

DOMESTIC VIOLENCE, LEGISLATION AND HEALTH IN BOLIVIA

Jarmila Moravek de Cerruto
Assistant Secretary of Gender,
Generational and Family Concerns
Bolivia

1. Introduction

Bolivia is a land characterized by multi-ethnicity and cultural plurality. Located in the heart of South America, its territory extends over more than one million square kilometers. The country is made up of nine provinces and three different ecological regions (highlands, valleys and prairies).

The population consists of nearly eight million inhabitants, with a relatively moderate annual growth rate of 2.15%. The urban population is especially dominant, accounting for 65% of the total. The majority of the population is quite young: 59% of Bolivians are less than 25 years of age. Fifty-one percent of the total population is female.

Like many other countries in South America, Bolivia is currently experiencing a range of problems of an economic and social nature, many of which are linked to health. Maternal mortality is high, with an elevated rate of 390 per 100,000 live births. The rate of infant mortality is 59 per 1,000 live births. Forty-five percent of women of childbearing age use contraceptives, while the rest either lack information, access or the power to make decisions in this respect.

Life expectancy in Bolivia is 63 years for women and 60 years for men. The difference can be traced to biological reasons as well as differences in social patterns of behavior.

Illiteracy is higher for women (24%) than for men (approximately 10%). This can be attributed in part to cultural norms, particularly in rural areas where gender biases and poverty relegate girls to an inferior position.

Difficult economic conditions associated with migration have affected the composition of the traditional family in Bolivia. Today, an estimated 57% of the female population between the ages of 30 and 59 are heads of household. Forty-six percent of the work force in the country's primary urban centers is made up by women, representing 44% of the Economically Active Population.

Domestic violence represents "another" problem affecting an estimated 50% of the female population either married or in common-law marriages, and 10% of the male population in the same conditions. Whereas violence suffered by women is more often identified as of a physical nature, it tends to be psychological for men.

According to the "Study of the Prevalence of Domestic Violence" (*Estudio de Prevalencia de la Violencia Doméstica*, MSPS-PAHO/WHO, VAGGF), individuals who currently live in situations of violence in the home have been victims of (in a third of the cases) or witnesses to (in two thirds of the cases) acts of violence during their childhood.

In addition, other indicators show, for example, low levels of basic hygiene and unacceptable living conditions with high rates of overcrowding which, in turn, generate situations of violence. In general, the poverty level is considered to be at 70% of the total population, representing a limiting factor for human development, measured at 0.6 on the Gender Development Index (*Índice de Desarrollo de Género—IDG*).

2. Paper development

The concern for domestic violence in Bolivia today is a result of various efforts carried out by the State as well as by civil society in response to multiple international agreements signed by Bolivia such as:

-Convention on the Elimination of All Forms of Discrimination Against Women (the Optional Protocol has just been ratified by National Congress)

- Inter-American Convention of Belem Do Para

- Fourth World Conference on Women in Beijing

On a national level, various State efforts can be cited, but there are also other important programs aiding in the fight against domestic violence: for example, work being carried out by NGOs and civil society institutions in different arenas and territories that have made the issue increasingly more visible.

Reform and modernization processes within the Bolivian State over the past decade have resulted in a general framework that makes it possible to now implement specific legal norms. Among the most relevant are: the National Political Constitution which guarantees respect for human rights; the Law of Decentralization and Peoples' Participation (*Ley de Descentralización y Participación Popular*) allowing the State to delegate the administration of public resources to provincial and local governments in order to carry out diverse responsibilities related to infrastructure and basic services according to regional priorities.

For the first time in history, in 1993 the Law of Departments (*Ley de Ministerios*) created the Office of Gender Concerns within the executive branch of government to specifically attend to this issue. This office is currently referred to as the Office of Gender, Generational and Family Concerns.

Since 1995, Bolivia has had a legal instrument for the prevention and punishment of domestic violence: Law 1674. Regulations for implementing this law were established by Supreme Order in 1998.

Violence is also addressed in Law 2026 for children and youth through a new Code that was placed into effect in 1999 and emphasizes concern for violence against this vulnerable age group.

Law 1674 Against Domestic Violence or Violence in the Family basically establishes the fight against violence as a State policy. It specifies measures for preventing violence and protecting victims, procedures for reporting aggressions and mechanisms for punishing aggressors. It also recognizes the need for a multi-sector approach and participation by other institutional actors in addressing this problem.

The Law's regulations constitute a legal mechanism for guaranteeing its implementation and refer explicitly to the principles of equality, oral expression, promptness and gratuitousness. The Department of Sustainable Development (*Ministerio de Desarrollo Sostenible*) through its Office of Gender, Generational and Family Concerns is identified as the principle entity given faculties for implementing programs as well as informing the public of the current legal norms.

Another responsibility is the Obligation to Report, applying to both public and private programs providing services in cases of violence. These reports must be presented to the Police, to Family Protection Brigades, to the Public Prosecutor's Office or to Integral Legal Services located in municipal government offices.

Medical Certificates are another responsibility of the health sector. Any medical certificate issued by a public health institution doctor is considered a valid document of proof, thereby facilitating consequent legal procedures without the intervention of forensic doctors. In this way, the double victimization of those who have suffered acts of violence is avoided. This is especially important when dealing with those who have suffered sexual aggression. This measure also favors the opportune substantiation of injuries.

Before this law was placed into effect, medical certificates were only issued by forensic doctors working within the judicial branch of government and located in provincial capitals, thus limiting attention to these cities where there is a great demand for services. As a result, in order to obtain medical reports, victims of violence either had to wait their turn to be examined or desist from reporting the aggression altogether. Frequently, medical reports did not reflect the seriousness of injuries because time had passed, allowing for healing.

This Law's regulations also stipulate the obligation to register cases through the National Health Data System (*Sistema Nacional de Información en Salud*). In other words, institutions and other sectors aware of cases of domestic violence must report them to this system, so that mechanisms for epidemiological supervision can be activated.

In general, current legal norms provide a favorable framework for work carried out in the health sector. Since 1996, attention to domestic violence has been progressively incorporated into this sector. In this regard, it is worth mentioning progress made in aspects of sector-based politics, sector-based normative instruments, and instruments and methodologies for working in communities.

A first step taken in this direction was to acknowledge the problem as a Public Health Concern due to the implications for the health of individuals, varying from transitory injuries to ongoing problems and death, as well as the seriousness of the problem in the community, and the demand for increased health services which, in turn, implies the need for more resources in order to deal with this completely preventable problem.

With regard to normative instruments within the health sector, important steps have been taken, such as the incorporation of "domestic violence" as a variable specified by age group and sex in the National Health Data System; the development of Norms and Procedures for the Prevention of and Attention to this problem within the health services system; the development of an Epidemiological Supervision model for control from within the sector; and the development of an instrument for management at the provincial level.

In addition, work has also been carried out in other sectors and institutions in Bolivia, achieving significant results that go hand in hand with processes from within the health sector. These include:

- In the National Police: Family Protection Brigades have been created in all provincial capitals and the variable of "domestic violence" has been incorporated in the classification system used by the police. Norms have been established for addressing this problem, allowing for coordination with the health sector. Information is provided to police officers through training programs.
- In universities: gender and violence issues have been incorporated in nursing programs in the country's eight public universities as well as in some schools of medicine and some specialties and master's programs.

- An initiative is being developed between the *Universidad Mayor de San Andrés* and the National Statistics Institute (*Instituto Nacional de Estadística*) to create sector-based indicators.
- The media is becoming progressively more sensitized to the need for presenting information on this issue. Through the media, various national and local awareness campaigns have been promoted.
- In municipal governments, possibilities are opening up for creating Legal Integral Services in the context of the new law which delegates responsibilities to municipal governments for dealing with concerns regarding women and family. Currently, there are 64 Legal Services and 38 Domestic Violence Prevention and Attention Networks established in municipalities. A similar number of Children and Adolescent Defense Offices have also been established.
- Regarding work carried out in communities, diverse methodologies and instruments have been developed such as: the Violence Prevention and Attention Network Model, a strategy for encouraging the involvement and joint efforts of different local actors in municipal efforts; and diverse instruments for organizing Mutual Support Groups and training programs designed for facilitators and/or others promoting lifestyles without violence.
- In the judicial sector, work was carried out in various areas of training focused on the Law Against Domestic Violence or Violence in the Family and in processes of consensus for the formulation of the Law's rules and regulations.
- A number of offices within the executive branch have initiated work in the area of gender. One of them is the Office of Ethnic Concerns which in the year 2000 promoted public policies establishing gender equality in favor of indigenous women.
- As for the Office of Gender, Generational and Family Concerns: since its creation, it has been carrying out actions stipulated under the law, regarding the design of policies for gender equality. In this context, the issue of violence is a constant concern.

3. Conclusions

Finally, I would like to mention that the work presently being carried out in Bolivia with participation from many actors, both governmental and nongovernmental, as well as from the overall society, has led to important achievements. Obstacles in this process remain, however, and include the following:

- The society's tolerance of domestic violence continues to be a barrier, transcending structures and conditioning individual and group behavior. This cultural phenomenon is ingrained in values that are therefore difficult —although, in our opinion, not impossible— to modify.
- Relationships and coordination among social sectors and actors in the society, at different levels, is not always sufficient for working toward a common goal, and frequently, individual interests prevail.
- Knowledge of legal frameworks and norms — and consequently their implementation — is not altogether widespread among authorities and institutional representatives at different levels.
- Technical management of this problem by the health sector is also a limitation since the percentage of trained human resources is only about one-third of the total.

Therefore, with these problem areas pinpointed, Bolivia — through its institutions and organizations — continues to fight against domestic violence and in favor of a gender perspective, with strategies aimed at achieving equal opportunities for men and women alike.

In this regard, we believe the following measures are necessary:

- the development of mechanisms in the Department of Health to institutionalize the attention to this problem;
- the incorporation of this concern within the reform processes underway in the health sector, primarily by offering it as a service within the basic health plan;
- the promotion of strategies for training human resources in the context of already existing policies aimed at strengthening human resources in this department; and
- the coordination of work carried out among different sectors and institutions including the participation of diverse actors, thus allowing for the joining of efforts.

The fact that gender is currently acknowledged in Department of Health policies represents an important step. However, if the concept of equality is not implemented on an operative level in each and every one of the areas within the institutional structure, our efforts to prevent and address violence will be in vain.

Thank you.