



Committee for the Elimination of Discrimination against Women
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Information on Bolivia for consideration by the Committee for the Elimination of Discrimination against Women during its 82nd period of sessions (June 13 to July 1 2022)

Introduction:

1. We respectfully present this report for your consideration during the seventh periodic review of the of the Plurinational State of Bolivia by the Committee for the Elimination of Discrimination against Women ("the Committee") during its 82nd period of sessions (June 13 to July 1 2022). Equality Now and the organizations named below, part of the Coalition to Eliminate Sexual Violence in Bolivia, request that this letter be used to complement the seventh periodic report of the State party of Bolivia to the Committee.
2. The legal provisions and practices detailed in our report highlight the State's failure to fulfill its duty to provide equal protection under the law to survivors of sexual violence (Article 2 (c) of CEDAW); the failure of law enforcement to protect women from sexual violence (article 2 (c) and (e)); that the decisions and faults of the authorities and their agents constitute demonstrable direct and indirect discrimination against women (article 2 (d)); as well as the failure to recognize and identify the gender dimension of sexual violence during the prosecution of the accused and in the punishment of this crime (article 2 (e)). We argue that the root causes of the failures of the State are due to the

failure to comply with the obligation to transform gender hierarchies and stereotyped attitudes towards women, which violate Articles 2 (f) and 5 (a) of the Convention, since the The State has an obligation to combat violence against women and provide survivors with access to justice, as outlined in General Recommendations 19, 33 and 35 of the CEDAW Committee.

Information about the authors of the report

3. **Equality Now** is an international human rights NGO with ECOSOC status with the mission to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organisation with partners and supporters in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices and achieving legal equality are the main areas of Equality Now's work.
4. **A Breeze of Hope Foundation** (ABH, Fundacion Una Brisa de Esperanza) strives to prevent sexual violence against children, restore the lives of child survivors, and promote healthy childhood. A Breeze of Hope runs Bolivia's first and most advanced center for child survivors in Cochabamba, and engages in human rights advocacy and sexual violence prevention work.
5. **The Fundación Una Brisa de Esperanza** (FUBE Bolivia) is a non-profit organization that works with children and adolescent victims of sexual violence and their families.
6. **The Legal Office of Women** (La Oficina Jurídica de la Mujer) is a non-governmental development organization whose specialty is the defense of women's rights from a social and gender legal perspective. It is a pioneer in the reference, monitoring, education and promotion of human rights, and from a political-social perspective seeks to influence policies related to women.
7. **The Committee for Latin America and the Caribbean for the Defense of Women's Rights - CLADEM Bolivia** is a network that links feminist activists and organizations for the promotion, monitoring and defense of human rights of women of all ages.
8. **The Human Rights Community** (Comunidad de Derechos Humanos) is a group of civil society organizations based in Bolivia that have a feminist vision of democracy that includes social justice and gender equality that guarantees the full enjoyment of human rights, particularly of women. women, girls, boys, adolescents and the LGBTI population. They develop the capacities of guarantors and subjects of rights, build proposals, generate information and promote the use of international mechanisms, as well as public accountability in the area of human rights.
9. **The Network of Girls, Boys and Adolescents against Sexual Violence (Red NNAS COVISE)** is an activist group that carries out awareness-raising activities on sexual violence and encourages all girls, boys and adolescents who are suffering sexual violence to break the silence, denounce and prosecute their aggressors so that their right to health is restored.

10. **The Healthy Family Foundation (FAMISAL)** works in Bolivia for the construction of a society that has families trained and trained to attend to issues related to their health, where children and especially infants play a central role enjoying adequate conditions for their growth.
11. We reiterate and support the concluding observations of the combined fifth and sixth periodic reports of Bolivia¹ and highlight, in particular, the recommendations urging the government:
- a. Ensure that all cases of violence against women, including cases of femicide and sexual violence, are effectively investigated and prosecuted without revictimization and that perpetrators are duly punished;²
 - b. Ensure that cases of violence against women, including domestic violence, are not, under any circumstances, referred to any alternative dispute resolution procedure;³
 - c. Strengthen measures to protect girls against sexual violence in the private and educational spheres;⁴
 - d. Strengthen the mandate of the special police against violence "Genoveva Ríos" at the national, departmental and municipal levels and provide training to police officers so that they can carry out their duties with a gender perspective, addressing the stigmatization of victims. of violence;⁵
 - e. Ensure that forensic medical personnel receive regular training on gender-sensitive examination and investigation procedures in cases of violence against women;⁶
 - f. Modify the pertinent legal provisions to decriminalize abortion and ensure its legal availability in cases of threats to the life or health of the pregnant woman, rape, incest and serious deficiency of the fetus, in addition to ensuring the adequate implementation of the Constitutional Court ruling, abolishing the requirement of judicial authorization to access abortion in cases of rape or incest;⁷
 - g. Introduce age-appropriate school education on sexual and reproductive health and rights and ensure affordable access to services and information on sexual and reproductive rights for adolescent girls and boys, and conduct awareness campaigns on modern contraceptive methods in indigenous languages, increasing the access to safe and affordable contraceptive services throughout the State party;⁸

¹ Human Rights Committee, Concluding observations on the combined fifth and sixth periodic reports of the Plurinational State of Bolivia*, CEDAW/C/BOL/CO/5-6

² Id. at para 19(c)

³ Id. at para 19(d)

⁴ Id. at para 25(f)

⁵ Id. at para 19(3)

⁶ Id. at para 29(f)

⁷ Id. at para 29 (c)

⁸ Id. at para 29 (d)

- h. Address the risk of illicit trafficking and sexual violence against diverse women and take measures to prevent and ensure punishment for abuse against women in need of international protection;⁹
12. With this report, we urge the Committee to reiterate Bolivia's obligations under CEDAW, in particular to guarantee access to justice for survivors of sexual violence and bring perpetrators to justice.

Scale and Nature of Sexual Violence in Bolivia

13. Bolivia has the second highest rate of sexual violence in Latin America and the Caribbean (after Haiti) during a woman's lifetime, according to data from the Pan-American Health Organization.¹⁰ In the first five months of 2020 alone, 352 cases of rape against children and adolescents were reported.¹¹ These numbers fail to capture the full extent of the abuse girls face as Bolivia has one of the lowest reporting rates for sexual violence in South America, a problem that has only been exacerbated during the lockdown as a result of COVID-19. This is in part due to the justice system's practice of granting perpetrators of sexual violence impunity for their crimes, especially when committed against underage girls. Those women and girls who do report their abuse often face significant obstacles to achieving justice, including re-victimization, delays in prosecution, and unwillingness by police to cooperate with the justice system. The latest data we found is from a report issued by the Inter-American Commission on Human Rights in 2007, revealing that 84% of complaints involving sexual violence were dropped during the preliminary phases of the investigation, generally "because the burden of proof lies with the victim," and, "94 percent of the few cases that make it beyond the preliminary stage are abandoned or lost before they reach the trial tribunal."¹²

Legal and other provisions which are discriminatory towards women and girls, allow for impunity for perpetrators of sexual violence, and enable rather than prevent violence and deny the right to remedy and redress

Force-Based Definition of Rape

⁹ Id. at para 20 and 21

¹⁰ Violence Against Women in Latin America and the Caribbean, PAHO, 9 (2013). Available at <https://www.paho.org/hq/dmdocuments/2013/paho-vaw-exec-summ-eng.pdf>.

¹¹ Indagan 47 feminicidios y 352 violaciones a niños en 2020, Los Tiempos (06/06/2020), <https://www.lostiempos.com/actualidad/pais/20200606/indagan-47-feminicidios-352-violaciones-ninos-2020>.

¹² Access to Justice and Social Inclusion: The Road Towards Strengthening Democracy in Bolivia, Inter-Am. C.H.R., para. 348 (2007).

14. Definitions of rape which are based on force or the threat of force, as opposed to lack of consent to the sexual intercourse, fail to meet international human rights standards¹³ and are problematic for a number of reasons. For instance, force-based definitions of rape risk leaving certain types of rape unpunished, contribute to rape myths and the perception that it is the responsibility of victims to protect themselves, significantly limit the extent to which crimes of rape can successfully be prosecuted, and leave room for significant impunity.
15. The definition of rape in the Penal Code of Bolivia is based on force, requiring intimidation, physical or psychological violence, taking advantage of a severe mental disease or insufficient intelligence of the victim, or any other disabling cause which prevents the victim from resisting.¹⁴ Furthermore, the law does not define the term “consent” or provide presumptions against consent.

Estupro

16. The crime of *estupro* usually describes cases in which an adult has sexual relations with a minor above the legal age of consent by means of seduction or deceit. The penalties for *estupro* are normally far lower than applicable penalties for rape. The existence of this discriminatory offense in relation to teenage girls contributes to impunity for rapists, as it ignores the unequal power dynamics between adults and adolescents, perpetuates harmful myths and stereotypes about adolescents, and allows adults who rape adolescents to avoid the full consequences of their crime. The existence of *estupro* provisions deny adolescent victims access to justice and the United Nations Special Rapporteur on Violence Against Women has recommended that *estupro* provisions, where they exist, should be abolished.¹⁵ Repeal of discriminatory *estupro* provisions, however, must be accompanied by a complete overhaul of sexual violence laws including adopting consent-based definitions of rape, to ensure that adolescent girls are protected from sexual violence in all circumstances.
17. In addition, in the Bolivian justice system the lesser offense of *estupro* is often used to circumvent rape charges, thereby denying justice to adolescent victims of rape and weakening the overall statutory scheme against sexual violence. Bolivian courts have been using the *estupro* law to allow adults who rape adolescents to avoid the full consequence of their crime.
18. Specifically, the Penal Code of Bolivia contains an *estupro* provision, whereby having carnal access to a person between the ages of 14-18, through seduction or deceit, is

¹³ See Inter-American Court of Human Rights, *Sentence in the Caso J. vs. Peru*, 27 November 2013, https://www.corteidh.or.cr/docs/casos/articulos/seriec_275_esp.pdf at para. 358; Committee on the Elimination of Discrimination against Women, CEDAW/C/GC/35, General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, §5.

¹⁴ Article 308, Penal Code of Bolivia, https://www.oas.org/dil/esp/Codigo_Penal_Bolivia.pdf

¹⁵ Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, *Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention*, A/HRC/47/26, 19 April 2021, paras 84-85.

considered as *estupro*.¹⁶ The offense of *estupro* is punishable with a lower penalty of imprisonment between 3-6 years, as compared to imprisonment of 15-20 years for rape. This approach suggests a notion of a hierarchy of rape where some perpetrators are deemed less guilty than others for effectively the same crime and some victims are implied to be less harmed by the experience and so less deserving of justice. Such a hierarchical approach to the same crime -- non-consensual sexual intercourse -- has a normative effect, which in turn has an impact on the way rape is regarded and treated within the criminal justice system generally. Non-consensual sexual intercourse should be treated universally as a serious crime and any aggravating circumstances, such as additional use of violence, should be accounted for with penalties applied for aggravating circumstances.

Statute of Limitations

19. Short limitation periods during which rape cases may be brought forward impede access to justice for survivors, particularly given the various factors which cause delays in reporting. The Penal Code of Bolivia has a limited statute of limitations for all offenses, including rape. A rape victim is only afforded 8 years to come forward and report the crime before prosecution is no longer possible.¹⁷ The statute of limitations for crimes related to sexual violence for minor victims is extended and only starts to run four years after majority (which is 18).¹⁸ Therefore minor victims of rape have until they reach the age of 30 to file a case. Statutes of limitations place an overwhelming burden on victims and allow perpetrators to evade punishment. The trauma, stigma, damage, and sometimes continuing threat and fear experienced as a consequence of sexual violence can prevent the victim from reporting the crime or delay reporting. This might be particularly true in the context of childhood sexual violence when violations might not even be recognized as such by the victim until many years later, or in coercive domestic violence or intimate partner situations, or for example in the context of conflict, political violence or social disturbance.
20. In addition, the filing by a minor alone of a complaint of sexual violence is nearly impossible as it requires either parental authorization or the assistance of a service organization or ombudsman. This is problematic as often the perpetrators themselves are family or community members and other family members thus may not be willing to assist the survivor in reporting the incident. This contributes to a general lack of reporting of sexual violence against minors which in turn adds to the culture of impunity in such cases. For example, cases have been reported where an adolescent girl was sexually abused by her step-father and her mother refused to allow her to report the crime to the police.

¹⁶ Article 309, Penal Code of Bolivia, https://www.oas.org/dil/esp/Codigo_Penal_Bolivia.pdf

¹⁷ Article 29, Code of Criminal Procedure.

¹⁸ Article 30, Code of Criminal Procedure.

Lack of Effective Implementation of Existing Laws and Barriers to Survivors Accessing Justice and Protection

21. In addition to gaps in legal protection, there is also failure to effectively implement laws on sexual violence and a systemic practice of enabling impunity for perpetrators of sexual violence, especially when committed against underage girls. Those women and girls who do report their abuse often face significant obstacles to achieving justice, including re-victimization, delays in prosecution, and unwillingness by police to believe survivors and take effective action to investigate sexual violence crimes. Further, prosecutors and judges are not commonly sensitized to structural sex inequality and are influenced by harmful rape myths and gender stereotypes. For instance, many judges still look exclusively for evidence of physical injuries and believe that rape cannot have taken place in the absence of such physical injuries.¹⁹
22. Another barrier to accessing justice for adolescent girls who have experienced sexual violence occurs through the lack of procedures or enforcement of procedures to ensure the recapture of perpetrators of sexual violence. Although Bolivia has a procedure in place for the initial arrest of the perpetrators, once they have posted bail or accessed alternative measures, in addition to economic bail such as for personal, work, or other reasons and been released, there is no procedure for their recapture. This can lead to situations where the perpetrator is able to escape justice by fleeing the country. Furthermore, this often leaves the victim responsible for searching for and finding their aggressors and often requires them to pay private investigators if they want their assailants to be subjected to judicial procedures and serve their sentences. Laws and policies such as these must be amended to allow survivors of rape the means to access justice.
23. The State does not comply with its obligation to guarantee access to justice for victims of sexual violence by not carrying out investigations that comply with the national and international protocols. The State has not fully complied with the provisions of paragraph III of Article 15 of the Political Constitution of the State nor has it complied with the jurisprudence of the Inter-American Court regarding the guarantees of due diligence that must be extended to the investigation acts prior to the judicial processes.²⁰ Furthermore, the State, through the Public Ministry which is responsible for the investigation of crimes of gender-based violence, has not complied with number 2 of Article 61 of Law No. 348, referring to the collection of the necessary evidence in order to find out the truth or Article 64 referring to the specialty required for forensic doctors.
24. The Political Constitution of the State provides for free access to justice, but those who do not have the economic resources may still not receive justice. In addition to direct costs such as expert reports, parties must also assume the responsibility of tracking the progress of the case in order to ensure it advances through the judicial process. Although the State has taken measures to ensure that victims have access to a professional lawyer

¹⁹ See Zulema Alanes Bravo, Sexual Violence against Girls and Adolescents: The Pending Idea of (In)justice, Fides Agency, 10 December 2017.

²⁰ The Ombudsman Report, On the principle of due diligence during the investigation stage in cases of sexual violence, Bolivia 2020.

through the creation of programs such as the Comprehensive Plurinational Justice Service (SIJPLU),²¹ the Defenders of Children and Adolescents, Specialized Centers for Prevention and Therapeutic Care dependent on Departmental Services of Social Management (SEDEGES), and that low-income victims have access to justice through the Plurinational Victim Assistance Service, such services are not widely available due to a lack of service providers and proper funding by the State. Such lack of availability, coupled with the fact that very few legal organizations offer pro bono services, forces many survivors to turn to private lawyers whose high fees are prohibitive to many.

25. Further, the State's initiatives to prevent gender-based violence and to protect and support survivors of gender-based violence have had little support from the government institutions charged with overseeing these efforts and also suffer from a lack of financial resources.
26. The State has implemented several services specifically for the protection of women, children and adolescents who suffer from violence, such as the Municipal Integral Legal Service (SLIM),²² the municipal support organization for addressing violence in the family, and the Defenders of Children and Adolescents (DNA), which is a free municipal service for the promotion, protection and defense of the rights of children and adolescents. These two institutions, however, are limited in their effectiveness due to budgetary limitations and the high-rate of turnover since employees are hired as short-term consultants.
27. Despite all these efforts, the State's initiatives have had no support from the government institutions charged with overseeing these efforts and suffer from a lack of financial resources. We urge the Committee to recommend to the State to give priority to these mechanisms created by the Law; to implement them; to allocate an appropriate budget for their running; and to ensure that they are extended to the largest possible number of towns and cities.
28. In Bolivia the lack of gender sensitivity among law enforcement and judicial and health officials has been identified as a serious barrier to the full enforcement of the laws to prevent and punish violence against adolescent girls. Under the Belém do Pará Convention, Bolivia is also obligated to undertake programs to educate and train police, judicial administrators, and others involved in the law enforcement process.²³ Reports from adolescent girls who have undergone forensic medical examinations following complaints of sexual assault are that they are re-traumatizing. Training for judges and prosecutors may be uneven and not institutionalized, and do not feature the accountability mechanisms needed to effect permanent change or take into account the particular needs of adolescent girls who have been victims of sexual violence.

²¹ Creado mediante Resolución Ministerial Nro. 092 del 30 de mayo de 2012, *available at*: <https://vjdf.justicia.gob.bo/index.php?r=pagina/view&id=31>

²² <http://scm.oas.org/pdfs/2010/CIM02724T-B.pdf> and Supreme Decree 25087 of July 1998, *available at*: https://oig.cepal.org/sites/default/files/1998_bol_ds25087.pdf. Created in the framework of Law 1674, Against Domestic or Family Violence, *available at*:

²³ Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), art. 8.

29. Lastly, there is, in general, a lack of clear rules or training for health operators and forensic doctors on appropriate interventions for survivors of sexual violence and other elements that delay justice and can lead to misdiagnosing the abuse. There is no prior explanation on the meaning and importance of the required gynecological examination, and it is limited to the verification of whether or not there was sexual intercourse. Forensic doctors who care for victims do not inform them of the possibility of pregnancy, the morning-after pill, or much less prescribe medications to prevent sexually transmitted infections (STIs), since it is believed that those tasks should be carried out by a private doctor that the victim must see on their own. This can condemn the victim to unwanted pregnancy and motherhood or to dying from an STI.

Discrimination, including sexual violence, of women and girls with disability

30. The virtual platform of the National System for the Single Registry of Persons with Disabilities (SIPRUNPCD, 2019), dependent on the Ministry of Health, reported at the national level that there are 84,224 registered people with functional diversity, of which 71,438 have a disability card.²⁴ Of the 9 departments in the country, those with the highest percentage of people with functional diversity are La Paz, 31.7%; Holy Cross 23.5%; Cochabamba 15.9% and Potosí with 7.5%. Of the total of this population, 47.2% have visual disabilities; 17.1% physical motor disability; 14.9% hearing loss; 9.4% verbal or communication disability; 7.4% have intellectual disability and 3.9% unspecified (INE, 2016).
31. The Ombudsman's Office in its report "State of the Situation of the Rights of Women with Disabilities" (McD) in Bolivia,²⁵ recognizes that women face double discrimination due to their disability and their status as women, placing them in a situation of high vulnerability and social risk, such as violence, exclusion and severe difficulties in exercising their rights.
32. Although Bolivian legislation provides some benefits for people with disabilities, they do not necessarily have the necessary institutional and human resources, such as sensitive operators, to meet their demands. For this reason, a comprehensive policy is necessary at all levels of government to provide social and state spaces of respect and appreciation and generate conditions for their personal development with autonomy, dignity and equality.
33. Sexual violence and sexual harassment are found together at a level of 13.4%, which highlights the high degree of risk and vulnerability faced by women with disabilities, particularly in the family sphere, which is considered the most insecure environment in which these abuses take place.
34. Women, adolescents and girls are particularly vulnerable to various forms of sexual violence. They face intersecting forms of discrimination based on their sex, gender and

²⁴ This is the disability card that grants bonuses or aid conditioned by the Bolivian State and channeled by the autonomous municipal governments throughout the Bolivian territory.

²⁵ Status of the rights of women with disabilities. Ombudsman, United Nations Population Fund – UNFPA. La Paz-Bolivia: UNFPA, 2011.

disability. Including when facing criminal justice and legal response barriers and ways to overcome them, as well as stereotypes and vulnerabilities that make it difficult for survivors with disabilities to be believed when they report incidents of sexual violence. “Although rape is about power and control, not desirability, evidence provided by a woman with physical, mental, or intellectual disabilities can be viewed as unreliable based on discriminatory or stereotypical ideas. Examples of this may include such things as the assumption that her condition prevents her from providing an accurate description of the circumstances of the case or that a woman with a disability would not be sexually desirable, so she could not have been raped.”²⁶

35. Her caregivers, guardians, teachers or others with power over her may take advantage of her specific disabilities to abuse, coerce and control them, including abandonment; bullying, including verbal abuse and teasing; refusing to help them in communication; refusing to move them or help them with daily activities of personal hygiene or menstruation; food or water retention; exercise control by restricting access to family, friends, or others; and commit various forms of sexual violence, psychological or economic violence, abuse of the defenselessness of the victim or all of the above.
36. Victims face a series of obstacles to denounce and prove that they suffered sexual violence, such as, for example, that the evidence provided by a woman or adolescent with a physical, mental or intellectual disability is not reliable. This is the result of discriminatory myths, prejudices, and stereotypes of members of the judiciary that are reinforced when victims with disabilities are sometimes unable to consistently or fully describe the facts of a crime.
37. In criminal proceedings, sexual violence against women with intellectual disabilities must be assessed to determine whether it affected the victim's ability to testify in court or whether the victim had the capacity to consent to sexual activity. It is essential that justice operators investigate whether the victim understands the sexual nature of the crime and whether she is capable of consenting to or rejecting the sexual act, as well as the possible risks and consequences of a pregnancy or a sexually transmitted infection.
38. Women interned in psychiatric hospitals (public or private) under the tutelage and responsibility of the State are especially exposed to situations of abuse due to their reduced ability to report or because others do not believe their word. According to the Inter-American Commission on Human Rights (IACHR), the characteristics of sexual violence.

Forced pregnancy and lack of abortion access for survivors of sexual violence

39. Other alarming situations for adolescent girls who experience sexual violence include forced pregnancies and forced marriages. In 2016, CLADEM issued a report on forced pregnancy and child maternity within 14 countries in Latin America and the Caribbean, including Bolivia. Under the Bolivian Penal Code, an abortion is permitted for the

²⁶ Equality Now, 2021, *Accessible Justice: Sexual Violence Against Women And Girls With Disabilities*, available at https://www.equalitynow.org/news_and_insights/accessible-justice-sexual-violence-against-women-and-girls-with-disabilities/

following reasons: pregnancy as a result of rape, *estupro* or incest; and to avoid danger to the life or health of the mother if this danger could not be avoided by other means. In Bolivia, according to data from the Health Information System - SNIS (Ministry of Health) in 2016 there were 13,332 girls under 15 years of age who became mothers, and the National Maternal Mortality Study indicates that of this number, 2% of these are girls under the age of 14.

40. Girls and adolescents who become pregnant as a result of sexual violence may not be able to access an abortion and be forced to carry a pregnancy to term due to the lack of implementation and obstacles in the application of the existing provisions in the Penal Code, and the lack of implementation of Constitutional Ruling 0206/2014 for performing the legal interruption of a pregnancy due to the above-named causes. Lack of knowledge of these regulations, the failure by the State to provide guidance on access to abortion, prejudice, moral and cultural objectors, coupled with the lack of comprehensive sex education leads to girls being forced to continue with the pregnancy. This generates new and serious violations of their rights to life, health, bodily and emotional integrity. *
41. Many girls and adolescents are forced into marriage and early unions as a result of pregnancy, which violates the rights of the girl that are seen to be “transferred” between the family of the victim of rape and statutory rape and the aggressor. The data from the Population Census of 2011 of Bolivia shows that there are unofficial unions or marriages of girls as young as seven, which in effect sanctions the rape of young girls. There is also sometimes extreme pressure from religious institutions to avoid a legal abortion at all costs, even in cases of sexual violence, which often leaves the girl or the family with no choice but to force her to marry the perpetrator.

Recommendations:

Force-Based Definition of Rape

- Ensure that the definition of rape is amended so that it is not based on a requirement to prove force, but rather covers all forms of penetration with a body part or object committed without the victim’s voluntary, genuine, and willing consent, and in a wide range of coercive circumstances.
- Ensure that the law recognizes there are circumstances where it is not possible to give voluntary, genuine, and willing consent and that it must look more broadly at the issue of exploitation, including sexual violence in the context of family or other relationship where there is particular dependency and inequality of power relationships.

Estupro

- Repeal the *estupro* provision contained in Article 309 of the Penal Code. Repeal of discriminatory *estupro* provisions must be accompanied by a complete overhaul of sexual violence laws including adopting a consent-based definition of rape (as discussed above), to ensure that adolescent girls are protected from sexual violence in all circumstances. This is again because the current law has a requirement to prove additional violence and resistance which is not always possible and does not take into account the many different

reactions to being raped, such as freezing rather than fighting back or feeling confused in situations of exploitation of power relationships for example with respect to incest or rape by teachers.

- While existing *estupro* provisions remain in the statute books, prosecutors and judges should ensure that acts of sexual violence against adolescent girls which meet the threshold of the rape definition should always be prosecuted/charged as rape and not *estupro*.

Statute of Limitations

- Ensure that the prosecution of rape, in cases of both adult and minor victims, is not subject to any period of limitation in any circumstances, whether carried out in times of peace or conflict.
- Eliminate harmful legislation and policies that limit adolescent girls' ability to access justice following sexual violence, including the requirement for a parent to consent to a minor filing the criminal complaint.

Lack of Effective Implementation of Existing Laws and Barriers to Survivors Accessing Justice and Protection

- Ensure that all forms of sexual violence offenses are treated as matters of public interest, which have to be investigated and prosecuted as a priority.
- Carry out investigations that comply with the provisions of paragraph III of Article 15 of the Political Constitution of the State, number 2 of Article 61 of Law No. 348, referring to the collection of the necessary evidence in order to find out the truth, and Article 64, referring to the specialty required for forensic doctors.
- Effectively implement laws on sexual violence, including by training justice system officials, including police, prosecutors and judges, to specifically deal with cases of sexual violence in a victim-centered and trauma-informed way and implement investigation and prosecution protocols to guide implementation of sexual violence legislation and processing of such cases in the judicial system. Ensure that such protocols also specifically address the needs of marginalized communities.
- Consider in its criminal policy the implementation of a policy of capture and recapture of perpetrators and allocate the necessary resources for this. In addition, the State must monitor and control perpetrators of crimes of sexual violence against girls, boys, and adolescents when they obtain their freedom or are released into alternative measures to detention in such a way as to ensure their submission to the judicial process and that their victims are protected.
- Implement and allocate sufficient resources for a protection program for victims and witnesses, as well as a program for comprehensive care²⁷ for victims and their non-offending family members in cases of sexual violence.

Additional recommendations to support survivors of sexual violence

- Budget sufficient resources for programs and support services to prevent and address sexual violence, actively and integrally including civil society, women and girls, and

²⁷ As defined by Article 12 of the Bolivian Code of Girls, Boys, and Adolescents.

survivors of sexual violence in policy planning and budgetary processes, and taking a survivor-centered, holistic approach with an additional special focus on the needs of girls and adolescents.

- Implement age-appropriate sex and relationship education programs in schools, and public information and awareness campaigns aimed at promoting equality, dismantling negative stereotypes, and ending violence against women and girls.
- Develop and fund awareness-raising campaigns to inform the public, particularly women and girls, to understand their rights, and improve knowledge of laws related to sexual violence, available remedies and methods to preserve evidence prior to reporting.

Recommendations for disabled adolescents

- Recognize that disabled women face multiple discrimination due to their disability and their gender condition, placing them in a situation of high vulnerability and social risk, such as violence, exclusion and severe difficulties in exercising their rights.
- Guarantee that judicial operators implement specific, sensitive and appropriate measures to attend to and collect the testimonies of disabled adolescents by creating a specific protocol that prevents their re-victimization during judicial proceedings.

Forced pregnancy and lack of abortion access for survivors of sexual violence

- Take all efforts to ensure women and girls can access safe and timely abortion services, including and especially those who were made pregnant by rape or incest.
- Incorporate clear policies for the prevention of unwanted pregnancies as a result of the crimes of rape, incest and *estupro*, as well as for the health and the risk of the mother's life, particularly for girls under 15 years old.
- Register the pregnancies of minor girls as a result of rape, incest and *estupro*, as well as monitor compliance with the constitutional Judgment 0206/2014 and the Pregnancy Care Protocol for Girls under 15 years of age in the Public Ministry and the health system, in order to ensure access to the termination of pregnancy when girls require it.