**OFFICE OF THE HIGH COMMISSIONER OF THE UNITED NATIONS FOR** **HUMAN RIGHTS**

**QUESTIONNAIRE** **:** **PROGRESS MADE TOWARDS THE ELIMINATION OF THE**

**CHILD MARRIAGE, EARLY AND FORCED**

**CONTRIBUTIONS OF THE** **PEOPLE'S OMBUDSMAN**

**OF THE PLURINATIONAL STATE OF BOLIVIA**

**Questions**

1. **What measures were taken to implement the recommendations of the previous report on prevention and elimination of child, early and forced marriage (A / HRC / 26/22)?**

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| **Answer:**  The Plurinational State of Bolivia is constituted as a State that recognizes, promotes and protects human rights, guaranteeing to all persons without any discrimination, the exercise of the rights established in the Political Constitution of the State and international human rights treaties ratified by Bolivia     * **National legal framework regarding the age of majority and the minimum age for marriage for children of both sexes** **.**     In relation to the age of majority, Law No. 2098 of May 05, 2000, amending Article 4 of the Civil Code   on the Majority of Age and Capacity to Work, establishes that "I. The age of majority is acquired at eighteen years of age. II. The adult has the capacity to perform all acts of civil life by himself, except for the exceptions established by Law. "  With regard to the minimum age for marriage, Law No. 603 of November 19, 2014, Family and Family Process Code in Article 139 establishes that " **I.** The person may freely constitute a marriage or a free union, a once the age of majority has **II.** Exceptionally, marriage or free union may be constituted at sixteen (16) years of age, provided that it has the written authorization of those exercising parental authority, or who has the guardianship or guardianship, or in the absence of these the Ombudsman for Children and Adolescents. The verbal authorization made at the time of the celebration of the marriage or the registration of a free union before a Civic Registry official is valid. **III.** When the authorization established in the previous paragraph is not given, the interested party may request it from the judicial authority. "     * **The prohibition of forced marriages, and the registration in the registry of births and marriages** **.**     Law No. 603 of November 19, 2014, Family and Family Process Code establishes:    **"Article 168. I.** Marriage is null:     to)               If it has not been celebrated by the Officer of the Civic Registry.  b)               If it was not done between a woman and a man.  c)               If bigamy was incurred or multiple free unions.  d)               For having been constituted by persons with disabilities established in this Code.  and)               **By mistake, fraud or violence in the consent.**    F)               **For lack of consent.**    II. The causes of nullity to the free union are applicable, except paragraph a) of the previous Paragraph of this Article.   1. The nullity action corresponds to the spouse, the relatives of the person declared to be in the interdict and the public institutions of protection to the family and childhood and adolescence. "     **"Article 171.** After one (1) year of cohabitation has elapsed, the nullity action can not be filed except when the marriage was celebrated in the absence of the consent of one of the parties, in which case the nullity of the marriage without any term. "    One must have full freedom of decision, since otherwise, marriage can be declared void by mistake, intent or violence in the consent stipulated in Article 168 of the Family and Family Procedural Code.    Likewise, Law No. 263, dated July 31, 2012, Comprehensive against Human Trafficking and Trafficking, aims to combat the trafficking and trafficking of persons and related crimes, guarantee the fundamental rights of victims through consolidation measures and mechanisms of prevention, protection, attention, prosecution and criminal punishment of these crimes. This Law modifies the Penal Code by inserting fourteen criminal behaviors of trafficking in persons; It also modifies the scope of the crime of trafficking in persons.    Article 34, of Law No. 263 **,** establishes that Articles 178, 281 bis, 321, 321 bis and 323 bis of the Criminal Code are modified, with the following text:    ***... "ARTICLE 281 Bis.*** ***(TRAFFIC OF PEOPLE).*** ***I.*** *Will be punished with deprivation of liberty for ten (10) to fifteen (15) years, who by any means of deception, intimidation, abuse of power, use of force or any form of coercion, threats, abuse of the situation of dependency or vulnerability of the victim, the granting or receipt of payments by themselves or by a third person, will induce or favor the recruitment, transfer, transportation, deprivation of liberty, reception or reception of persons inside or outside the national territory, even if mediated by consent of the victim, with any of the following purposes:* ***... 11. Servile marriage, free or de facto union ... "***     * **Access of girls to an education, including reintegration programs adapted to girls who are forced to leave school because of marriage or having children** **.**     Article 17 of the Political Constitution of the State establishes that "Everyone has the right to receive education at all levels in a universal, productive, free, integral and intercultural manner, without discrimination"; likewise, Article 77, paragraph I of the Political Constitution of the State establishes that "education constitutes a supreme function and the first financial responsibility of the State, which has the indeclinable obligation to sustain, guarantee and manage it."    "Access to education is guaranteed to the entire population of school age, from the initial, primary and secondary levels of the national territory; Among the programs established to guarantee the exercise of the rights to education of the populations that were historically excluded from the educational system are:    -        **Frontera, Liberadora and Ribera de Rio schools** are part of the set of policies and special programs implemented for populations whose populations were historically excluded from the exercise of the right to education.  -        **Program "Multigrade Modular Attention of Secondary Community Productive Education"**, that guarantees the integral formation of the students who live in populations of difficult access.  -        **Pedagogical Support Centers** for Girls and Boys, children of people deprived of their liberty.  -        **Girls, Boys and Adolescents Workers (NNATs)** : Rights of working girls and boys.  -        **Children and adolescents sick and hospitalized:** Transitory classrooms implemented in hospitals.    **Normative Resolution No. 001, promulgated in each school management: Pregnant students.**Within the framework of Article 115 of Law N ° 548 of the Child and Adolescent Code and Law N ° 045 "Against Racism and all forms of Discrimination", it is prohibited to reject or expel pregnant students, the Director or Director of the fiscal, private or convention educational unit and the educational community to give the necessary support to the student and guarantee the continuity and completion of their studies with curricular adjustments regarding their gestation process according to specific regulations. " [[1]](https://translate.googleusercontent.com/translate_f" \l "_ftn1)     * **Promote the economic empowerment of women and access to productive resources, in particular by addressing the issue of discriminatory norms and practices in this regard.**     Article 48 of the Political Constitution of the State establishes that "The State shall promote the incorporation of women to work and shall guarantee the same remuneration as men for work of equal value, both in the public and in the private sphere. To guarantee the exercise of these rights, the Constitution establishes in Article 54 "I. It is the State's obligation to establish employment policies that prevent unemployment and underemployment in order to create, maintain and generate conditions that guarantee workers and workers decent employment possibilities and fair remuneration. "    It is also important to mention that the Ministry of Labor, Employment and Social Welfare has been working on "The Employment Support Program (PAE), aims to expand the coverage and effectiveness of active employment policies, through the improvement of the labor insertion conditions of the workers. The following describes the number of women who benefited from the aforementioned program:    -           He Employment Support Program, benefited at national level, from 2012 to April 2017, a total of 19,544 people, of which 10,757 are women, equivalent to 55.04%.  -           Regarding the age of the women beneficiaries of the total of 10,757, 1601 are from 18 to 21 years old (14.88%); 2,897 are from 22 to 25 years old (26.93%); 2,185 are from 26 to 29 years old (20.31%); 1,300 are from 30 to 33 years old (12.09%); 1,012 are from 34 to 37 years old (9.41%); 653 are from 38 to 41 years old (6.07%); 445 are from 42 to 45 years old (4.14%);269 ​​are 46 to 49 years old (2.50%); and more than 50 years old (3.67%).  -           Likewise, of the total of 10,757 female beneficiaries, 2,518 were inserted in a Microenterprise (23.41%); 2790 in a semi-enterprise Microenterprise (25.94%); 1861 in a Small Company (17.30%, 1,108 in a Medium Company (10: 30%), and 2480 in a Large Company (23.05%)    Also, the State Portfolio is working on the preparation of the proposal for a job placement program for women in innovative areas of employment in Bolivia, which proposes innovation as the opening of new employment options that do not signify the extension of domestic work. " [[2]](https://translate.googleusercontent.com/translate_f" \l "_ftn2)    In addition, we are working on the following programs:    **"Women's access to credit for agricultural machinery - 2011-2016 managements.** Under the modality of sale to the credit with reservation of property in favor of small and medium agricultural producers. The mechanization program encourages women heads of families to access credit for machinery and agricultural inputs. From 2010 to 2014, only 6.9% women applied to PROMEC for loans.    **Support Program for Agricultural and Non-Agricultural Enterprises (ACCESOS)** - **2013-2017 Management**     |  |  |  |  | | --- | --- | --- | --- | | **Intervened departments** | **Municipalities** | **Families benefited** | **\* Investment made (Bs)** | | **9** | **55** | **29,163** | **763,290** |     -           **16,850** women and young people participate in the activities and benefit from the services of the Economic Inclusion Program.  -           **5,200** trained community leaders (3,000 women and 2,200 men).    **Program for Bovine Populations and Repopulation (PROREPO) - 2013-2016.** Access to Financial Credit for Cattle Stock and Repopulation:    -           The Operative Executing Unit implemented the Supreme Decree No. 1962 authorizing the Ministry of Rural Development and Lands the constitution of a trust (Trust for the settlement and repopulation of the beef sector FIPOREPO) as trustee, for Bs. 208,800,000 to be managed by the Productive Development Bank (BDP) in its capacity as trustee, to grant credits to the livestock sector affected by climate events.  -           Credits have been granted for a total amount of Bs. 32,287,902, in the municipalities of Guayaramerin, Loreto, Riberalta, San Borja, San Ignacio de Moxos, Santa Rosa and Trinidad, benefiting 113 families.  -           Of all the requested credit, 20% corresponds to women and 80% to men.    **National Vegetable Program - IPDSA** - **2013-2016 Management**    -           Through the National Vegetable Program, the transfer of Bs. 9,263,169.11 benefited 6,014 families (2,405 women and 3,609 men) having acquired and delivered:  -           **39,679.94 kg of** vegetable seed for open-field sowing, according to the requirement of the beneficiary communities of this amount of seed, was delivered 16,648 Kg of vegetable seed.    **Results CNAPE - National Council of Ecological Production**    Benefited Families: 9,473  •           Men: 4,831  •           Women: 4,642    **Woman's access to the earth.** As of September 2017, **46%** of the landowners are **women,**according to information from the National Institute of Agrarian Reform - Ministry of Rural Development and Lands. " [[3]](https://translate.googleusercontent.com/translate_f" \l "_ftn3)     * **Offer women and girls a global education appropriate to their age, pertinent from a cultural point of view and based on empirical data on sexuality, sexual and reproductive health, gender equality and preparation for life** **.**     "The Ministry of Education as the governing entity of national education policies has implemented the following actions:    -           **Implementation of comprehensive sexuality education.** In the fields of knowledge and knowledge - Cosmos and Thoughts; Life, Land and Territory; Community and Society - within the framework of socio-community rights to Live Well. The basic curriculum of the Regular Education Subsystem is strengthened by the process of implementing mandatory contents and cross-cutting contents of integral sexuality, especially at the levels of "Primary Vocational Community Education" and "Secondary Community Productive Education"; Likewise, the plans and programs of the Subsystems of Alternative and Special Education and of the Subsystem of Higher Education of Vocational Training are registered.    The starting point is the recognition of 5 strategic lines:  -           Integral sexuality a rights to exercise  -           Recognition of sexual rights and reproductive rights  -           Prevention of adolescent and youth pregnancies  -           STI prevention, HIV / AIDS  -           Life Proyect.    Same that are conceived in relation to articulating axes:  -           Intracultural, intercultural and multilingual education  -           Education in socio-community values  -           Education in coexistence with Mother Earth and Community Health  -           Education for Production    Community construction of tools and pedagogical instruments:  -           Pedagogical folder: Education in integral sexuality for Living Well directed to the students of the Superior Schools of Teacher Training, through which it is informed, sensitizes and initiates processes of awareness on the "sexuality as a human right" .  -           Information guides: Comprehensive sexuality to live well directed to the educational community.  -           Journals of information and reflection on prevention of pregnancy in adolescents and young people.    Protocol  -           STI care, HIV / AIDS. In process of revision for validation.  -           Attention of pregnant teenagers. In the process of approval, the Ministerial Resolution and the protocol to guarantee pregnant teenagers the exercise of their right to education.    Protection of students against physical, psychological and sexual violence in educational units.Implementation and follow-up to the mandates of Supreme Descretos Nos. 1302 and 1320; In this regard, the following actions were developed:    Reference and counter-reference protocols for the educational field:  -           Ministerial Resolution No. 2412/2017: Protocol for prevention and attention to cases of physical, psychological and sexual violence against students in educational units.  -           Attention to complaints of violence between peers in educational units.  -           Hiring of defense lawyers to accompany and follow up on all reports of violence by principals / directors, administrative staff and teachers against students of the educational units. " [[4]](https://translate.googleusercontent.com/translate_f" \l "_ftn4) |

1. **What measures were taken to address the systemic and underlying factors of child, early and forced marriage such as poverty, insecurity, lack of education, including humanitarian situations?**

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| **Answer:**  The Bolivian State promotes equality of opportunities and fight against poverty in terms of access to education, health, work, social security, equivalence of conditions between women and men ,prohibition and sanction to all forms of discrimination, prevention and punishment. of gender and generational violence, inclusion without discrimination, right to social security and safe motherhood, equal political participation, equal remuneration for work of equal value, gender equity in education, financial policy with equal opportunity criteria, no discrimination in access, tenure and inheritance of land, etc. [[5]](https://translate.googleusercontent.com/translate_f" \l "_ftn5)  As of 2006, the State has been granting the Juancito Pinto Bond ( political decision that has allowed equity and inclusion, especially of rural girls in the exercise of their right to education) , the Juana Azurduy Bonus and the Renta Dignidad that are constituted in transfers to groups of the population, managing to reduce poverty.  Advances in overcoming illiteracy (according to data from the 2012 National Population Census, the national illiteracy rate for people aged 15 and over is 5.54% compared to 13% for the 2001 Census.  With the new regulations, the rights of girls and adolescents women of access and permanence in the education system have been consolidated. A clear example is that adolescents and young pregnant women can not be removed from the educational unit for that reason. In addition, important advances have been made in the inclusion of indigenous knowledge in general, and of women in particular; in the educational curricula, having implemented a program for the prevention of violence in the school. |

1. **What has been the progress in the application of laws and policies to promote gender equality, prohibit violence against girls and women, reject discriminatory provisions and eradicate harmful traditional practices? What concrete measures have been adopted to follow up on the implementation of all these measures?**

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| **Answer:**  The Political Constitution of the State promotes the prevention and protection of violence against women, consecrating the recognition of each person's right to life and physical, psychological, moral and sexual integrity, in particular, the right of women to live free of violence in the family and in society, in this framework both normative advances and public policies are evident, establishing mechanisms, measures and integral policies of prevention, attention, protection and reparation for women in situations of violence, as well as the persecution and punishment of the aggressors, in order to guarantee women a dignified life and the full exercise of their rights to Live Well.  In this regard, within the framework of Law No. 348 Integral to guarantee women a life free of violence, Supreme Decree No. 2145 of October 14, 2014, since the 2014 management has been built specialized instruments; Likewise, an information system was developed to strengthen the 339 municipalities and 9 governorates of the country in the prevention, care, protection, prosecution, punishment and reparation of harm to women in situations of violence.  In Bolivia, there are Child and Adolescent Advocates that were created in 1997, by mandate of Law No. 1551 of April 20, 1994, called the "Popular Participation Law", to promote, protect and defend rights of children and adolescents; and provide the community with a permanent, public and free service. Each Municipal Autonomous Government finances the operation of its Ombudsman, allocating the budget for its operation.  In addition, the Ministry of Justice and Institutional Transparency through the Vice Ministry of Equal Opportunities, and in accordance with the mandate of Article 83 of Supreme Decree No. 29894, is constituted in a body that has the authority to formulate, agree and execute policies national defense, protection and promotion of the rights of children and j uventudes. |

1. **What concrete steps have been taken to promote the empowerment of girls and women and empower other stakeholders to promote social norms that support gender equality?**

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| **Answer:**  Norms have been promulgated with a gender approach, in compliance with the guidelines established in the State's Political Constitution, as measures adopted to promote the economic, physical and political autonomy of girls and women.  In relation to political autonomy, parity and alternation is consolidated through Law No. 018 of the Plurinational Electoral Organ of June 16, 2010, which includes as its guiding principles the nature, organization and functioning of the Electoral Body of equivalence (Article 4, subsection 6) and of parity and alternation (Article 8) and Law No. 026 of the Electoral System (June 30, 2010) that establishes among its principles access to political rights in equal conditions for men and women .  Law No. 31, Framework of Autonomies and Decentralization "Andrés Ibañez of July 19, 2010, regulates the autonomy regime, the basis of the territorial organization of the State and is applied at the central level and in regional territorial entities, which includes gender equity in its principles (Art. 5.11) and among the ends of autonomous governments, as well as social integrity under the principles of equity and equality of opportunities (Art. 7.III.8).  In relation to physical autonomy, Law N ° 348 of March 9, 2013, Integral to guarantee women a life free of violence ", establishes that acts of violence against women become crimes of public action, establishing themselves new criminal types.  Likewise, within the framework of Law N ° 70 of Education Avelino Siñani - Elizardo Pérez, the rights of girls and adolescent women of access and permanence in the educational system have been consolidated.  In the economic sphere, the Political Constitution of the State in Article 330 establishes that "The State will regulate the financial system with criteria of equal opportunities, solidarity, distribution and equitable redistribution." |

1. **What specific measures have been adopted to provide adequate protection and accountability mechanisms for women and girls at risk and for surviving women and girls, including those in insecure contexts?**

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| **Answer:**  In the Plurinational State of Bolivia, organized civil society participates in the formulation of public policies, plans, programs, projects, and in the decision-making processes of planning, monitoring the execution and evaluation of public management at all levels of the State and exercises social control over public management at all levels of the State, subject to Articles 241 and 242 of the Political Constitution of the State and Law No. 341 of Participation and Social Control, of February 5, 2013. |

1. **What type of data have been obtained? What kind of research has been carried out?**

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| **Answer:**  "The Ombudsman's Office, in the 2016 administration, launched an information and awareness campaign to prevent unions or marriages between adolescents and forced child marriages.  The objective is to reach students from 12 to 17 years of educational units in El Alto and neighboring municipalities, to inform, mainly, about the consequences that have to face adolescents who decided or were forced to marry or live together, or for those girls just 11 or 12 years old who were forced, by their parents or mothers, to marry adult men to get out of poverty or worse,   who were forced to do so with whoever sexually assaulted her.  In Bolivia, there are no statistics on marriages among adolescents, since in our environment "non-formal" types of union predominate. " [[6]](https://translate.googleusercontent.com/translate_f" \l "_ftn6) |

1. **What obstacles and gaps persist in the elimination of this practice? How could these obstacles and gaps be overcome?**

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| **Answer:**  The depatriarchalization as a policy of the Bolivian State, has identified challenges that Bolivia must face, focusing on the axes of the domination and subordination of women in the patriarchal system, the naturalization of inequality and the domination over women that is expressed in violence , the exercise of sexual and reproductive rights and the sexual division of labor.  To overcome these obstacles, it is necessary to monitor public policies with a gender perspective and mechanisms to eliminate the structural causes of women's subordination. |

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[[1]](https://translate.googleusercontent.com/translate_f" \l "_ftnref1) Information extracted from the note NE / DGP / UPIIP / EGGS N ° 051/2017 of August 26, 2017 and attached report of the Ministry of Education

[[2]](https://translate.googleusercontent.com/translate_f" \l "_ftnref2) Information extracted from the note DMTEPS - Of. 1506/2017 of October 26, 2017 of the Ministry of Labor, Employment and Social Welfare.

[[3]](https://translate.googleusercontent.com/translate_f" \l "_ftnref3) Information extracted from the note MDRyT / DGP / 0365/2017 of October 24, 2017 of the Ministry of Rural Development and Lands.

[[4]](https://translate.googleusercontent.com/translate_f" \l "_ftnref4) Information extracted from the note NE / DGP / UPIIP / EGGS N ° 051/2017 of August 26, 2017 and attached report of the Ministry of Education

[[5]](https://translate.googleusercontent.com/translate_f" \l "_ftnref5) Articles 8, 9, 11, 14, 15, 18, 26, 35, 45, 79, 330, 395 of the Political Constitution of the State.

[[6]](https://translate.googleusercontent.com/translate_f" \l "_ftnref6) Information extracted website: [http://www.defensoria.gob.bo/](https://translate.google.com/translate?hl=en&prev=_t&sl=es&tl=en&u=http://www.defensoria.gob.bo/)