisonment for a period of three months to two years.

93. "The punishment shall be extended by one half in cases 2, 3 and 5 of the preceding article."

94. Article 321. Procuring. "Anyone who, for the purpose of catering to the desires of another or with a view to profit, promotes, abets or contributes to the corruption or prostitution of persons of either sex shall be punished with deprivation of liberty for a period of from two to six years and with a fine of 30 to 100 days.

95. "The same punishment shall be imposed on anyone who maintains, for himself or for a third party, overtly or covertly, a house of prostitution or a place intended for illicit assignations."

96. "The punishment shall be deprivation of liberty for a period of from two to five years:

"(a) If the victim was under 17 years of age;

"(b) If the circumstances contemplated in paragraphs 1, 3, 4 and 5 of article 319 were present."

97. Article 322. Pimping. "Anyone who is supported by a person engaging in prostitution or who profits from the earnings acquired through this activity shall be punished with deprivation of liberty for a period of from one to six years and with a fine of 100 days."

98. In Bolivia, prostitution is not an offence, but the persons who engage in it are completely unprotected and are exposed to various situations of conflict, violence, blackmail, abuse and extortion. In addition, there is no legal basis to this problem per se; it is a social phenomenon with deep causes, both economic and social, having to do with culture and mentality.

99. In La Paz, the capital city and seat of government, the women who engage in prostitution undergo a periodic medical examination administered by a particular department of the police force and are issued a card if they are found to be free of disease. Otherwise, they must provide for their own treatment and purchase the medicines they require. At the present time, there are 620 registered prostitutes, of whom 408 are Bolivian nationals and 220 are foreigners. However, the registry is incomplete since not all the women engaged in this profession are on record and clandestine places of prostitution do exist.

Article 7

Public life and political participation

100. In the political arena, women feel manipulated at election time by the various political parties, this being particularly true of rural women and women from the low-income or disadvantaged sectors. Although, basically, women are relegated to the sidelines because of their inadequate preparation, still they are used in election campaigning in ways that reflect the various approaches of the different political groupings to the involvement of women in politics. On the other hand, women are affected by all the problems facing the country, but because their time is taken up by attending to their many needs, they are unable to play an active political role. Women lack an ideological position and allow others to manipulate them by playing on their most fundamental, indeed existential, needs.

101. Although women are used by the political parties, their participation is not a real but a manipulated one. They do not, for example, participate on their own initiative and in the grass-roots party organizations where they might be able to develop a critical awareness of what the parties are really like. Their household responsibilities, aggravated by attitudes of "machismo", limit or prevent their full participation in the political process.

102. Nevertheless, in recent years women have been learning how to participate in politics through their vote in elections. This is a learning process, something that is not surprising when one remembers that Bolivian citizens had not exercised this right for 18 years owing to the fact that power was in the hands of dictatorial governments. Women have been enfranchised since 1952.

103. It may be said that recent years have witnessed a heightening of the awareness of Bolivian women as reflected in their increasing participation in the struggle for their rights, the liberation of peoples, the defence of national sovereignty, peace and social demands, while at the same time retaining their own socio-cultural identity and a perspective of their own.

104. The political participation that has come about through the exercise of the right to vote has represented an important experience for women in these recent years of democratic rule in the country.

105. Among the main causes for the underrepresentation of women in political offices, the following may be mentioned:

(a) The reluctance of the traditional political parties to include women in their lists of candidates;

(b) The fact that few women are members of political parties;

(c) The allegedly indecisive or insufficiently militant attitude of women in demanding a voice in politics;

(d) In part, the preference of the political parties for male candidates, based on the belief that men inspire more confidence at the polls than do women.

### Women's associations

106. It is fair to say that the trade union movement in Bolivia is large and diverse, with men and women represented in all labour-related fields. Nevertheless, among union leaders and heads men greatly predominate, with women rarely holding positions of importance but being assigned instead to duties in the area of social welfare.

107. In recent years, women have been taking over political, union and cultural positions, with a view towards a future when women, thanks to a greater sense of awareness on their part, will be in the vanguard.

108. Some idea of the involvement of women in the trade union movement can be gleaned from the fact that of 800 leaders only 30 are women. Thus, growth here is slow, but it is occurring as more and more women enter the unions at the executive level.

109. There exist today women's organizations with a high degree of political consciousness and sense of militancy, such as the mineworkers' housewives, the so-called popular committees, and the associations of relocated companions and wives, which have a more realistic and down-to-earth view of the present crisis and are submitting proposals on how to deal with it. These organizations are engaged in the struggle for survival and are acquiring a greater sense of awareness along with a clearer vision of what it means to be a movement and to come together in a trade union or neighborhood organization for the purpose of enabling women to defend their jobs, their rights, and those of their husbands and families.

### The traditional parties

110. As a way of pressing their demands for greater participation in political life, women are entering the traditional parties in increasing numbers.

111. There are no established quotas either in the Parliament or in the councillors' offices or in the mayors' offices or in the various political parties.

### Electoral lists

112. Municipal elections. There is a ready willingness on the part of some parties to encourage more candidacies by women in municipal and provincial elections. Women from so-called "marginal" or "low-income" sectors are being considered for greater representation at the mayoral and provincial levels.

113. Legislative elections (women in Parliament). With regard to the representation of women in the legislative branch in both houses, there are 11 women deputies and senators out of a total of 157 members, representing 7 per cent.

114. Out of a total of 130 deputies there are only seven women or 5 per cent, and out of a total of 27 senators (plus 19 alternates) there are four women with links to the traditional parties, representing 14.8 per cent.

115. We believe that this level of representation will increase in the democratic State for the reason that there will now be an opportunity for direct participation in the political process.

#### Police

116. At present, the police force numbers among its members 200 women, who are active in the areas of prevention, care and public order, particularly in dealing with children, young persons and the elderly.

117. For lack of budgetary resources, no new women have been admitted to this women's branch of the police force since 1983.

#### Armed Forces

118. With respect to training for military careers, women were formerly able to pursue their studies on a basis of equality with men. Nevertheless, it was quite difficult for them to take up their assignments. Training for military careers was discontinued for women five years ago.

#### Right to participate in associations or non-governmental organizations involved in the public and political life of the country

119. In Bolivia, the non-governmental organizations involved in cooperation have recently put into effect new initiatives to support projects for women. For its part, the Government has ordered, in Decree No. 22,407, article 29, that, in order that their operations may be regulated, these institutions must first register before conducting their activities.

120. The non-governmental organizations are endeavoring to respond to the involvement of women in development through technical support, counselling, financial assistance and incentives.

121. The issue of the real conditions facing women both in Bolivia and in all of Latin America is being raised for discussion and reflection as to the kind of cooperation that must be undertaken on the part of the women's institutions and organizations.

122. The work of the non-governmental organizations is of increasing importance, given that the State has been unable to meet fully the public's requirements for certain services (medical, legal, social, economic, educational, etc.). These organizations are working for the achievement of the legal and constitutional equality of women and their involvement in political life, and to this end they are counselling and advising women on the exercise of their rights.

#### Right to hold public office and perform public functions

##### National System of Personnel Act and Administrative Careers Act

123. Decree-Law No. 11,094 approved both the first (55 articles and XII chapters) and the second (74 articles and IX chapters) of these acts.

124. Article 2 of the National System of Personnel Act. "The National System of Personnel is made up of all the organizations of the national public administration whose coordinated action makes possible the formulation and application of uniform personnel administration principles, standards and techniques for the common purpose of providing the necessary hierarchical structure to public service and achieving greater administrative efficiency in line with the country's economic and social development needs."

125. During the present period of government (1989-1993), within the Cabinet of Ministers there is one woman minister (for urban affairs). Women are also present in other ministries at senior levels and in advisory positions.

126. The obstacles that still exist to women's access to senior decision-making posts and positions of importance are due to specifically cultural causes and considerations of party politics.

127. Among the 3,560 officials in the Office of the Mayor of La Paz, 2,734 (76.80 per cent) are men and 826 (23.20 per cent) are women.

#### Article 8

##### International representation and participation in international organizations

128. The role of diplomatic representative of our country has traditionally been performed by men, although over the last decade there has been an increase in the number of women foreign service officers. At present, the Bolivian Embassy in Venezuela is headed by a woman.

129. The following information refers to women holding middle-level executive positions as counsellors and advisors.

##### Women members of the diplomatic service abroad

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Rank	Number	Percentage of the total number of officers
Ambassador	1	2.4
Counsellor with ministerial rank	4	13.7
Counsellor	2	8
First Secretary	9	39.1
Second Secretary	6	50
Third Secretary	1	50

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Women members of the diplomatic service  
in the Ministry of Foreign Affairs

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Rank	Number	Percentage of the total number of officers
Ambassador	0	0
Counsellor with ministerial rank	2	11.7
Counsellor	4	16
First Secretary	4	22.2
Second Secretary	7	36.8
Third Secretary	4	44.9

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130. In the Offices of the United Nations Development Programme (UNDP) there are a total of three Bolivian women, one in the Professional category and two in the General Service category. At the United Nations in New York, there are six women in the Professional category and 12 in the General Service category. In the United Nations at Vienna there is one woman in the General Service category, while at UNICEF there are six women in the Professional category and 12 holding General Service posts.

Article 9

Nationality and citizenship

Equality with respect to the right of nationality

131. This right was fully recognized in both the former (now abrogated) and present Civil Code and in the Political Constitution of the State.

132. A foreign woman who marries a Bolivian man acquires his nationality. A Bolivian woman married to a foreign man does not lose her nationality.

133. Article 38 of the Political Constitution of the State. A Bolivian woman married to a foreign man does not lose her nationality. A foreign woman married to a Bolivian man acquires her husband's nationality, provided that she is a resident of the country and indicates her consent, nor does she lose it even in the event of widowhood or divorce. (Nationality, a specific tie that binds a person to a State, confers on that person the right to claim the protection of the State, but also subjects him or her to the obligations imposed under the law.)



Article 10

Equality of cultural rights and of the right to education and training

134. Article 177 of the Political Constitution of the State. This article recognizes in education the highest function of the State and guarantees freedom of instruction. The primary cycle of education is free and mandatory.

135. There is no discrimination between males and females, and the system is mixed. The same is true of the advanced cycle, i.e., at the university.

136. Advanced education in Bolivia is also free or subsidized by the State. In addition, there are private universities.

137. At both the private and public educational establishments, women have the same opportunities as men for instruction and advancement.

Education and training

138. Bolivian education is structured in line with the following basic principles:

Education is regarded as the highest function of the State because it is a right of the people and an instrument of national liberation. It is universal, free and mandatory because these elements represent basic democratic postulates. It is democratic and one because it offers equal opportunities of common education to the entire population without distinction. It is a collective enterprise because it requires the continuous cooperation of other institutions. It is national because it responds functionally to the vital requirements of the country in its various geographic regions, at the same time that it seeks to integrate them. It is revolutionary because it involves a new historically projected doctrinal content. It is anti-imperialist and antifeudal because it helps to consolidate economic emancipation. It is active and life- and work-oriented because it provides the pupil or student with practical training for a productive and socially useful occupation. It is comprehensive because it furnishes the pupil or student with a range of experiences and knowledge to permit the full development of his or her personality. It is progressive because it applies and creates the best methods of teaching and learning. And it is scientific because it is based on a biological and psychological understanding of the pupil or student and prepares him or her in a systematic fashion.

The structures of the educational system

139. Article 15 of the Education Code. There are four major areas that, in general organizational terms, comprise the Bolivian educational system:

1. Regular education for children, adolescents and young persons, which is systematically imparted in the form of specific cycles: pre-school, primary, secondary, vocational, technical and professional, and university;

2. Adult education intended to make up for a lack of opportunities in childhood or adolescence, to remedy any deficiencies that may have occurred during the primary and secondary cycles, and to upgrade the student's cultural level and working skills;
3. Special rehabilitative education for children, adolescents and young persons who, because of physical or psychological disabilities, cannot profitably attend regular institutions of learning, but who are capable of being trained for a socially useful occupation;
4. Extra-scholastic and cultural-growth education, which is available to the entire population and is aimed at elevating the cultural level of the community.

Regular system of education

140. Regular education comprises the urban school system and the rural school system, both of which are described in articles 17 and 18 of the Education Code.

141. Article 17 of the Education Code. The urban school system operates through the following cycles:

1. Pre-school cycle, which is designed for children under six years of age and includes nursery schools, homes where children can be left during the day by their mothers ("casas maternas") and kindergartens;
2. Primary cycle, for children above six years of age, which includes basic education courses and schools;
3. Secondary cycle, for adolescents, which consists of two major streams:
  - (a) Education in the humanities;
  - (b) Vocational education marking the beginning of training for economic life and the acquisition of an occupation, trade or profession;
4. Technical and professional cycle, for young persons and adults, intended to build on the vocational education received during the previous stages and to provide specialized training in industrial, administrative, commercial, agricultural, domestic, artistic and professional studies in general;
5. University cycle as represented by the universities.

142. Article 18 of the Education Code. The rural school system, organized in accordance with the principles of the basic-education philosophy, includes all the establishments located in the countryside, cantons, villages, ranches, haciendas, communities and cooperatives. In organizational terms, it consists of the following components:

1. Rural school nuclei (cells);
2. Sub-nuclei, offering three basic primary courses, dealing in the main with regional agricultural and livestock-raising activities;
3. Sectional schools;
4. School nuclei for forest-dwellers;
5. Vocational-technical schools;
6. Rural teachers' training schools.

143. Through its machinery and educational policies, the Ministry of Education is endeavouring to restore, maintain and encourage an autochthonous culture.

144. The instruction received by the inhabitants of the Aymara, Quecha and Tupiguaraní rural areas is imparted bilingually up to the fifth basic course, with 75 per cent of the material taught in the native language and 25 per cent in Spanish. Beginning with the intermediate and secondary cycle, the language ratio is inverted. There are specialized textbooks in these languages.

#### The subject of coeducation

145. Bolivian education is coeducational, with pupils and students of both sexes instructed together and with the reciprocal influence of both sexes directed towards the full development of the individual's spiritual and moral strengths and the creation of a psycho-physiological state of health that will contribute to the individual's happiness. A coeducational system of this kind must be implemented according to progressive principles and under scientifically favourable conditions.

#### Adult education and education for the disabled

146. Article 19 of the Education Code. The following kinds of institutions exist to provide adult and apprenticeship education:

1. Literacy schools located in working-class centres, agrarian zones and suburban neighbourhoods. Those located in the agrarian zones operate on the principle of basic education;
2. Schools providing complementary education and intended to build on knowledge already acquired and to impart the elements of socio-political culture;
3. Technical schools designed to raise the level of productivity of workers, farmers and employees;
4. Apprenticeship schools and "recovery" schools (i.e., for students who have been held back at previous grades) for workers of from 14 to 19 years of age who have a special authorization issued by the competent authorities.

147. Article 20 of the Education Code. Special rehabilitative education involves the following types of establishments:

1. Schools for the blind, the deaf and dumb, and persons suffering from sensory disabilities;
2. Schools for weak children and children with learning impediments;
3. Schools for the mentally retarded.

148. Article 21 of the Education Code. Extra-scholastic education and cultural-growth extension programmes, the aim of which is to raise the level of culture in the community, include the following activities and subject areas: theatre and cinema, musical events, festivals, technical and scientific exhibitions, lectures, radio broadcasts, publications, libraries, museums, recreational activities, and the promotion of folklore.

#### Educational level of women

149. The average national illiteracy rate is 27 per cent, being 31 per cent in rural areas and 7.8 per cent in urban areas.

150. A comparative analysis according to sex reveals that there are 4.7 and 2.25 illiterate women for every illiterate man in urban and rural areas, respectively. In general, the illiteracy rate for women is 2.5 times higher than that for men.

#### Dynamics of school attendance by females and in the role of women as teachers

151. Data on the school attendance of females show that it is lower than that of males, the rates in urban areas being 84.6 per cent for girls and women as opposed to 88.2 per cent for boys and men, and in rural areas 64.6 per cent for girls and women as opposed to 70.1 per cent for boys and men.

152. Discrimination is evident in that the availability of education is closely related to the prevailing undervaluation of the role that women can play in the society. The reasons may be said to be of a cultural and economic nature. Their effect is that male children receive preferential treatment with regard to access to the school system.

153. The increase in the female school population has been greater than in the male student body. This is particularly true at the university level, where in 1988 there were 25 women for every one in 1976, the figures in urban areas being 547 university women for every one in that same year.

154. The student population of the Greater University of San Andrés (Universidad Mayor de San Andrés) in the city of La Paz totals 35,966 students, of whom 20,703, or 57.6 per cent, are men and 14,818, or 41.2 per cent, are women.

155. There is a continued preference on the part of women for short courses, with social subjects being the most popular.

156. The following figures indicate the levels of preference for specific university programmes: economics, auditing and business administration - 40 per cent; humanities - 30 per cent; legal sciences - 50 per cent; pure sciences, including the use of computers - 50 per cent; architecture - 30 per cent; medicine - 30 per cent; engineering - 10 per cent; pharmacy and tourism - 80 per cent; and nutrition and nursing - nearly 100 per cent.

157. Teaching is a priority and preferential field for women, something that may be seen in the fact that 75 per cent of the applicants to the advanced teaching schools are women, with male applicants accounting for only 25 per cent during the current academic year of 1991.

158. In 1990, of the total number of 57,777 day-time teachers in the basic, intermediate and secondary cycles of education, 24,833, or 43 per cent, were men and 32,944, or 57 per cent, were women.

159. Women have not yet achieved majority status among the country's university teachers. For example, at the Greater University of San Andrés, which is the university with the largest student body in the country, out of a total of 2,141 teachers, 82.75 per cent are men and 17.25 per cent are women. It should be noted that, for the first time, the office of the Vice-Rector is being held by a women, Dr. Nila Heredia (1991).

#### Vocational, technical and professional training

160. Article 52 of the Education Code. The purpose of vocational, technical and professional training, which is one of the State's major objectives, is to prepare the majority of citizens for useful work and to train the skilled workers and middle-level technicians who will be needed to ensure the growth of the Bolivian economy.

161. Article 53 of the Education Code. This training is designed to tap the vocational skills of the students, within the social division of labour, and is provided in the following areas: industry, commerce and administration, social welfare and health services, agriculture and livestock-raising, crafts and manual arts for women.

162. Vocational guidance was offered at secondary schools throughout the country until 1990. This year, however, it has been discontinued with a view to re-examining it in terms of substance and objectives. It will be reintroduced next year.

163. The teaching curricula are the same for persons of both sexes, whether in rural or urban areas.

#### Technical training for women

164. Article 73 of the Education Code. The State ascribes to technical training for women its rightful importance within the educational system, devoting to it the same degree of attention as to training for males.

165. Article 74 of the Education Code. The following are the objectives of this training:

(a) To prepare women, in a practical way, so that they can improve their economic and social situation;

(b) To train women for active involvement in the process of transforming our industries, commerce and administration and in the improvement of their homes;

(c) To contribute to the establishment of self-sustaining communities by making available to women the means of earning a livelihood and of gaining social and economic independence;

(d) To ensure and broaden the general culture of working women.

166. Article 75 of the Education Code. This training is designed to encompass three stages or degrees:

(a) First degree, designed to train specialized shop workers;

(b) Second degree, designed to prepare technicians (with the title of shop master) to take over the running of workshops;

(c) Third degree, designed to train social or medical personnel who will be called upon to perform functions within health-care or social-service organizations.

167. The educational curriculum does not yet provide for teaching boys and girls about the participation of family members in family tasks.

168. In recent times, women have been choosing non-traditional careers, although there are certain occupations, such as nursing, dietetics and social work, that are clearly favoured by females. There are no incentives of any kind to encourage women to select non-traditional subjects.

169. Lately, textbooks are being published for the primary, intermediate and secondary schools that are free of any aspects of discrimination against women, but that tend to emphasize the role of the family.

#### Article 11

#### Employment

#### The right to work

170. The Political Constitution of the State describes work as a duty and right of every citizen. In the words of article 156, "Work is a duty and a right and constitutes the basis of the social and economic order".

171. The right to work is guaranteed by international organizations such as the International Labour Organisation (ILO), the Ibero-American Labour Association, etc., and in the General Labour Act (GLA), which was formulated in a Supreme Decree in 1939 and enacted into law in 1942. Article 59 of that act prohibits women from working under conditions that are dangerous, unhealthy or strenuous or in occupations harmful to their morals and good conduct.

172. This prohibition provides full protection for women and has been strengthened by other provisions that will be discussed at a later point.

Right to equality of remuneration for men and women

173. The Political Constitution of the State, in article 7, declares that every person is entitled to "equitable remuneration for his or her work that will ensure the individual and his or her family an existence worthy of a human being".

174. The same subject is addressed in the following provisions of the GLA:

Article 52 of the GLA. Remuneration or wages refer to what an employee or worker receives as payment for his or her work. No wage or salary may be stipulated below the minimum level that is set by the Ministry of Labour according to occupational branches and national zones. The wage or salary is proportional to the labour performed, and no distinction may be made on the basis of sex or nationality.

Article 46 of the Regulatory Decree of the Act provides that the Ministry of Labour must from time to time set minimum and living wage and salary rates, taking into account the regions of the country and the cost of living.

Article 54 of the GLA. Workers of either sex below the age of 18 years and also married women are entitled under law to receive their wages and salaries and to dispose of them freely.

The sense of the above provisions is that in Bolivia this law is the same for both sexes.

175. The Ministry of Labour has no wage and salary policy, although the purchasing power of wages and salaries is in some way protected. There is a clear gap between the wage and salary scales in private enterprise and in the public sector. The minimum wage is set by the Ministry of Labour.

176. Women have the same rights to occupy senior and other positions, although in practice they are barred from these positions for cultural reasons or because of discrimination.

Equality of treatment as between men and women

177. Women enjoy equal rights to the exercise of higher-level professional duties and may hold executive positions of great responsibility in the same way as any man, provided that they are qualified. For example:

178. The General Labour and Social Security Act, in article 65, provides that "Vacancies for any position shall be filled by the employee or worker next in line, provided that that person meets the requirements of good conduct, competence and seniority in service. This provision shall be applied without distinction on the basis of sex".

179. The effect of the segmentation of the employment market, the sexual stereotyping of occupational roles, and the prevalent practices is that during periods of recession, such as the one that Bolivia is currently experiencing, women enter occupations for which they are not suited.

180. In other words, not only are women becoming more qualified and working more, but they are breaking out of the domestic sphere and entering the political arena with its substantive issues and changing conditions.

181. All of these considerations mean that the involvement of women in the labour market is becoming a structural factor in the social and economic dynamics of the country.

182. Although progress has been made in increasing the number of women in the workforce, they continue to be shunted off to poorly paid and low-skilled jobs and remain concentrated in occupations that tend to perpetuate their traditional roles.

183. In addition, very often this progress by women in the labour market is not accompanied by improvements in their legal and social status as workers, since there are marked differences as regards the treatment of men and women in such critical areas as wage income and access to services. Furthermore, it must be borne in mind that the greater involvement of women in the Bolivian labour market has not brought them wage income equal to that received by men, nor has this increased presence of women at the workplace been translated into the elimination of the sexually-based division of labour within the family and in the employment market.

184. The female workforce is concentrated mainly in three branches: manufacturing industries, trade and personal services, and community and social work.

#### Equality of social rights

##### Equality in the area of retirement and widow's pensions

185. The mandatory social security scheme introduced in Bolivia in 1956 and administered by the National Social Security Fund, the Railway Workers' Fund, the Petroleum Workers' Fund, the Bank Employees' Funds, etc., put an end to the former pension system, which had been based on traditional criteria. Nevertheless, because the pensions for old age or occupational risks paid by these funds were not sufficiently attractive to the beneficiaries, since the 1970s the country has established what are known as Complementary Funds ("Cajas Complementarias"), which generally provide retired persons with an income nearly equivalent to that received by the actively employed, at least at the time they stop working.

186. Article 1 of the Law of 23 November 1943 states: "Government and municipal employees, employees of autonomous agencies and of private enterprises in general are subject, upon completion of 65 years of age, to mandatory retirement except in cases where the organization or owner for whom they work agrees that they may remain in service for an additional period of not more than three years".

187. The Supreme Decree of 3 March 1983 regulates the matter of administrative retirement. The fact of having completed 60 years of age is regarded as sufficient grounds for physical disability.



188. Article 41 of the Supreme Decree of 3 March 1983. "Officials who have completed 25 years of continuous or interrupted service may apply for retirement immediately after completing that period. Officials who apply for retirement after less time in service must demonstrate that they are required to do so because of some physical or mental impediment."

189. Still on the subject of retirement, the Law of 10 November 1938, in article 2, states that: "All service performed in any of the branches of the administration, without exception, shall be considered for purposes of administrative retirement. In the case of persons mobilized for the Chaco Campaign, the time spent in the area of operations shall, for purposes of computation, be counted twice".

190. The Social Security Code provides for an old-age pension to replace the retirement scheme, except in the case of special schemes. For example, article 45 states: "An insured male who has made not less than 180 monthly payments is entitled to an old-age pension, the situation with regard to women being governed by the technical actuarial study referred to in article 295".

191. It is clear from an analysis of the preceding provision that women can retire at an earlier age than men, a fact that represents an advantage for them. The pension entitlement is the same as that set for men in accordance with a wage and salary scale that applies to both sexes.

192. With regard to widows' pensions, the Political Constitution of the State, in article 158, contains the following assertion: "The State has the obligation to protect its human resources by safeguarding the health of the population. It shall ensure the continuity of the citizens' means of subsistence and provide for the rehabilitation of disabled persons. It shall also contribute to improving the living standards of the family group".

193. The social security schemes are based on the principles of universality, solidarity, single management, economy, appropriateness and efficiency, and cover the contingencies and areas of sickness, maternity, occupational risks, disability, old age, death, involuntary unemployment, family subsidies and low-cost housing.

#### Equality of rights in cases of sickness or disability

194. Article 97 of the General Labour Act. "For the protection of workers in cases of occupational hazards, mandatory social security shall be instituted, to be paid for by the owner. Such social security shall also cover cases of disability, including those that are not work-related, in which case the related costs shall be borne by the State, the owners and the insured."

195. Article 98 of the General Labour Act. "The insuring institution shall be liable for the total payment of indemnifications, income and pensions, with the owner relieved of his obligations in respect of the hazard in question."

196. Article 67 of the Workplace Safety and Health Act. "The owner is required to adopt all the necessary precautions to protect the life, health and moral integrity of his workers. To this end, he shall take measures to prevent work-related accidents and occupational diseases, shall see to the installation of adequate sanitation facilities, and shall, in general, comply

with the requirements of such regulations as may be enacted regarding this matter. Every industrial or commercial enterprise shall have its own legally approved internal regulations."

197. Medical care is mandatory for all workers, regardless of sex, under the compulsory social security system. Article 73 of the aforementioned Workplace Safety and Health Act requires that enterprises that employ more than 80 workers maintain a permanent medical and pharmacy service at no charge to, and with no withholding from, their professional employees for a maximum period of six months, or 90 days in the case of workers, during which time they are to retain their jobs and receive their wages and salaries in full. At the end of these periods, they are to be classified as disabled for purposes of indemnification.

Equality of rights in the case of work-related accidents and occupational diseases

198. Supreme Decree No. 1,139 of 22 April 1943 states that: "The technical industrial health and safety services operating under the Ministry of Labour and the Workers' Insurance and Saving Fund shall determine, concretely and specifically, the degree of danger and the environmental health conditions at each factory and place of work".

199. In accordance with article 87 of the General Labour Act, job-related accidents and occupational diseases for which there is a right to indemnification are classified as follows:

- (a) Death;
- (b) Total and permanent disability;
- (c) Total and temporary disability;
- (d) Partial and permanent disability;
- (e) Partial and temporary disability.

200. Article 119 of the Social Security Code provides for mandatory insurance against occupational hazards: "As soon as the social security system is instituted, the enterprises shall contribute to the Fund specified by the law and in the proportions set by the system the special assessments to be used in paying out the various kinds of insurance".

201. All job-related accidents must be reported or brought to the attention of the judge with responsibility for labour affairs ("Juez Laboral") or, in his absence, the labour inspector in order that the extent of disability and the corresponding benefits may be determined in accordance with article 85 of the General Labour Act.

202. The indemnification benefits may be paid directly to the accident victim or to his wife or widow, as provided for in article 102 of the Regulatory Decree of the General Labour Act. A single woman in an owner-worker relationship has the same rights as any other worker.

Equality of rights as regards annual leave

203. All employees and workers who have served uninterruptedly for a period of more than one year are entitled to annual leave, which may be of 15, 20 or more days' duration, depending on the years of service worked. Under this right, women are eligible for the same period of leave as men. Article 44 of the General Labour Act states: "A married woman may receive up to 50 per cent of the remuneration owed to her husband if, at her petition, he has been declared guilty of habitual improper conduct by the competent judge with responsibility for labour affairs, in which case the owner is required to withhold the appropriate amounts".

204. Employees and workers receive 100 per cent of their salaries and wages during the entire time they are on leave.

Private enterprises

205. At present, there are 1,141 enterprises in Bolivia distributed among 10 areas of activity, private mining companies and a number of autonomous institutions belonging to the public administration. Of the total number of 41,206 workers, 31,199 are men and 10,007 are women. What this means is that there has been a slight increase in the involvement of women in the entrepreneurial workforce, although the trend in the economy is increasingly towards the tertiary sector.

206. A work shift at night is not to exceed seven hours, with a night shift taken to mean work performed between 8 p.m. and 6 a.m. Exempted from this provision is work performed at journalistic enterprises, which are governed by special regulations. In the case of women and juveniles below 18 years of age, the working schedule is not to exceed 40 daytime hours a week.

207. Article 62 of the General Labour Act: "Enterprises that employ more than 50 women employees must maintain nurseries and must take measures to guarantee the physical health of their female staff."

208. In actual practice, this requirement is not observed for lack of the necessary financial resources on the part both of the enterprises and of the State. Nevertheless, since Bolivia is a country in which extended families are common, in many cases it is the children who assist their parents, especially the mother, in looking after their sisters and brothers so that the mother can go to work.

Offer of employment

209. Owing to the economic recession and the contraction of the formal sector that the country is experiencing, the labour market is economically restricted. On the other hand, street trading as an urban activity has experienced a high rate of growth. By way of example, in the last five years the number of street vendors in the central areas of the city of La Paz has trebled from approximately 15,000 to 50,000; of these, 78 per cent are women. This sector of tertiary urban economic activity has today become the fastest-growing and most expansive social, economic and political phenomenon in the country and the one with the greatest potential for conflict.

Public sector

210. The public sector is one of those that employ the largest number of women, whether of the professional, clerical or service-personnel category.

Ministries

211. There are two ministries in particular that employ a large number of female staff - the Ministry of Health and the Ministry of Education. In addition there is the National Committee for Solidarity and Social Development.

212. There is one woman at the ministerial level (the Minister of Urban Affairs). Women also hold decision-making positions and senior posts within the executive branch.

Right to hold public office and to perform public functions

213. Decree-Law No. 11,094 approved the National Personnel System Act and the Administrative Careers Act, which are entirely free of any restrictions on women. Women are entitled to training in accordance with the exigencies of the service and their personal aptitudes. They are also entitled to indemnifications, bonuses and efficiency incentive awards.

214. All the organizations of the national public administration and their employees are covered by the national personnel system.

215. The system is organized around the following organs:

- The National Labour Court and the Personnel Tribunals;
- The Office of the Director of the National Personnel System;
- The personnel offices.

Protection of women during pregnancy

216. Pregnant women retain all their rights as officials or workers at any public or private workplace. They may not be dismissed for any reason unless they have committed some legal infraction or are in violation of the law.

Article 12

Health

Protection of maternity

217. Pregnant women are protected under the Political Constitution of the State, the Penal Code, and the General Labour Act. Article 61 of the latter states:

"Pregnant women shall be entitled to remain away from work for a period extending from 45 days before to 45 days after they give birth, or for an even longer period if the pregnancy should result in complications. They shall retain their right to their job and shall receive 100 per cent of

their wages or salary. During the time they nurse their infants, recent mothers shall be entitled to short rest periods during the day totalling not less than one hour."

218. Article 1 of the Law of 2 March 1988. "During their pregnancy and for a period of up to one year following the birth of their child, no woman may be dismissed from her position of employment in a public or private institution."

219. Despite the laws protecting them, statistics point to a depressing situation for women in Bolivia, with high maternal mortality rates of as much as 48 deaths per 10,000 live births. This is an indication of how little attention is being given to the problem of the reproductive health of women. The infant mortality rate stands at 105 per thousand, the mortality rate for children below the age of five years at 165 per thousand.

220. According to existing studies, the most common causes of death among women are abortions (30 per cent) and complications connected with pregnancy and childbirth (70 per cent).

221. Other serious health problems affecting women are chronic malnutrition and anaemia. Diet-connected anaemia among pregnant women, in addition to resulting in the birth of babies with low birth-weight, also contributes to maternal morbidity and mortality, the latter being a principal cause of death among women of reproductive age, particularly in rural areas and in the case of adolescent pregnancies.

222. There has been an increase of from 52 to 58 per cent in total fertility among women below the age of 30 years. Women of fertile age represent 43.94 per cent of the total female population, while the overall fertility rate stands at six children per woman. These population growth indicators mean that the Bolivian population is increasing at an average annual rate of 2.7 per cent and that the country is among those with the highest birth rate in Latin America.

223. Article 2 of the Law of 2 March 1988. "Pregnant women at a workplace where the required tasks are such that they may affect their health are entitled to **special treatment** to enable them to carry out their activities under appropriate conditions, with no reduction in wages or salary and without being subject to reassignment."

#### Maternity allowance

224. Article 37 of the Social Security Code. "The insured woman is entitled, in the event she leaves paid employment of any kind, and subject to the health provisions of the Fund's medical service, to a maternity allowance to be paid for a maximum period extending from six weeks before to six weeks after the birth, provided the conditions of contribution described in article 26 are met."

#### Specific medical care for women

225. It has been pointed out that medical care is mandatory under the social security system, which has doctors who specialize in female diseases, i.e., gynaecologists and obstetricians. Social security coverage is such that 16 per cent of the population requiring this service are receiving it.

226. Family planning in our society is a very controversial subject. What is true is that family planning can be applied for the purpose of reducing mortality among mothers and infants, that is, as a preventive instrument to promote the health of mothers.

Women's health and health care. Primary care

227. Bolivia is associated with the Regional Plan of Action for the Reduction of Maternal Mortality in the Americas. This plan has implications for the quality of services and the availability of the resources necessary for prevention and for providing women with care facilities in the light of the social and economic differences within the population, as they affect women in particular.

228. The intervention strategies will be aimed at promoting better health conditions for women and at providing the machinery for training, research, information systems and improved services.

229. These strategies will be implemented through national plans incorporating the following components: education through the mass media; family planning focusing on reproductive risk and universal access to fertility control methods; improved prenatal, birth and post-natal care; community participation; the involvement of scientific organizations; research; epidemiological monitoring of maternal deaths; and process evaluation.

Family planning

230. Generally speaking, Bolivian women have no access to information regarding the reproductive process, contraceptive methods or the recommended spacing of children. This situation demands action to enable women to gain access to the information and means that will allow them to reach considered decisions on these matters.

231. The first thing that strikes the observer of the female population in Bolivia is its low density in relation to the size of the national territory. Nevertheless, the overall density of 5.83 inhabitants per square kilometre disguises a great imbalance between the regions: 78 per cent of the population is concentrated in only 36 per cent of the territory.

232. Social inequality and the backwardness of the illiterate peasant women are also reflected in the lack of access to family planning methods. The social reality may be seen in the fact that the urban women surveyed (cap. 1983-1984) fell mainly into two categories: those who knew of no method (19.4 per cent - 50.5 per cent) and those who knew of more than six (16.3 per cent - 40.3 per cent). 1/

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1/ Source: "La Planificación Familiar", CONAPO.

233. According to the 1983 Survey of the Female Population conducted by the Bolivian Council for Human Reproduction, out of a sample of 5,069 women interviewed throughout the country, only 23.6 per cent were using some contraceptive method at the time of the survey, and of these only 9.9 per cent were employing a modern method.

234. The most commonly used methods were the rhythm method (12.7 per cent), the intra-uterine device (IUD) (3.4 per cent) and the contraceptive pill (2.7 per cent). There was a notable prevalence of female sterilization in the tropical cities of Santa Cruz and Trinidad. A considerable percentage of women (70 per cent) use no contraceptive method at all, the principal reasons for which may be summarized as structural, socio-economic, cultural and psychological, with these, in one combination or another, influencing more than three quarters of the cases.

235. In rural areas the cultural factor is very important in explaining why contraceptives are so little used. The maternity cult is a typical characteristic of agrarian society; a childless existence is virtually inconceivable for the rural woman. Her family status depends above all on her role as mother, and society offers her few opportunities if any to develop her personality along other productive, professional or cultural lines.

236. "Machismo" and men's ignorance of contraceptive methods and their possible benefits explain why women enjoy no autonomy in the regulation of their own fertility.

237. Family planning must be placed within the context of the human right to decide freely on the number of children one wishes to have and when to have them. It is a measure for protecting life by avoiding the need for abortion, and for safeguarding the social status of women by enabling them to participate in political, social and cultural activities. 1/

#### Abortion

238. Our legislation punishes abortion as a criminal offence in the following articles:

Article 263 of the Penal Code. Abortion. "Anyone who causes the death of a foetus in the mother's womb or induces its premature expulsion will be punished with:

- (1) Deprivation of liberty for a period of from two to six years if the abortion was carried out without the consent of the woman or if the woman was under 16 years of age;
- (2) Deprivation of liberty for a period of from one to three years if the abortion was carried out with the consent of the woman;
- (3) Imprisonment for a period of from one to three years if the woman gave her consent.

An attempted abortion by a woman is not punishable."

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1/ Source: "La Planificación Familiar", CONAPO.

Article 264 of the Penal Code. Abortion followed by injury or death.

"When an abortion, carried out with the consent of the woman, is followed by injury, the punishment shall be deprivation of liberty for a period of from one to four years. In the event of death, the punishment shall be increased by one half.

"When an abortion carried out without the consent of the woman results in an injury, the person carrying out the abortion shall be punished with deprivation of liberty for a period of from one to seven years or, in the event of death, from two to nine years."

Article 265 of the Penal Code. Abortion honoris causa. "If the offence was committed to protect the honour of the woman, either by herself or by third parties and with her consent, the punishment shall be imprisonment for a period of from six months to two years, to be increased by one third in the event of death."

Article 266 of the Penal Code. Abortion without punishment. "If the abortion was the consequence of a crime of rape, abduction not followed by marriage, seduction or incest, no punishment shall be imposed in the event that criminal proceedings were subsequently instituted."

239. There is also no punishment if the abortion was carried out for the purpose of preventing a danger to the life or health of the mother and if such danger could not be avoided by other means. In both cases, the abortion must be carried out by a physician with the consent of the woman and, where applicable, with the authorization of the court.

240. Despite all this legislation against abortion, abortions are very extensively performed in Bolivia in both induced and spontaneous forms. A study carried out by the Bolivian Council for Human Reproduction in 1985 in the main urban centres indicates that 25 to 26 per cent of pregnant women had at some time had an abortion. This fact should be seen in the light of the lack of appropriate information regarding contraceptive methods.

Protecting the health of working women

241. The provisions of the Political Constitution of the State protecting the health of workers recognize no distinctions on the grounds of sex, and the fact that women are prohibited from working in jobs that are dangerous or unhealthy, as provided for in article 59 of the General Labour Act, essentially reflects a desire to protect their health.

242. Nevertheless, the majority of women in low-income groups are forced to seek earning opportunities in the informal sector of the economy. Their working conditions are characterized by low wages, long working hours, unstable earnings, the absence of social benefits, and no access to technology, capital, vocational training, etc.

Women and violence

243. One of the reasons why women tolerate situations of violence stems from their economic dependence. While it is incontrovertible that this element of dependence plays a very important role, it has been seen that, beyond this



consideration, there are other, psycho-social, factors that are a key to understanding the attitude of these women, many of whom require a great deal of time before they act and, even after they have, are unable to rid themselves of doubt and a sense of guilt.

244. Violence is nothing new. Physical abuse is one of the oldest forms of expression in the human being. It is manifested in many ways, violence against women being in fact one of the most frequent occurrences in their lives. Today, the abuse of women is not evident so much in job and wage discrimination (although here too certain attitudes persist) as in the physical violence that is still accepted in much of our world as "almost" a male right.

245. In Bolivia, the principal forms of violence against women are abuse, abandonment of the home, and rape. The sexual abuse of women not only causes physical and psychological injuries but also, in many cases, death.

246. The manipulation of the image of women in the communication media constitutes violence. But to speak of violence is to remove it from the veil of silence that surrounds it and to bring it into the open so that it may be recognized for what it is.

247. In 1986, of the 1,432 cases of abuse and rape treated at the Clinical Hospital of the City of La Paz, 954, or 66 per cent, of the victims were women. Of these, 60 per cent were hospitalized for injuries caused by their husbands, while in 17.5 per cent of the cases the injuries were caused by family members and in only 13 per cent by strangers.

248. In cases of abuse and sexual violence, women can report these incidents to the public prosecutors or may take them directly to the Commission on Women's Affairs of the Chamber of Deputies or to the family legal aid offices. Certain of these institutions, such as the Commission, will bring a civil action on the woman's behalf, in addition to ensuring coordination, in the case of minors, with the Commission on Juvenile Affairs, the United Nations Committee on the Rights of the Child and the Commission on Human Rights.

249. The Ministry of Health is responsible for the AIDS prevention programme, to which end it coordinates its work with the Ministry of Education, the Ministry of the Interior and the Greater University of San Andrés in the city of La Paz (departments of dentistry and nursing), using training and educational programmes based on audio-visual techniques. Every year, lecture cycles are organized for various groups, such as lorry drivers, members of the Armed Forces, prostitutes and others.

(Ultima Hora, 16 September 1990)

#### Article 13

##### Social and economic benefits

250. The seriousness of the economic and social situation facing developing countries like Bolivia is due to the inequitable distribution of wealth, the uneven density of the population and the increasing deterioration of the

environment. These factors tend to perpetuate and aggravate poverty. In addition, there is the fact that no substantial changes have been made in the discriminatory practices that have led to women becoming one of the most adversely affected population groups and one that, in effect, has in recent years experienced a substantial worsening of its conditions of employment, education and health.

251. We recognize that in our society, as in others in Latin America where social inequality is still the rule, it is nearly impossible for women to achieve full equality and become active agents in the struggle for development - understanding by this term not only economic growth but also social, cultural and political advances as basic prerequisites for the achievement by women of their full equality.

252. The Bolivian woman is not involved in the development process because she lacks knowledge of legal affairs as well as access to the means that could contribute to an improvement of her individual situation and that of the society, namely, opportunities for remunerated employment and income generation.

Equality of rights with regard to social and family benefits

253. It will be clear from the provisions referred to above that social and family benefits are the same for all, without distinction.

Equality of rights in the area of social security for self-employed workers

254. Not long ago, a social security system was created in Bolivia for the self-employed (actually for lawyers) under Supreme Decree No. 19,882.

255. Article 1 of Supreme Decree No. 19,882. Insurance for self-employed lawyers. "It is ordered that there shall be mandatory enrolment, under the National Social Security Fund, of self-employed lawyers who are members of the bar association, and of their family group as beneficiaries, for insurance against sickness, maternity, occupational hazards, disability, old age and death and under the supplementary scheme."

256. Article 2. Optional insurance. "Lawyers who work in the public or private sector shall have the option of enrolling under the voluntary insurance scheme in order to improve their benefits and those of their rightful claimants."

257. One of the developments in the labour situation in Bolivia that has recently acquired considerable significance is the massive influx of women into the informal sector of the economy, which, although limited, is productive and often represents the sole source of support for these women and their children. Within this sector, however, the women enjoy not even the minimum rights to which, as workers, they are entitled, and such social benefits as medical insurance are inadequately provided.

258. Women are driven by their family situations (which require that mothers and wives work) and by competition to accept conditions that are incompatible with their status as workers.

### Annual leave

259. With regard to annual leave, women are treated in the same way as men.

260. Article 44 of the General Labour Act. Supreme Decree No. 3,150 of 10 August 1952 amended this article and established for employees and workers in general, whether in the private or State sector, the following leave scale: from one to five years of work - 15 working days; from five to 10 years of work - 20 working days; 10 and more years of work - 30 working days.

261. Employees and workers receive 100 per cent of their salaries and wages for the entire duration of their leave.

### Women's access to credit

262. Legal capacity confers on women access to credit and mortgages, provided that they are able to satisfy the necessary criteria of economic solvency. Given that the country is currently in the grip of a recession, it is almost impossible to obtain credit because few people, and least of all rural women, own the real estate or have the bank savings that represent that solvency.

263. There have been experiments by non-governmental institutions or international agencies, such as Meals For Millions, which are very successfully conducting trial credit programmes for rural women in the province of Manco Kapac (near the city of La Paz).

### Right to culture and recreational sports

264. Women enjoy every right of access to culture (folklore, music, art, etc.), but they are restricted in the exercise of this right for economic and work-related reasons. In the event that a woman were to represent the country in some international sporting event, she could be declared to be performing a remunerable service.

## Article 14

### Rural life

#### Women in agriculture

265. Our legislation does not cover the subject of agricultural work. Article 1 of the General Labour Act describes in a summary way the rights and obligations that derive from a labour relationship, but not in agricultural area, where these relationships are specially dealt with in the Agrarain Reform Act and in other related provisions, which discuss them in very superficial terms.

266. Women hired for work in the cotton harvest are paid by the piece. This is an example of wage discrimination for the reason that, because of their physical constitution, women cannot equal the performance of men. In our country, women in agriculture generally work alongside their husbands in labour of this kind.

267. Agricultural work is seasonal, so that both women and men are contracted for the time it takes to cultivate or harvest the crops in question. Women are paid less for their working day even though the law requires the same daily wage for both sexes.

Seasonal workers covered under the Labour Act

268. 'Ministerial Resolution No. 235/80 of 21 April 1980.

Whereas:

Seasonal work, despite its importance to the country because of the large workforce involved in this form of social production relationship, is not regulated under the law;

Seasonal work has been the subject of special attention on the part of such international organizations as the United Nations and the International Labour Organisation, which have studied its economic and social implications for the country through specific, broad-based projects;

Article 1 of the General Labour Act excludes from its provisions "agricultural labour", referring instead to the systems involving the use of Indian farm labourers ('pongueaje'), the leasing of services and tenant farming ('colonato') that existed at the time of its enactment;

Because of their nature and characteristics, the wage-earning labour relationships that arise in agro-industrial, agricultural and stock-raising enterprises with forms of subordination and dependence specific to capitalist production units are covered by the provisions of the General Labour Act, and this fact requires that these relationships should be the subject of special regulations;

Now, therefore, it is resolved:

First: That seasonal labour refers to labour performed as part of specifically agricultural activities, namely, the harvesting of cotton, coffee, chestnuts, etc., and other activities involved in the industrial processing of these raw materials and conducted in a way that gives rise to a wage-earning labour relationship;

Second: That seasonal workers subject to the conditions of subordination and dependence typical of a wage-earning labour relationship are covered by the provisions of the General Labour Act;

Third: That, in the light of the nature and characteristics of wage-earning or seasonal labour, the overall social security system and the question of the interrupted service of seasonal workers shall be regulated at a later date, taking into account the particular nature of this labour relationship;

Fourth: That working conditions in respect of wages, relocation passes and travel expenses, paid days of work, housing, medical care, the length of the working day for juveniles, and other important aspects in the

labour relationship shall be governed by the single collective agreement to be concluded between the workers' and employees' parent organizations, with the involvement of the Ministry of Labour (Ministerio de Trabajo y Desarrollo Laboral), in the form of general agreements on minimum working conditions to be applied in each case in accordance with the particular characteristics of the enterprise."

269. Bolivian women belong to different social classes and have different ethnic and cultural backgrounds, so that it is difficult to characterize them as a single category. A large percentage of these women live in the countryside; of the total rural population of 3,118,000, 1,537,000 are women. This means that 49 per cent are confined to domestic activities, helping their husbands in tasks connected with working the land and raising animals, activities which, although regarded as productive, are not recognized as such either by their husbands or by the society.

270. All of this is the result of the continued prevalence of deeply-rooted attitudes, beliefs and traditions and also of the failure to understand the importance of women's active participation in society - all factors that explain why women still continue to have so few options outside of marriage and their role as mothers.

271. When a peasant woman remains in the community in which she was born, while her children and husband migrate, she becomes the head of the household and the principal agent of production and economic reproduction within the family.

272. Rural women are involved in sowing, harvesting, livestock-raising, crafts and marketing. Nevertheless, their work is not recognized by society as a productive activity.

273. In legal terms, the rural woman enjoys the full right of access to credit. Nevertheless, for economic reasons and because of her living standards, it is impossible to regard her as meeting the requirements of financial solvency. An attempt was made to enact a Peasant Insurance Code, but the legislation never advanced beyond the draft stage.

274. Contributing to the perpetuation of this situation are discriminatory traditions and customs that relegate rural women to a secondary position in society. Bolivian society has not only developed values and prejudices that imply the inferiority of women in ideological and cultural terms, but it also denies her the opportunity to test her abilities in the area of work.

275. It is still too early to claim that rural women are fully aware of their rights. There are various reasons for this, including an absence of counselling services for women, their low level of education, the rigidly defined roles assigned to men and women, the existence of a number of customs that are continuing to impede the advancement of women, a lack of training, and others.

#### School attendance by rural women

276. The number of rural girls and women, five years of age and older, attending educational establishments is 334,000.

277. The number of potential female pupils and students, between the ages of five and 19 years, not attending educational establishments totals 200,700, 5,500 of them because there are no schools, 11,800 because there are no advanced courses, 30,400 for lack of money, 43,000 because they are working, 5,700 for reasons of health, and 104,300 for other causes. 1/

278. There are many reasons for the large number of school drop-outs and the high rate of non-attendance, one of them being the late age, between eight and nine years, at which many children first enter school, a circumstance that contributes to abandonment of studies in view of the fact that at 13 they may already start working. Another consideration is the distance between the school and the community, which may encourage or discourage school attendance, depending on whether it is short or far. Finally, an additional factor contributing to the drop-out rate is the shortage of school supplies and the inadequate motivation on the part of families to ensure that their children continue their studies.

#### Article 15

#### Equality before the law

##### Equality of rights in civil matters

279. Under the Bolivian legal system, family law is regulated by the Civil Code. The Family Law, which deals specifically with this area and which was promulgated in 1973 in Decree-Law No. 10,426, was elevated to the status of law on 4 April 1988. Earlier, the Judiciary Organization Act of May 1972 had already provided for the establishment of special family courts with jurisdiction in the area of family matters.

##### Equality before the law

280. The Political Constitution of the State, in article 6, recognizes the capacity and personality of all Bolivian citizens and guarantees their rights and freedoms regardless of their race, sex, language, religion, political or other views, economic status or social standing.

##### Legal capacity

281. The Civil Code recognizes the legal capacity of all persons, without distinction, with capacity defined as a person's competence to hold any right, whether of enjoyment or exercise.

282. Article 3 of the Civil Code. "Every person has legal capacity. This capacity may be partially limited only in the cases specifically contemplated in the law."

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1/ Source: Bolivia en Cifras 1989 ("Bolivia in Figures"). National Institute of Statistics.

283. The article transcribed above from the Civil Code currently in effect is in agreement with article 6 of the Political Constitution of the State in regulating the question of personality. Personality is understood as meaning "legal activity on the part of a subject of rights and obligations".

284. Legal capacity refers to a "man's competence to act as a subject or party, either independently or through legal representation, in relationships of law, whether as someone who holds rights or faculties or as someone who is required to provide a service or carry out a duty".

285. Since women are human beings, they are persons and subjects of rights and obligations by virtue of the mere fact of their existence. Accordingly, since the promulgation of the constitutional provision with which we are concerned, women are subjects of rights and have the capacity of action and exercise.

286. The legal capacity of exercise may be invoked by a person acting independently, without anyone's authorization or commission. In Bolivia, women acquire this capacity only after they have completed 21 years of age or, if married, earlier.

287. Article 3 of the Civil Code. Limitations on legal capacity. "Every person has legal capacity. This capacity may be partially limited only in the cases specifically contemplated in the law."

288. Article 4 of the Civil Code. Majority and capacity to act. "Majority is attained on completion of 21 years of age." According to paragraph 2 of the aforementioned article, any person who has achieved his or her majority has legal capacity, acting independently, to perform all acts of civil life.

- Women, by virtue of their legal capacity, have the same right as men to conclude contracts in their own name, as provided for in the Civil Code.
- In accordance with the Political Constitution of the State, the testimony of a woman has the same value as that of a man.
- For some time now, women lawyers have held such positions as judges and public prosecutors. For example, there are nine women on the family bench, in the public prosecutor's offices and in the district civil, criminal and juvenile courts of the city of La Paz; two women, in the cities of Beni and Tarija, also serve as district court presidents.

#### Rights to circulate freely and choose a domicile

289. Both men and women have the right to circulate freely, without restriction, as guaranteed in article 7, paragraph (g), of the Political Constitution of the State. This right is protected in articles 18 and 19 of the same law under habeas corpus or constitutional "amparo" (protection) recourse procedures.

290. Article 7 of the Political Constitution of the State. "All persons have the following fundamental rights, in accordance with the laws regulating their exercise: paragraph (g) To enter, remain in, pass through or leave the national territory."

Recourse of habeas corpus

291. Article 18 of the Political Constitution of the State. "Any person who believes that he has been unrightfully or unlawfully prosecuted, detained, tried or arrested may apply, acting on his own, or through any other person acting in his name with or without a notarized power of attorney, to the Superior District Court or to any district judge of his choosing with a petition that legal formalities should be observed. In places where there is no district judge, the application may be made to an inquiring magistrate.

292. "The judicial authority shall immediately set a day and time for a public hearing, ordering that the plaintiff should be brought before it. Under this order, the office of the authority named as the defendant shall be subpoenaed in person or in a writ, and the order shall be obeyed, without comment or excuse, both by that office and by the officials in charge of the prisons or places of detention, who may not, once they have been summoned, disobey the order on the grounds of instructions from higher authority.

293. "Under no circumstances may the hearing be suspended. Once the case has been heard, the judicial authority shall issue a ruling at the hearing itself, ordering that the plaintiff be released and that the legal flaws be remedied, or remanding the plaintiff to the competent judge. The ruling shall be executed at once. The decision pronounced shall be automatically submitted for review, within a period of 24 hours, to the Supreme Court of Justice, but the execution of the ruling shall not be suspended because of that fact.

294. "If the defendant, after being present at the hearing, leaves it before the sentence is read, the sentence shall be announced in the courtroom, thereby acquiring legal force. If the defendant fails to attend the hearing, he shall be in contempt of court and the hearing shall be conducted in his absence and, once the plaintiff or his representative has presented his case, sentence shall be pronounced.

295. "Public officials or private persons who resist the decisions of the court in the cases provided for in this article shall be remanded, under an order of the authority that heard the habeas corpus petition, to the criminal court judge in order that they may be tried for the offence of infringement of constitutional guarantees.

296. "Any judicial authority that fails to act in conformity with the provisions of this article shall be subject to the sanctions of article 127, paragraph 12, of this Constitution."

Recourse of "amparo"

297. Article 19 of the Political Constitution of the State. "In addition to the recourse of habeas corpus referred to in the preceding article, the recourse of amparo is provided against illegal acts or improper omissions by officials or private individuals that restrict or suppress, or threaten to restrict or suppress, the personal rights and guarantees recognized under this Constitution and the laws.

298. "An amparo recourse petition shall be submitted by the person who believes himself to have been wronged, or by another, properly authorized person acting on his behalf, to the superior courts in the department capitals



and to the district judges in the provinces, where it shall be processed in the most expeditious possible manner. The Office of the State Attorney (Ministerio Público) may also automatically submit this recourse petition when the person affected fails, or is unable, to submit it.

299. "The authority or person named as the defendant shall be summoned in the manner provided for in the previous article in order to provide information and, if necessary, present the facts regarding the question at issue not later than within 48 hours.

300. "The final decision shall be pronounced in a public hearing immediately after receipt of the information from the defendant or, in the absence of such information, on the basis of the proof offered by the plaintiff. The judicial authority shall examine the competence of officials in the matter in question and, if they find the claim to be true and substantiated, shall grant the amparo requested, provided that there is no other legal means or recourse for the immediate protection of the rights and guarantees that have been restricted, suppressed or threatened. The ruling shall be automatically submitted for review to the Supreme Court of Justice within a period of 24 hours.

301. "The prior rulings of the judicial authority and the final decision granting amparo shall be executed immediately and without comment, with the provisions of the preceding article applied in cases of resistance."

302. The place of domicile may be freely chosen. Nevertheless, the woman's domicile is that of her husband, although this does not mean that the situation is necessarily as described, since in actual practice the woman's domicile may be chosen in accordance with her principal activity, in strict compliance with article 24 of the Civil Code, which states: "The individual person's domicile is at the place where the person has his or her principal residence". When that residence cannot be established with certainty, the domicile is at the place where the person carries out his or her principal activity.

#### Right to circulate

303. This right guarantees personal liberty in accordance with the rules established in the laws regulating its exercise, in such a way that a person may not be deprived of, or restricted in, his personal liberty by another.

304. Article 8 of the Civil Code. "Personal liberty is guaranteed in accordance with the rules established in the laws guaranteeing its exercise, and no one, outside of these laws, may be deprived of, or restricted in, his liberty by another."

#### Equality in the area of criminal law

305. The Penal Code of 1831 referred to adultery committed by a woman as an offence punishable by imprisonment for the term desired by her husband, whereas a husband who had committed adultery was punished only with exile.

306. Adultery as an offence has been removed from our legal system, which, on the other hand, now recognizes the offence of bigamy, for which both men and women can bring an action and be sentenced to deprivation of liberty for a

period of from two to four years. At present, adultery, committed by either of the spouses, has ceased to be an offence and has come to represent no more than grounds for divorce, which may be invoked by either party.

#### Legal aid

307. Women have access to legal aid. Throughout the country, the Government operates family legal aid offices under the National Committee for Solidarity and Social Development. There are also the district public prosecutors in the department capitals.

308. The Department of Legal and Political Sciences of the Greater University of San Andrés provides legal assistance to women, especially those with low income. A number of non-governmental organizations offer counselling and legal aid in several cities of the country.

### Article 16

#### Marriage and family law

##### Right to a name

309. Persons have a right to a name as a specific attribute of their personality designating them and distinguishing them from others. Thus, article 9 of the Civil Code states: "Every person is entitled to the name corresponding to that person under the law. The name includes the person's own or individual name and the surname of the father and mother".

310. In Bolivia, one has one's own name to which is added the surname, which is transmitted from the mother to the children. A married woman retains her surname but may add that of her husband, preceded by the preposition "de" ("of") as a sign of her marital status, and may continue using it even after she has become a widow or dissolved the marriage if that name has brought her fame or she has acquired a reputation as an artist or performer under it. These are the provisions of article 11 of the Civil Code, which states: "A married woman retains her surname, but may add that of her husband, preceded by the preposition "de", as a sign of her marital status, and may continue using it even after she has become a widow". Women use their own surnames in their professional titles.

311. A divorced woman is not entitled to continue using her ex-husband's surname, except when so agreed between the parties or, in the absence of such an agreement, with the authorization of the judge, because of the prestige she may have acquired under that name through her professional, artistic or literary activities.

312. In all other cases, the question of the name is regulated by the specific provisions of the law.

313. COMMENTARY - The preposition "de" (of) referred to by the Civil Code is objected to by many women since it might give the impression of the right of ownership or belonging exercised by the man over the woman.

### Equality in family law

314. Prior to the reform of the Banzer Codes, as we said, family law was lumped together with the Civil Code as another branch of it. Beginning in 1973, a Code specializing in family matters was legislated and is now considered one of the most complete in Latin America.

315. Article 193 of the Political Constitution of the State protects the family, marriage and maternity: "MARRIAGE, THE FAMILY AND MATERNITY ARE UNDER THE PROTECTION OF THE STATE".

### Legal treatment

316. The members of the family, i.e. the man and the woman, enjoy equal legal treatment compatible with human dignity. This equal treatment of the spouses is not yet fully understood by many women who, despite the many years that have passed since the promulgation of this provision, are still guided by the fact and believe that they owe blind obedience to the spouse, as provided for by the Civil Code repealed in 1976, so that many women, despite being constantly maltreated, are afraid of abandoning the family home.

317. This legal equality of treatment, which gives rise to the provision of family assistance (which is nothing else than the legal relationship by which one person is obliged to subsidize the requirements of another person), envisages the two spouses and the Civil Code does not distinguish between men and women spouses. This being so, the mother is also obliged to provide family assistance in favour of her children, and in some cases this obligation, as a result of the legal equality between the spouses, means that the woman may provide family assistance for the disabled or handicapped husband for his subsistence.

318. Family assistance in favour of the wife ceases by law in certain cases. An example is when the woman contracts a new marriage or when she is the guilty party in a divorce.

### Subsistence allowance

319. Article 143 of the Family Code: "If the spouse who has not given grounds for divorce does not possess adequate means for subsistence, the judge shall determine a subsistence allowance under the conditions envisaged in article 21".

320. This obligation ceases when the beneficiary contracts a new marriage, when he or she obtains sufficient funds for subsistence, or when he or she enters into a free or de facto union. If divorce is declared through the fault of both spouses, there is no reason for this assistance.

### Right to contract marriage

321. Women may contract marriage from their fourteenth year, while men do so from the sixteenth year, this determination being based on physiological maturity.

Announcement of marriage

322. Under article 55 of the Family Code, men and women intending to contract marriage should present themselves personally or through a special representative with notarial authority to the Registry Office Clerk of the domicile or residence of either of them, stating:

1. Their names and surnames, place and date of birth, civil status with the addition in the case of dissolution or nullity of the previous marriage, the name of the other spouse, the reason for and date on which the one or the other occurred, their occupation or trade, and the names of the parents, except when they are not known.
2. Their desire to be married.
3. The absence of any factor preventing or prohibiting the marriage.

323. If the consent of other persons is necessary, there should be indication as well of their names and personal particulars.

324. For the purpose of this article, residence of one of the parties shall be taken to mean the place where they lived for the three months preceding the announcement.

325. Women who are widows or divorced may not marry again until 300 days after the death of the husband or decree of separation.

Time-limit for remarriage by the woman

326. A woman who is a widow, divorced or whose marriage is invalid, may not marry again until 300 days after the husband's death, the decree of personal separation of the spouses or the final judgement on nullity.

327. The judge may grant exemption from the time-limit when it is impossible, under the given circumstances, that the woman could be pregnant by the husband. The time-limit does not apply to women who give birth before it has ended.

328. Hence the woman is forbidden to remarry for a reasonable period of time; this ban is not ill-intended since there has to be provision for, or rather, certainty of the fact that the woman is not pregnant by a previous husband.

Choice of the spouse and free consent to marriage

329. Men and women appear before the Registry Office Clerk on a free and voluntary basis to announce their desire to get married; if there is no such desire, the marriage may be revoked, in the same way as if a person's consent had been obtained by force.

330. Women should have adequate freedom to choose their spouses.

Duties and rights of spouses

331. The new legislation on family law represents a profound change in the system of family law existing prior to the constitutional reform of 1945, which proclaimed the legal equality of the spouses. Everything to do with the woman was subjection, while for the man it was a domination, hence the married woman was included among legally incompetent persons and the Roman Law legacy in the repealed Civil Code regarded women who entered into matrimony as subordinate to their husbands. This situation persisted even after 1945 on account of ignorance among women and because of such laconic concepts as WOMEN OWE THEIR HUSBANDS OBEDIENCE, etc.

332. Article 194 of the Political Constitution of the State grants equality in the following manner:

"MATRIMONY RESTS ON THE EQUALITY OF THE RIGHTS AND DUTIES OF THE SPOUSES.

FREE OR DE FACTO UNIONS WHICH COMBINE CONDITIONS OF STABILITY AND SINGULARITY AND ARE MAINTAINED BETWEEN PERSONS WITH LEGAL CAPACITY TO CONTRACT A RELATIONSHIP GIVE RISE TO EFFECTS SIMILAR TO MARRIAGE IN THE PERSONAL AND PROPERTY RELATIONSHIPS BETWEEN THE COHABITING PARTIES AND IN THOSE RELATING TO THE CHILDREN BORN OF THEM."

333. Article 97 of the Family Code establishes that the spouses have common duties as regards fidelity, care and mutual assistance.

334. The entire set of rights devolving upon the husband, which correspond to a subordinate status on the part of the woman and which in the older law was known as "potestad marital" (husband's authority) has now been eliminated at the instigation of Professor Belga Laurent, quoted by Planiol in his preliminary draft for revision of the Civil Code.

335. Equality between the spouses has substantial forms of expression showing its true purpose: for example, article 31 of the Civil Code and article 235 of the Family Code lay down the equality of the two spouses when proceeding to a declaration of the presumption of absence, an adoption or an arrogation.

Appointment of a guardian

336. Under article 346 of the Family Code, when appointing a guardian, the judge should give preference to the legally non-separated spouse, the father or the mother, the son or older brothers or to the person designated by the last progenitor.

Common needs of spouses

337. These are covered in article 98 of the Family Code. Each one of the spouses contributes to meeting the common needs as far as is economically possible for them.

Rights and responsibilities of spouses during marriage and in the event of its dissolution

338. The marriage is dissolved through the death of the spouses, by declaration of presumed death, by annulment or by divorce.

339. On the death of the husband, or vice versa, the wife is universal heir to the personal property of the deceased. A declaration of presumed decease has the same effect.

340. Both men and women have the right to an action for divorce and for the same reasons. Under article 130 of the Family Code, an action for divorce can be brought for the following reasons:

1. On grounds of adultery or a homosexual relationship by either of the spouses.
2. Should one of the spouses be the perpetrator, instigator or accomplice in the commission or preparation of a crime against the life, honour or the property of the other spouse, after a sentence of conviction has been officially pronounced.
3. If one of the spouses corrupts the other or their children or is involved as an accomplice in their corruption or prostitution.
4. On grounds of cruelty, serious injury or abuse in word or in deed that make life in common intolerable. These grounds will be evaluated without regard for the education and status of the aggrieved spouse.
5. On grounds of malicious desertion of the home by one of the spouses, provided that cohabitation has not been restored without just cause six months after it has been judicially required on petition by the other. When the culpable spouse returns home only in order not to let this time-limit lapse, it will be considered lapsed if fresh desertion occurs within two months.

341. The judge must weigh up the evidence and permit the divorce only when by the burden of it the very essence of the matrimony is radically compromised, along with the interest of the children, if there are any, and that of society.

#### De facto separation

342. Under article 131 of the Family Code, a petition for divorce may also be filed on grounds of de facto separation freely consented to and lasting for more than two years, whatever the grounds for it. In such a case, the petition may be made by either of the spouses and the evidence will be limited to demonstrating the lasting nature of the separation.

343. As long as the divorce proceedings are under way, no matter who has initiated the action for divorce, and as long as the culpability of the spouse providing grounds for divorce has not been established, the woman enjoys a family allowance, with this benefit continuing until such time as she contracts marriage again.

#### Position of the children and alimony for them and for the woman

344. Under article 389 of the Family Code, the judge shall determine the circumstances of the children, with regard for what is laid down in article 145, and shall also fix the alimony that the husband pays to the

children that do not remain under his guardianship and to the woman while litigation is in process. The judge may conduct a hearing, if necessary, to settle the above matters, with the attendance of the parties involved, the children, if appropriate, the counsel for the defence and the public prosecutor. In serious cases, in which it is inappropriate for the children to be delivered over to either of the spouses, the judge may proceed in the form envisaged at the end of article 145.

345. Article 147 of the Family Code lays down the obligation devolving upon both the father and mother to help with the maintenance and education of the children, as far as possibilities and necessities permit. The wife, furthermore, may help with the care of the children.

#### Parental authority

346. Article 196 of the Political Constitution of the State lays down that the authority of the father and mother, and also guardianship, are established in the interest of the children.

"IN CASES WHERE THERE IS SEPARATION OF THE SPOUSES, THE POSITION OF THE CHILDREN SHALL BE DEFINED WITH DUE REGARD FOR OPTIMAL CARE IN THEIR MORAL AND MATERIAL INTERESTS."

#### Rights with regard to guardianship, tutelage and adoption of children

347. In the case of guardianship, the law recognizes the same rights for both spouses, bearing in mind optimal care with moral and material interest of the children. Children who have not reached seven years of age may be placed in the care of the mother and those who have passed this age in that of the father, or else the males to the father and the females to the mother.

#### Position of the children

348. Under article 145 of the Family Code, the judge shall define the position of the children in his ruling, having regard for optimal care and the moral and material interest of the latter. Boys who have not reached the age of seven may be entrusted to the mother, and those who have passed that age to the father; or else the males to the father and the females to the mother, without distinction of age.

349. For reasons of morality, health or education, it is possible to entrust guardianship of the children to the mother, or to neither of the parents, by choosing between the paternal or maternal grandparents or between the brothers and sisters of the said spouses. If necessary, guardianship may be entrusted to a third party who is considered suitable.

350. Article 195 of the Political Constitution of the State recognizes the equality of all the children, without distinction of sex. "All children, without distinction of origin, have equal rights and duties with regard to their progenitors". Filiation shall be established by all the methods that are conducive to proving the fact under the system determined by law.

351. The underage child is subject to the authority of its parents until it reaches its majority. Parental authority is the set of rights and faculties that the law confers upon the father and mother in regard to their underage children.

352. The mother, without restriction, or the father, are obliged to bring up the child and to provide it with a good education, occupation or trade.

353. Under article 157 of the Political Constitution of the State, the father and the mother are obliged to contribute to the maintenance and education of their children in proportion to their means and to the children's requirements. In particular, the mother may also contribute with care for the children. The sentence determines the contribution that each should make.

354. In the case of an unborn child, guardianship can only be given to the mother.

#### Adoption and arrogation

355. These are rights that may be exercised both by men and women if certain requirements by law are complied with for that purpose.

356. The term "to arrogate" ("arrogar") in its usual meaning signifies to adopt an orphan or an emancipated child as a son or daughter. According to the writer Estriche, it is "the act of adopting or taking an alien child into one's charge as one's own (with proper authorization)".

357. Under article 216 of the Family Code, persons who wish to adopt a child must fulfil the following requirements:

1. Be older than 40 years of age;
2. Have a good reputation and possess the funds necessary to take charge of the adopted child;
3. Not to have children of their own, except adopted ones.

358. Under article 255 of the same Code, the arrogators should be two spouses, with marriage contracted before the birth of the arrogated child, who have not been separated legally, who are more than 40 years of age, who fulfil the requirements for adoption in articles 216.2 and 216.3, and who have had the underage child in their care or tutelage for at least six months.

359. Legitimate adoption, as a legal institution, is geared to favouring underage orphans completely without parents, who have been abandoned or whose parents are unknown and are NOT OVER THE AGE OF SIX SO THAT THEY CAN BE REGARDED AS CHILDREN WITHIN THE MATRIMONIAL UNION OF THE LEGITIMATE FOSTER PARENTS.

360. Under article 244 of the same Code, the adopted child has the right to use the surname of the adopting party, either by adding it to its own name or as a replacement for it.



361. In either case, the fact is recorded in the act of adoption and the relative communication is made to the Registry Office Clerk.

362. Single mothers cannot arrogate or adopt, as set forth in article 235 of the Family Code.

#### Rights and duties devolving from filiation

363. Article 173 of the Family Code states that all children, without regard for their origin, have the same rights. This provision, naturally, also relates to females. Children born to mothers and fathers who are not married may be recognized.

364. Legal equality and the equality of the children as established in the Family Code entitle both the mother and father to be cited in a claim of paternity or maternity. Article 208 states: "Paternity may be claimed in cases of rape or violation of the mother or seduction by fraud", and article 212 states that the maternity may be established at any time by any form of proof.

#### Right to exercise an occupation or trade

365. Article 99 of the Family Code permits women to practise any occupation or activity, including under their own name.

366. The husband may obtain a ban on the practice of a certain occupation or trade by the wife for reasons of morality or when the function of the family is thereby seriously harmed.

#### Joint ownership of property acquired through marriage

367. From the time of its contraction, marriage represents the joint ownership of property, which is divisible into equal parts at the time when the matrimonial link is severed. The joint ownership is established although one of the spouses may have more property than the other. The law makes it divisible among these spouses under equal conditions. The law does not establish any preference or make any distinction as to who has contributed more, is engaged in greater activity or produces greater yield.

368. Matrimony constitutes between the spouses, from the moment of its contraction, the joint ownership of property acquired while it is in force, unless there is legal separation of property in cases expressly permitted (article 101 of the Family Code).

369. Joint ownership is established even though one of the spouses may have more property than the other or only one has property and the other does not. Women may simply confine themselves to contributing to the household with the relevant housework and not provide any property but they still have the right to 50 per cent joint ownership in respect of any property the husband may have acquired before marriage, with this applying also to the male spouse.

Administration of joint property

370. The administration of joint property is the responsibility of both spouses (article 144 of the Family Code). In the case of acts of administration by one of the spouses that are justified by joint commitments, it is presumed that they have the consent of the other spouse and fulfil a set purpose. If the acts are not justified by joint commitments, they are only personally binding on the spouse who has made them, provided that the creditor has learned or should have learned of their unjustified nature, according to the circumstances. In the case of the absence, incapacity or invalidity of one of the spouses, the administration devolves only upon the other.

371. Joint ownership does not cover the personal property acquired before the marriage, received by each spouse through inheritance, legacy or donation.

Personal property

372. Under article 107 of the Family Code, the following are possessions of a personal nature:

1. Family allowances.
2. Benefits from personal insurance contracted by one of the spouses for himself or for the other, with deduction of the premiums paid during the marriage.
3. Compensation for the personal injury of one of the spouses.
4. Literary, artistic or scientific copyrights, together with manuscripts, drafts, drawings or architectural, art or industrial models.
5. Family records and personal effects such as portraits, correspondence, decorations, diplomas, weapons, clothing and adornments, and the tools necessary and books required for the exercise of a trade or occupation, except the compensation which has to be paid in the latter case to the joint system of ownership.

373. Also outside the system of joint ownership is personal property acquired by ACCRETION, RIGHT OF ADMINISTRATION AND DISPOSAL OF PERSONAL POSSESSIONS.

Personal property acquired by accretion

374. Under article 108 of the Family Code, the following are also considered personal property:

1. Bonuses acquired through revaluation of capital or investment of reserves which correspond to personal securities or movable assets and do not involve expenditure.
2. Securities or assets acquired under a right of subscription corresponding to a security or personal asset, except for compensation to the joint system of ownership if they are paid for with joint funds.

3. The rise in value or similar increases experienced by personal property, without stemming from improvements.

375. Each of the spouses is entitled to administrate disposal of their personal property by themselves or through the other spouse, though in the form of power of attorney.

#### Joint commitments

376. Family responsibilities. The legislation on these is to be found in articles 118 and 120 of the Family Code.

##### Article 118 (family responsibilities)

The following are joint responsibilities:

1. Maintenance of the family and education of the children, whether the latter are from both spouses or from only one of them.
2. Family allowances or benefits which either of the spouses is obliged by law to provide for their relatives.
3. The amount of what is donated or promised by both spouses to the children for their marriage or establishment in an occupation.
4. Ordinary or de luxe funeral expenses incurred by the death of one of the spouses or both and the household expenses for the following month, with the deduction of social security or similar payments, if there are any.
5. The debts incurred by the husband or wife during marriage in the interest of the family.

##### Article 120 (payment of responsibilities)

1. Maintenance of the family and education of the children.
2. Family allowances established by law for the benefit of relatives.
3. The amount donated to the children for marriage or establishment in an occupation.
4. Funeral expenses incurred by the death of one of the spouses, debts incurred by the husband or the wife during marriage.

#### Marriage of the children

377. Marriage by the children prior to attaining their majority has to be authorized by the parents.

378. Under article 53 of the Family Code, a minor may not marry without the consent of his mother or father. In the event of dispute, the judge decides.

379. In default of the parents, consent is given by a guardian. The father or mother who do not exercise their authority may put forward important reasons

for not giving their consent, in a case when they do exercise such authority, which shall be taken into consideration by the judge when settling the relevant matter.

380. The minor, when denied consent, may appeal to the judge who, after hearing the parties and the prosecution, will grant authorization providing that there are valid grounds for the marriage.

381. Under article 44 of the Family Code a male may not contract marriage before he is 16 years of age and a female before she is 14 years of age. The judge may make a dispensation if there are valid grounds.

#### Registration of marriage

382. Once the intention to marry has been indicated in accordance with article 3, the marriage is then celebrated by the Registry Office Clerk in accordance with article 68 of the Family Code.

383. Under article 68 of the Code, at the place, on the day and at the time indicated, the Clerk proceeds to celebrate the marriage in the following manner:

1. He shall declare the ceremony to have been inaugurated with the attendance of the contracting parties or the special representative of one of them and of the witnesses who may be the same as those for the declaration of intent to marry.
2. He shall read out aloud the declaration of intent, mentioning the documents submitted, including the consent, and should it be necessary, the marriage banns and the decree indicating the place, day and time for the marriage ceremony, as well as the relevant ruling in the event of opposition.
3. He shall pronounce the words which are inserted into the annex.
4. He shall then ask each contracting party, referring to them by name, if they wish to take each other as man and wife, and given an affirmative response shall pronounce the following formula: "In accordance with the desire that has just been expressed, I, the Registry Office Clerk, in the name of the Law, society and the State, and by virtue of the power I exercise, declare you joined in marriage".

If the contracting parties are members of the indigenous population who do not speak Spanish, they will be asked in their own language or dialect and after the set formula has been pronounced, it will be explained to them that the marriage has been celebrated.

5. A document is immediately drawn up describing what took place, and it is signed by the spouses and the witnesses, after which the marriage is inscribed in the relevant Registry Office ledger. The spouses are also presented with a family booklet and a marriage certificate. If necessary, action is then taken as prescribed in the second paragraph of article 57.

In case of risk of death, the formality established in subparagraph 3 of this article may be dispensed with.

#### Declaration of property

384. The contracting parties may declare of their own accord or at the request of the Registry Office Clerk the property that belongs to them, giving an indication of or a list of such, with the necessary supporting documents. The declaration is attached to the matrimonial file and is not included in the record of the ceremony, if the contracting parties do not wish for that.

#### Status of spouse

385. Under article 74 of this Code, possession of the status of spouse that is in accordance with the Registry Office marriage certificate makes up for the formal failing of the act of celebration.

386. Possession of the status of spouse is determined by a set of factors which assume the existence of a marital bond, mainly by the following factors:

1. The woman carries her husband's name.
2. The man and the woman are treated as spouses.
3. Both are recognized as spouses by the family and by society.

#### Marriage certificate

387. Marriage is proved by the certificate or testimonial indicating the entry in the relevant ledger of the Registry Office (article 73 of the Family Code).

#### Divorce proceedings in the case of marriages abroad

388. Those married abroad may divorce in Bolivia when the law of the country in which they married permits the separation; nevertheless, a Bolivian man or woman who marries abroad, or else another person of a different nationality, may obtain a divorce even when in the country in which they were married there is no provision for separation, provided they reside on Bolivian territory.

389. The law of 15 April 1932 applied the formal statute by establishing that only marriages celebrated in the country could be dissolved. There was no consideration of the personal status of either Bolivians or aliens.

390. In 1961 there was amendment of the provision of the Law of 15 April 1932 governing this point, by which it was declared that the restriction did not affect Bolivians.

391. Our present legal system in article 132 of the Family Code is a combined formulation of the two above laws, namely the law of 15 April 1932 and that of 5 January 1961.

Desertion of the family

392. Under article 248 of the Family Code, whoever without just cause fails to fulfil his obligations regarding maintenance, habitation, clothing, education and care inherent in the authority of the parents, guardianship or state of spouse or cohabitor, or who abandons the family home or who fails to fulfil the indicated obligations, shall be punished by imprisonment ranging from six months to two years or by a fine of a hundred or four hundred days.

393. Article 250 of the Family Code: desertion of a pregnant woman: whoever has impregnated a woman outside marriage and abandons her without providing the necessary care shall be punished by imprisonment from six months to three years. The sanction shall be deprivation of liberty for one to five years, if as a consequence of the desertion the woman commits the offence of abortion, infanticide, or exposure or abandonment of the newborn child, or else commits suicide.

Right of the spouses to dissolution of marriage

394. - When there is dissolution of the marriage, the wife has the same right as the husband to the property, on the basis of the relevant ruling, although in many instances it depends on legal consensus (article 129 of the Family Code).
- The women receive a family allowance, in the same way as the children; sometimes, under the system of equal obligations, the women have to offer this allowance to the husband, but normally it is rejected by him.
  - With regard to inheritance, women in urban districts and in the rural environment have the same right.
  - A non-married couple has the same rights as regards the possession of property as long as they remain together. This is called the *de facto* marriage and if it is dissolved then it is *de facto* separation. Likewise, women have the same rights within the marriage and outside it as regards the possession or custody of the children.

CONCLUSIONS

395. The fact that women play such an important part as head of household is due to different reasons, mainly the economic situation of the underdeveloped countries in which women assume the role of breadwinner; this situation in our society has always borne signs of discrimination on account of the traditional view of the composition of the family.

396. The duties that women discharge as heads of household such as looking after the children, domestic chores and other work are not recognized by society and they are not remunerated.

397. The vulnerability of women is explained by such factors as the composition of the family, especially in the rural areas, existence of ethnic groups, poor access to education, few chances of finding work, discrimination against women on the labour market and relegation to other types of activity.

398. Women are an important and necessary element in the development of our country, hence their incorporation into the production field is vital for their development and that of the country.

399. It is also necessary for women to take part in solving their own problems, especially women in rural areas, whose problems are more acute within the economic, health and educational fields.

400. Training of women as leaders in their community is extremely important since they learn to develop new roles which do not exist among the traditional ones concerned mainly with domestic activities.

401. There is still discrimination against women in our country in the field of education, economics and politics, which is more acute in the countryside; this is due to a series of factors, more especially the cultural traditions and customs aggravated by the socio-economic and labour situation.

402. Women are directly involved in production development when considered as a beneficiary and not as a contributor.

403. Although the involvement of women in politics has improved, there is still need to study better strategies for involvement and the assumption of responsibilities in Parliament, in the Municipal and Provincial Councils and in the Executive and Judiciary.

404. The participation of women in public life is on the increase, but there is need to continue gaining ground, especially at the decision-making level in the Executive and in other decentralized institutions.

405. Above all in the rural area, women are exploited and regarded as a product of a society which has economic, social and political contradictions bound up with the overall state of underdevelopment.

406. Women heads of household belonging to the urban-popular and rural areas are faced with a particularly serious situation and suffer from isolation, lack of education and lack of employment. It is necessary to guarantee free education and to implement literacy programmes in native languages for indigenous women.

407. Services providing free legal guidance for women should be broadened in scope, as a form of protection against domestic violence, rape, maltreatment, etc.

408. Participation by non-governmental organizations is important since they act as channels for policies and alternative projects for women, especially in the institutions that maintain relations with the women's community organizations, providing educational, financial and social support of benefit to them.

409. There are non-governmental organizations which undertake projects for the organization and mobilization of women by creating jobs in the coordination of organized women's groups, which are being established in historical areas for their own transformation.

410. The emancipation of women presupposes the emancipation of men as a species and it will not be possible to achieve that in the case of women without a more just system being set up at all levels.

411. In certain areas of society, especially in the countryside, women are still reduced to the biological function of reproduction of the human species and are relegated to housework and discriminated against in the social sphere. Isolation and frustration are frequently the product of the confinement and discrimination.

412. The organizational experience of women is indicating the importance of promoting solidarity among women from different sectors and social levels, successes are being obtained in their political and trade-union claims.

413. The problems of women are basically economic in nature, reinforced by the "macho" relationship and the social-cultural aspect which is of great influence. This shows up in the housework assigned to women, which makes them economically dependent and induces a relationship of inferiority with respect to men and society.

414. Family planning is an instrument of prevention to avoid a high rate of maternal mortality and not for purposes of population control.

415. It is necessary to incorporate sexual education and information on family planning services into comprehensive health programmes throughout the country for the benefit of men and women.

416. Greater attention should be given to the overall development of women in terms of education, work activity and culture, in order that female education can continue acquiring greater influence on the policies affecting their rights.

417. The bulk of the women who work in the informal and trade union sector are marginalized; they have no rights of any kind and they work normally in a submerged economy, or they are exploited by unscrupulous entrepreneurs who take them on at low salaries without any social security.

#### LEGAL CONCLUSIONS

418. - Formal political independence has not changed women or the customs inherited from the Spanish colonialism. Under the Republic the women have continued to be the private property of men and are considered as inferior beings destined to produce children and live in accordance with the precepts of the Catholic Church.
- The Civil Code, promulgated in 1921, examined the situation of oppression imposed on women customarily by the patriarchal society.
  - Under these provisions the woman was considered to be a minor, since she was neither able to be a guardian of her children nor less to sell, mortgage or purchase.
  - We believe in the importance of the last law reform governing women in the field of parental authority and divorce.



- The Family Code signifies a greater legislative advance in relation to the rights of women, under which from the time of the reform the parental authority over underage children has been shared by both spouses (only the father used to exercise parental authority).
- At the present time there is no discrimination at all in the Civil Code with regard to married or single women. In the case of married persons (whether man or woman) under the system of joint ownership of property acquired through marriage there is authorization of the other spouse for the purpose of acts of administration and disposal.
- Social security is very limited in our country. The National Social Security Fund, which is the body providing such at national level, only insures 16 per cent of the total population.
- Maltreatment of women should be reported by the person suffering violence, and furthermore by persons who have direct or indirect knowledge of such actions. In the opposite case, silence is considered as complicity, especially in those cases of maltreatment or physical and mental cruelty which have serious consequences.

#### PRACTICAL CONCLUSIONS

419. - If we proceed from the revision of the legal provisions, it seems that in Bolivia there is no discrimination against women, since the laws in force have abolished any type of discrimination that may have existed.
- Actually, in reality there is discrimination against women since they do not know their rights and if they do know them they are unable to apply them on account of their training and the idiosyncratic nature of most of the cases.
  - Another factor which has a negative effect is paternalism by the husband with regard to the wife, an attitude which completely detracts from the great gains in legal equality established in the Political Constitution of the State.
  - A great advance can be seen in the legal field since the repeal of the Santa Cruz Code, in which women were considered legally incompetent; there has been an enormous forward movement and in various civil, criminal, family and other codes women are now afforded adequate protection.
  - On the other hand, the levels within the legal framework, such as the Public Prosecutor's Office, Courts and other institutions do not have sufficient resources to act in true defence of the rights of women.
  - Some laws are not put into effect and do not help women to establish their rights through lack of economic resources; for example, in recruiting the services of a professional to obtain a family allowance, to follow up a ruling on investigation of paternity and recognition of the children, and so forth.

- There is need for the participation of the social communication media in order to publicize all the laws that benefit women and children, as a means of defending their rights.

- 
1. Source: National Statistics Institute and UNICEF.
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  16. Source: "Bolivia in Figures, 1989", National Statistics Institute.

**LIST OF ANNEXES**

- \* **References**
- \* **Institutions visited**
- \* **Non-governmental organizations for women at national level**
- \* **Tables: specific numbering**

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**INSTITUTIONS VISITED**

- \* Ministry of Health and Social Security
- \* Ministry of Labour and Work Development
- \* Ministry of Rural Affairs
- \* Ministry of Planning and Coordination
- \* Ministry of Finance
- \* National Statistics Institute
- \* Greater University of San Andres
- \* National Population Council (CONAPO)
- \* National Computation Centre (CENACO)
- \* Bolivian Workers Centre (COB)
- \* Single Confederation of Rural Workers
- \* Educational Planning
- \* Criminalistics Office (Police)
- \* National Police

NON-GOVERNMENTAL ORGANIZATIONS FOR WOMEN AT NATIONAL LEVEL

La Paz

- \* Women's Centre for Development (MUDAPE)
- \* Avilla "El Carmen" communal centre
- \* Centre for Information and Development of Women
- \* Centre for Educational Research and Promotion
- \* Centre for Promotion of Women's Affairs
- \* Centre for Technical Services for Women
- \* Centre for Educational Research and Services
- \* Centre for Self-management Development
- \* "Gregoria Apaza" Centre for the Promotion of Women
- \* Alternative Communication for women
- \* Legal Consultancy for women
- \* "Fides" radiophonic schools
- \* Promotion for Economic Initiative (FIE)
- \* "San Gabriel" Foundation
- \* The League for Mother's Milk
- \* Aymara Women's Organization of Kollasuyo
- \* Workshop for the History and Involvement of Women
- \* Centre for Popular Development and Education (CEDEPO)

Cochabamba

- \* "La Imilla" Handicrafts Association
- \* Association of Health Programmes for the Rural Area
- \* Caritas, Cochabamba
- \* CEDIB
- \* Centre for Women's Studies and Labour (CETM)

- \* Centre for Promotion and Training of Women (CEPROMU)
- \* "Warmi" Integral Centre
- \* FEMINA
- \* Institute for Integral Female Training
- \* Legal Office for Women
- \* Social Pastoral of Cochabamba

Santa Cruz

- \* Caritas, Santa Cruz
- \* Centre for Research and Promotion of Women
- \* Church office for social welfare
- \* Union of Institutions of Santa Cruz

Oruro

- \* Association of Peasant Women of Oruro
- \* Comprehensive Training for Rural Women
- \* Caritas, Oruro
- \* Centre for Support for Popular Education
- \* Centre for Comprehensive Training of Rural Women
- \* "Llamk'asun" Centre for Popular Education and Promotion
- \* Centre for Promotion and Social Advice

Potosí

- \* Food care from the Adventist Church (ADRA-OFASA)
- \* Caritas, Potosí
- \* Centre for Female Promotion
- \* Popular Centre for Women's Education and Production "San Pedro"
- \* Norwegian Lutheran Mission in Bolivia



Chuquisaca

- \* Training for Women
- \* Caritas, Chuquisaca
- \* Mother-child Centre "San José de Poconas"
- \* Godfathers' Plan
- \* Project "Women"

Tarija

- \* Caritas, Tarija
- \* Centre for Popular Integration and Training
- \* Centre for Training and Research for Rural Women
- \* Promotion of Women

Beni

- \* Caritas, Beni
- \* Norwegian Evangelical Mission

This document was drawn up by a technical team from the National Directorate for Social Promotion:

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We would like to express our appreciation to Ms. Rosario Pazzamora, President of the National Board for Solidarity and Social Development, for support given and to UNICEF for the contribution in publishing this document.

ESTIMATED POPULATION ACCORDING TO SEX BY DEPARTMENTS AND GREATER URBAN CENTRES  
(IN THOUSANDS)

Department, urban-rural area and urban centre	Men	% Men	Women	% Women	Total
Dept. Chuquisaca (Total)	219.4	49.6	223.2	50.4	442.6
Urban population	59.6	47.4	66.1	52.6	125.7
Rural population	159.8	50.4	157.1	49.6	316.9
Town of Sucre (Total)	50.8	48.0	55.0	52.0	105.8
Dept. La Paz (Total)	957.3	49.0	968.8	50.3	1 926.1
Urban population	510.6	49.0	531.1	51.0	1 041.7
Rural population	446.8	50.5	437.7	49.5	884.5
City of La Paz	322.3	48.1	347.2	51.9	669.5
Town of El Alto	156.5	50.9	150.9	49.1	307.4
Dept. Cochabamba (Total)	487.8	49.7	494.2	50.3	982.0
Urban population	242.0	48.8	253.8	51.2	495.8
Rural population	245.8	50.5	240.4	49.5	486.2
City of Cochabamba	196.8	48.7	206.9	51.3	403.7
Dept. Oruro (Total)	193.5	49.8	194.8	50.2	388.3
Urban population	99.4	48.5	105.4	51.5	204.8
Rural population	94.1	48.5	89.4	51.5	183.5
Town of Oruro	85.6	48.4	91.1	51.6	176.7
Dept. Potosí (Total)	330.0	49.4	337.8	50.6	667.8
Urban population	113.2	48.6	119.5	51.4	232.7
Rural population	216.8	49.8	218.3	50.2	435.1
Town of Potosí	53.6	48.4	57.1	51.6	110.7
Dept. Tarija (Total)	121.2	49.1	125.4	50.9	246.6
Urban population	56.7	48.6	60.0	51.4	116.7
Rural population	64.5	49.4	65.4	50.4	129.9
Town of Tarija	32.8	49.1	34.1	50.9	66.9
Dept. Santa Cruz (Total)	553.0	49.8	557.1	50.2	1 110.1
Urban population	353.2	48.9	369.6	51.1	722.8
Rural population	199.8	51.6	187.5	48.4	387.3
Town of Santa Cruz	257.5	48.7	271.7	51.3	529.2
Dept. Beni (Total)	110.3	51.2	105.2	48.8	215.5
Urban population	64.0	49.0	66.6	51.0	130.6
Rural population	46.3	54.5	38.6	45.5	84.9
Town of Beni	24.4	48.5	25.9	51.5	50.3
Dept. Pando (Total)	21.7	53.0	19.3	47.0	41.0
Urban population	3.3	48.9	3.4	51.1	6.7
Rural population	18.4	53.7	15.9	46.3	34.3
Town of Pando	3.3	48.9	3.4	51.1	6.7

Source: Bolivia: National survey of population and housing, 1988,  
Final results, p. 53, La Paz, Bolivia, July 1989.

RATE OF FEMALE ECONOMIC ACTIVITY PER AGE GROUP,  
BOLIVIA, 1986

Age group	Total	La Paz	Cochabamba	Santa Cruz
Total	57.9	60.5	58.0	55.1
15-19	38.4	39.5	45.5	32.0
20-24	53.7	55.9	57.6	44.4
25-29	66.7	70.1	63.7	65.0
30-34	67.2	65.4	63.6	72.8
35-39	69.6	70.3	70.9	67.5
40-44	66.7	70.5	58.4	69.0
45-49	61.5	67.9	51.8	62.1

Source: Women, labour and human reproduction in three urban contexts in Bolivia, CONAPO, 1989.

INFANT MORTALITY RATE ACCORDING TO DIFFERENT FEATURES OF THE MOTHER,  
TOWNS OF THE CENTRAL AXIS, BOLIVIA, 1987-1988

	Features of the mother	Death among children aged less than one year per 1,000 live births
Age	Less than 19	116
	20-24	87
	25-29	80
	30-34	85
	35 or more	77
	Years of schooling	0
1-5		98
6-8		87
9 or more		52
Number of children		1-2
	3-4	78
	5 or more	99
	Interval between births less than 18 months	24-24
36 or more		77

Source: Study on the relationship between fertility and infant mortality, SIAP/CONAPO, 1988.

AVERAGE YEARS OF SCHOOLING OF THE ECONOMICALLY ACTIVE  
URBAN POPULATION ACCORDING TO LABOUR MARKET SECTOR  
AND SEX, 1980

	Total	Men	Women
Labour market sectors	7.5	8.2	6.3
Domestic service	3.6	5.7	3.5
Family	5.0	6.3	3.0
Semi-entrepreneurial	7.4	7.3	7.7
Entrepreneurial	8.6	8.1	10.1
State owned	11.7	11.1	13.2

Source: Urban survey of migration and employment (EUME 80), project for migration and rural and urban employment, Ministry of Labour and Work Development, ILO/UNFPA, quoted in "The informal urban sector in Bolivia".

LA PAZ: DISTRIBUTION OF THE AEP,  
1976, 1980, 1984

Sectors	1976	1980	1984
Total	100	100	100
Formal	44	42	37
State owned	21	24	21
Entrepreneurial	23	18	16
Informal	47	53	58
Semi-entrepreneurial	18	17	18
Family	29	36	40
Domestic service	9	5	5

Sources: 1976 - National census of population and housing (1976).  
1980 - Urban survey of migration and employment (1980).  
1984 - Permanent survey of households (1983), quoted in "The informal urban sector in Bolivia".

**BOLIVIA: SPECIFIC LITERACY RATES FOR THE ESTIMATED POPULATION  
OF 15 YEARS OR MORE BY AREA OF RESIDENCE AND SEX  
ON THE BASIS OF AGE GROUP**

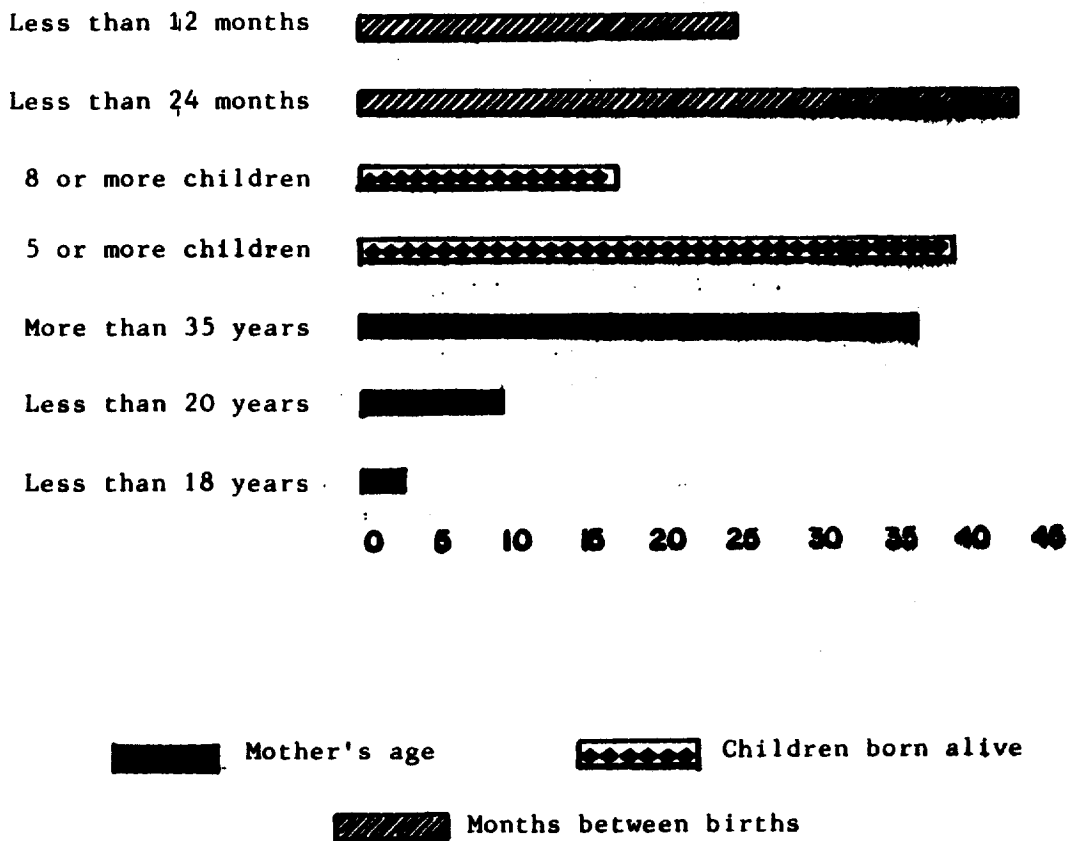
Age	General	Area					
		Country		Urban		Rural	
		Men	Women	Men	Women	Men	Women
Total	18.2	10.9	25.6	2.9	12.3	19.1	43.0
15-19	2.6	1.5	3.7	0.6	1.7	2.5	6.2
20-24	4.9	2.1	7.7	0.6	2.2	3.9	15.2
25-29	8.4	3.6	13.2	0.9	5.0	6.9	24.3
30-34	12.7	5.2	20.3	1.2	8.3	10.6	37.1
35-39	17.6	8.1	27.1	2.2	10.8	15.1	46.9
40-44	24.9	11.8	38.1	3.2	16.6	20.9	60.4
45-49	32.6	17.8	47.4	4.5	25.1	44.8	81.5
50 and over	54.4	40.0	66.8	15.5	43.0	58.9	85.9

**BOLIVIA: RATE OF ATTENDANCE OF EDUCATIONAL ESTABLISHMENTS  
BY THE POPULATION BETWEEN 6 AND 19 YEARS OF AGE  
PER AREA OF RESIDENCE AND SEX,  
ACCORDING TO DEPARTMENT, 1988  
(PERCENTAGE)**

Department	Area					
	Urban		Rural		Capital	
	Men	Women	Men	Women	Men	Women
Chuquisaca	87.3	84.4	56.8	56.5	88.4	85.9
La Paz	88.6	84.5	78.6	68.0	89.5	85.5
Cochabamba	91.3	87.5	71.2	68.1	91.8	87.3
Oruro	90.2	89.7	78.2	68.0	90.1	91.1
Potosí	89.7	86.2	60.7	54.3	92.3	88.1
Tarija	84.4	82.2	61.1	62.1	85.7	83.0
Santa Cruz	86.2	82.6	72.1	70.1	86.7	82.6
Beni	88.6	81.2	68.5	85.1	82.1	84.5
Pando	88.7	83.3	68.5	87.3	82.5	83.3

Source: National Statistics Institute.

HIGH-RISK PREGNANCIES IN WOMEN AT A FERTILE AGE WHO HAVE  
BEEN MARRIED ONCE OR HAVE HAD A DE FACTO UNION



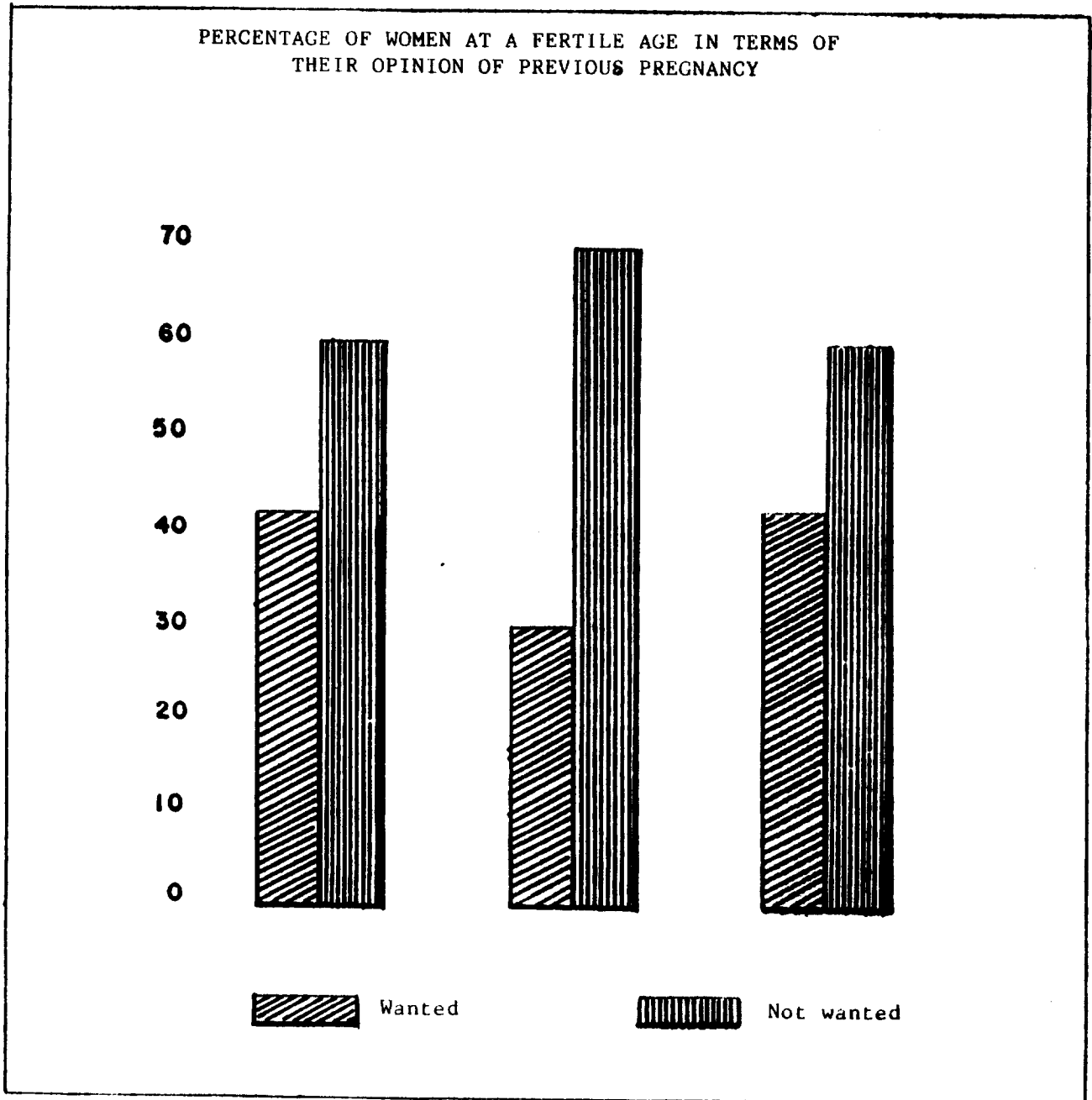
Source: COBREH, EPM, 1983.

FEMALE PATIENTS HOSPITALIZED FOR TREATMENT AFTER INDUCED ABORTION;  
PERCENTAGE DISTRIBUTION ACCORDING TO  
SOCIO-DEMOGRAPHIC CHARACTERISTICS,  
BOLIVIA, 1983-1984

Socio-demographic characteristics	Percentage of patients hospitalized after induced abortion
<b>Age</b>	
14-19	11.9
20-29	57.4
30-39	27.7
40+	2.9
No data	0.1
	100.0
<b>Level of instruction</b>	
Did not go to school	10.1
Primary	39.3
Secondary	42.7
University, Teacher training, Higher	7.7
No data	0.2
	100.0
<b>Civil status</b>	
Single	20.9
Cohabiting	13.6
Married	58.7
Divorced, separated, widowed	6.9
	100.0
<b>Number of children living</b>	
0	18.1
1 or 2	37.1
3 or 4	27.9
5 or more	100.0
<b>First pregnancy</b>	
Yes	15.6
No	84.4
	100.0
<b>No. of cases</b>	992.0

**Source:** Bolivian Society for Gynaecology and Obstetrics, study of the social and medical aspects of loss of pregnancy, 1988, quoted in "Family Planning".

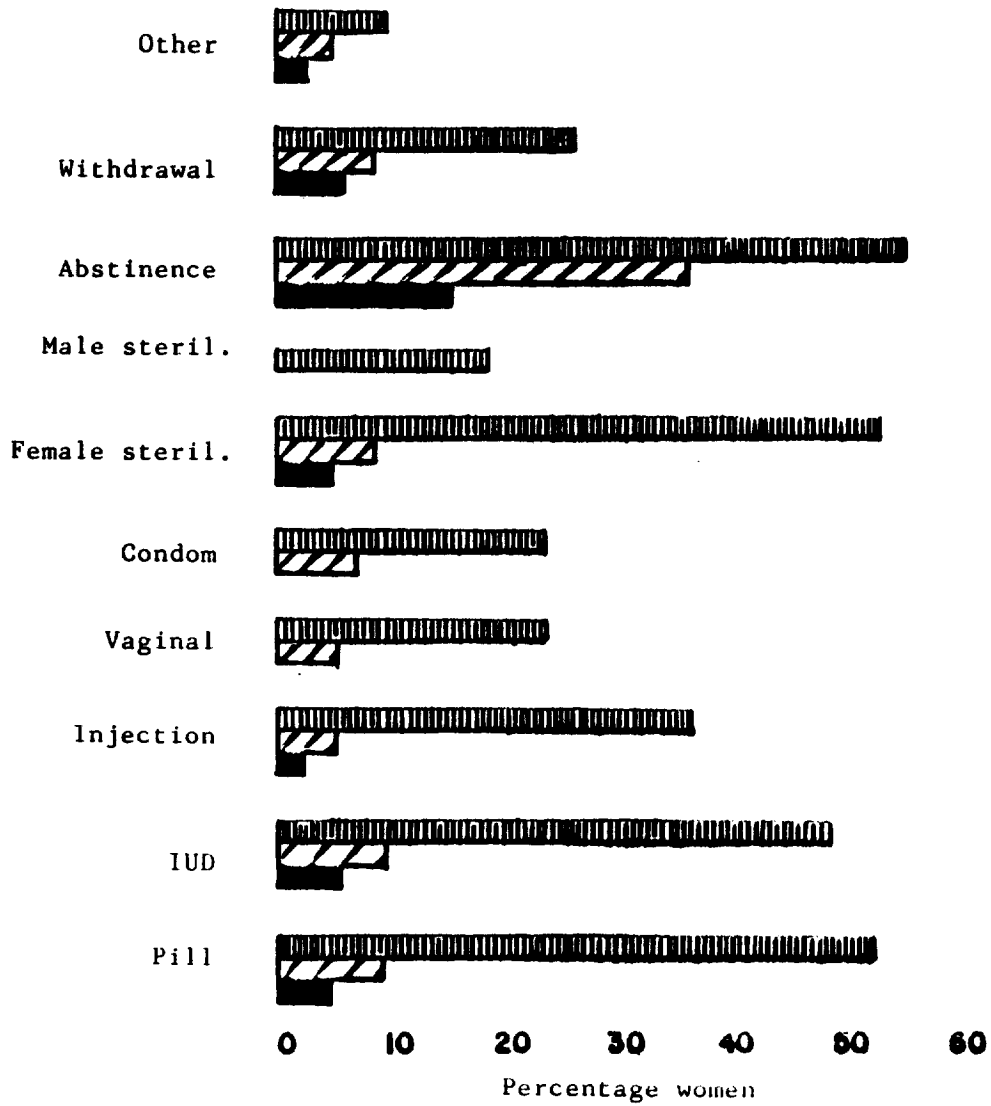







Source: Urban women: reality and desires regarding reproductive behaviour, SIAP, 1989.

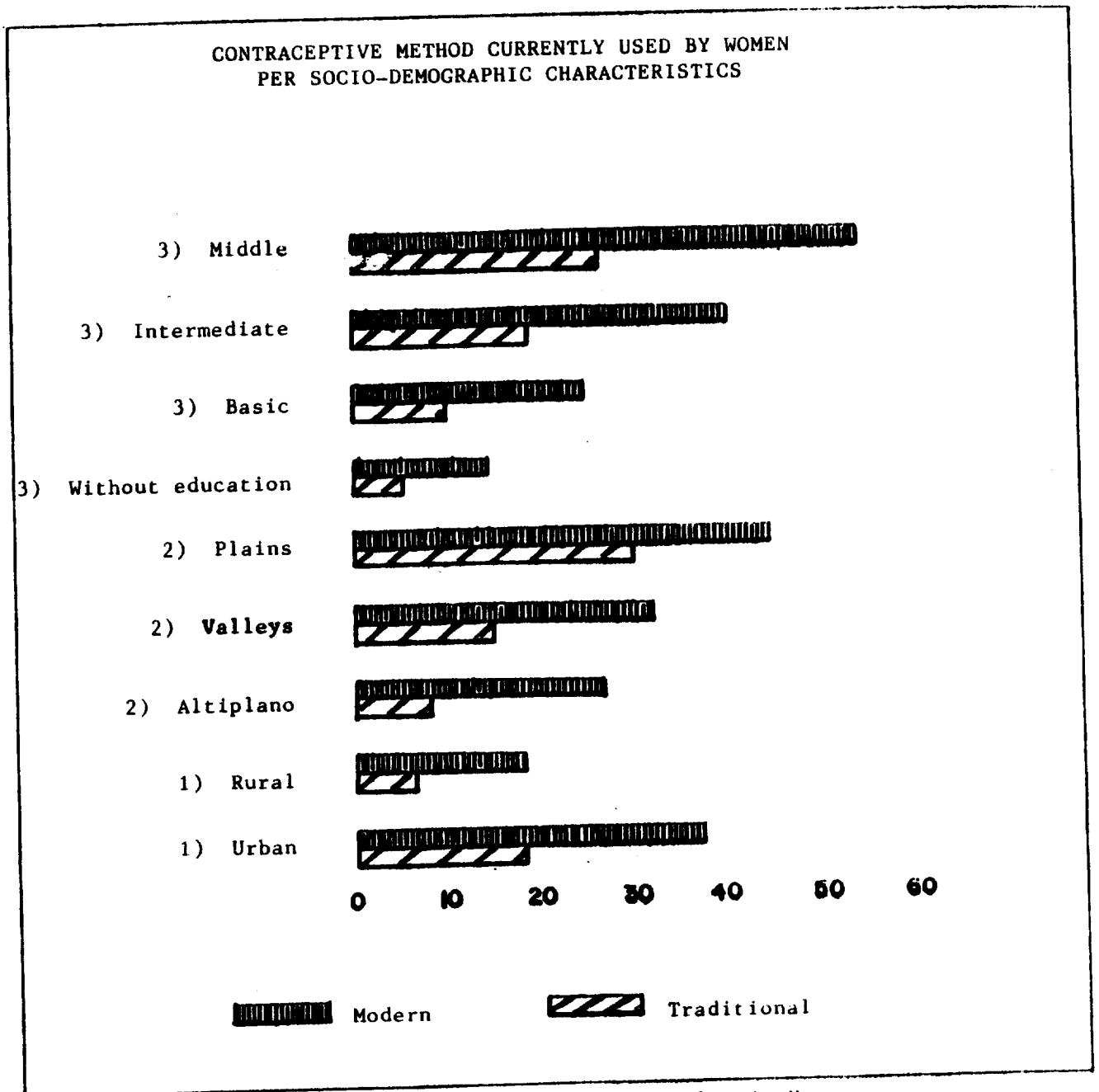


KNOWLEDGE AND USE OF CONTRACEPTIVE METHODS,  
BOLIVIA, 1989



 Present use
  Previous use
  Know about

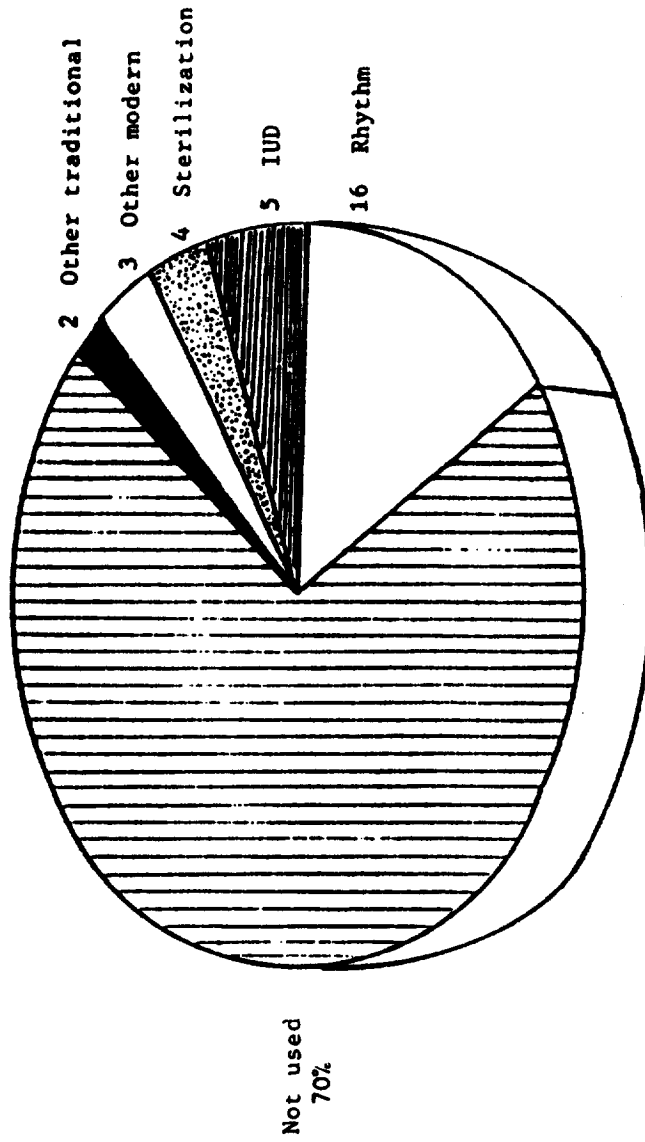
Source: CONAPO calculations based on data from ENDSA, 1989, quoted in "Family Planning".



Source: ENDSA, INE, 1989, quoted in "Family Planning".

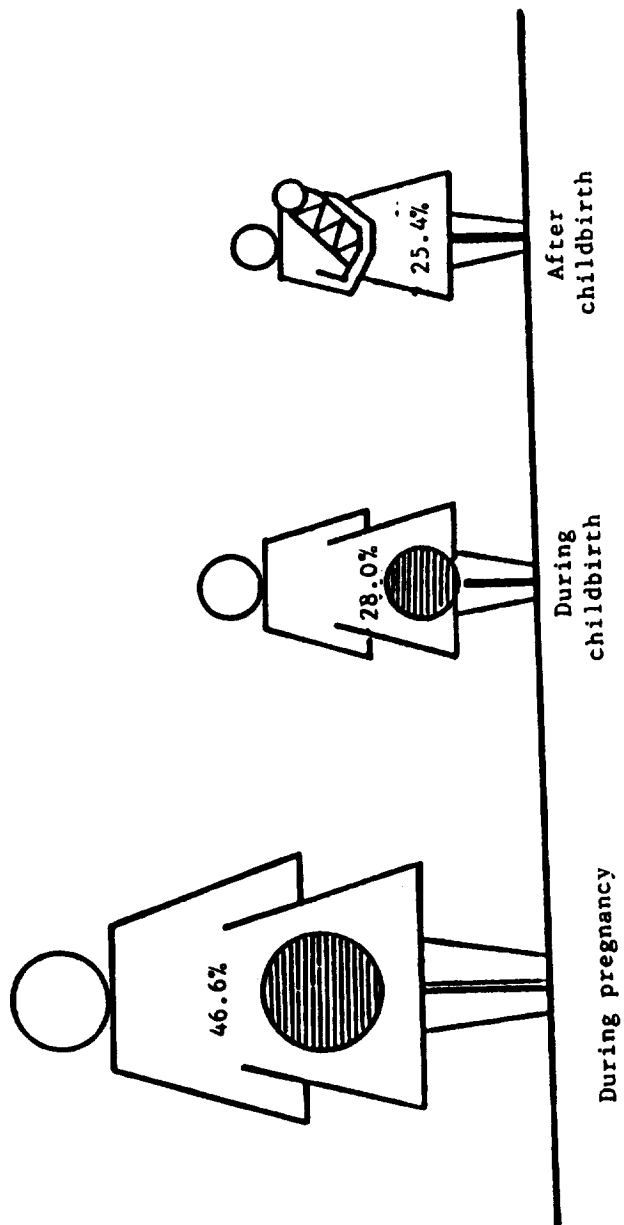
1. Residential area      2. Children      3. Education

CONTRACEPTIVE METHODS: PERCENTAGES FOR PRESENT USE BY MARRIED WOMEN,  
BOLIVIA, 1989



Source: ENDSA, INE, 1989.

DEATHS AMONG MOTHERS IN TERMS OF TIME OF DECEASE,  
BOLIVIA, 1980



Deaths for reasons associated with pregnancy, childbirth and complications due to induced abortion, reported by hospitals and the registry office, Bolivia, 1980.

Source: Calculations by CONAPO based on data from Maternal Mortality in Bolivia, 1982, Dr. A. de la G. Murillo.