

**Discrimination Against Lesbian, Bisexual, Transsexual, Transgender and Intersex  
women in Bolivia.**

**Shadow Report**

**November 2007**

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## **Introduction**

The Bolivian Republic ratified the Convention on the Elimination of All Forms of Discrimination against Women on June 8th 1990, and the Optional Protocol on December 27th 2000. The country presented its first report (CEDAW/C/BOL/1) to the CEDAW Committee at the 14th Session, in January 1995, which issued its Concluding Observations on May 31st 1995 (A/50/38). Bolivia also presented a report on March 27th 2006 (CEDAW/C/BOL/2 -4) to fulfill its obligations under Article 18 of the Convention. This will be considered during CEDAW's session in January 2008.

This report is an attempt to describe discrimination against lesbian, bisexual, transgender, transsexual and intersex (LBTTI) women residing in Bolivia, with the goal of assisting in the Committee's evaluation of Bolivia's compliance with CEDAW provisions and ultimately improving Bolivian women's lives.

## Executive summary

In the introduction to its report, Bolivia recognizes that even when efforts have been made to advance women's situation, these remain inadequate.<sup>1</sup> A new government assumed office in Bolivia in December 2005. The government was elected based on a platform that promised to devote more attention to fulfilling human rights and to address the causes of the economic, social and cultural exclusion affecting a significant proportion of the population. The government also promised to address racism, xenophobia and homophobia, in order to challenge discrimination and intolerance in a country recognized as multicultural and multiethnic.<sup>2</sup> However, ideological, political and religious barriers have strong roots in Bolivian society, and much of the poverty in the country is of long standing and highly entrenched. These factors hinder and make complex the road toward the participatory democracy envisaged in the Bolivian Constitution, as well as in laws and policy.

Compared to men, women in Bolivia have historically been disadvantaged in practically every sphere. At the moment, in spite of the introduction of legal reforms and other mechanisms designed to inject a gender perspective into public policy, the panorama has not changed much, since these reforms and policies have not been accompanied by public education campaigns to change social conscience. Furthermore, insufficient economic and human resources have been devoted to these reforms, so either they remain "on paper" or serve as palliative measures to address structural problems affecting women's inequality, subjection and exclusion.<sup>3</sup> Although Bolivia has ratified international agreements related to women's human rights and, although some of these provisions have been incorporated in the country's Constitution, it is remarkable how the state has neglected the work needed to fulfill the commitments made in these agreements, among them the Convention on the Elimination of All Forms of Discrimination against Women. We need to remember that, after examining the initial Bolivia Report, the Committee, in its 1995 Concluding Observations,<sup>4</sup> recommended that Bolivia encourage women to become more familiar with their rights before the law, observing that women's lack of access lack to legal assistance was one of the obstacles

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<sup>1</sup> (CEDAW/C/BOL/2 -4), Introduction

<sup>2</sup> "Análisis de la Situación de los Derechos Humanos en Bolivia", Asociación Permanente de Derechos Humanos de Bolivia, APDHB, Mayo 2006.

<sup>3</sup> "Report presented by the Government of Bolivia", Viceministry of the Women, Thirty-eighth meeting of the Working Group of the Regional Conference on Women from the Latin America and Caribbean region – ECLAC, United Nations; Mar del Plata, Argentina, 7 and 8 of September of 2005.

<sup>4</sup> (CEDAW/C/BOL/1) and (A/50/38) CEDAW Committee Concluding Observations, May 31<sup>st</sup>, 1995

inhibiting women's progress. Also, the Committee was concerned to see if the state had made any progress in challenging sexual stereotypes in contexts such as education, the media and the family. The Committee recommended that the Bolivia government: a) pay particular attention to Article 276 of the Amendment of Penal Code in order to abolish the disposition that prevent fair solutions to domestic violence; b) make an inventory of the laws discriminating against women in order to amend them.

The whole female population of Bolivia—as we have already noted—is still unequal as regards their human rights. In the case of lesbian, bisexual, transsexual, transgender and intersex women, this inequality is reinforced, since these individuals confront multiple discrimination based on sexuality as well as on ethnic, racial, linguistic, and economic grounds; they are stigmatized and rendered invisible on a daily basis because of discrimination based on their sexual orientation and/or their gender identity, which defies traditional parameters. Social lesbophobia and transphobia—strongly accentuated during the de facto government's years—has significantly diminished GLTTBI's visibility. There are now very few GLTTBI groups or associations which work as human rights defenders and are able to denounce these rights violations, perpetuated as much by society as by the state. Religious institutions and patriarchal influences remain remarkably strong. This delays or curtails legislation that could be used to fight discrimination at the local level, and so improve the quality of LBTTI women's life. At the moment, the Constituent Assembly is reviewing the National Constitution for reformation. Some assemblymen, representatives of political parties and civic organizations—el Colectivo de las Diversidades Sexuales y Genéricas de Bolivia among them<sup>5</sup>— have demanded that a number of rights and constitutional guarantees are incorporated in the new text of the Constitution. So far, attempts to include sexual orientation and gender identity among the non-discrimination grounds in the section on *Rights and Responsibilities* have been unsuccessful. If these reforms are made, they could help further the equality of LBTTI women. They would also demonstrate that the Bolivian State is willing to meet the commitments made upon ratifying the Convention. These commitments should be supplemented with strategies to implement them, so that would concretely improve the lives of LBTTI women and enable them to enjoy fundamental freedoms, constitutional rights and guarantees.

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<sup>5</sup> Colectivo de las Diversidades Sexuales y Genéricas de Bolivia: association of GLTTBI groups, Colectivo Diversencia y Asociación Civil de Desarrollo Social y Promoción Cultural de la Libertad GLBI (ADESPROC), among them.

## **Suggested questions to the government of Bolivia**

### **Art. 1:**

- What concrete measures is the state considering in order to eradicate all forms of discrimination against women?
- In regards to measures already implemented, has the state completed an assessment of whether they have reached their goals, and has the state subsequently revised these measures?

### **Art. 2:**

- What is the position of the state in regards to including sexual orientation and gender identity among the non-discrimination provisions in the Constitution and other relevant legislation, so that all women, including lesbian, bisexual, transgender, transsexual, and intersex (LBTTI) women benefit from legal protection?

### **Art. 3:**

- Through what concrete measures—such as political, judicial, and legislative—will the state ensure that all women, including LBTTI women can exercise their human rights in conditions of equality, as per provisions of Art. 3?

### **Art. 4:**

- What measures has the Bolivian state taken to ensure equal access to employment, education, and health for transsexual, transgender, and intersex women?
- What measures has the state adopted or does it plan to adopt in order to eradicate lesbophobia and transphobia in the fields of employment, education, and health?

### **Art. 5:**

- What measures is the state willing to implement in order to include gender and sexual orientation diversity in social, cultural, and communications policies and practices, leaving behind ideological and religious prejudice which currently work against the human rights of LBTTI women?

### **Art. 6:**

- Why hasn't the state yet promulgated a law against the trafficking of adult and adolescent women? What measures is the state considering to address this issue?

### **Art. 12:**

- Has the state considered the adoption of a law on sexual and reproductive health in order to comply with its commitments to CEDAW?
- What strategies is the state willing to implement and support so that LBTTI women have full and equal access to health services, without prejudice from health care professionals and with full observance of their rights?

