



A Breeze Of Hope



CSW Communications Procedure
Human Rights Section
UN Women
220 East 42nd Street, 17th floor
New York, NY 100017
USA
By e-mail: cp-csw@unwomen.org

1 August 2017

Re: Communication on the Government of Bolivia's need to align its Penal Code's provisions on rape with regional and international human rights standards.

Dear Commission Members,

Pursuant to Economic and Social Council resolution 76 (v) of 5 August 1947, as amended by Economic and Social Council resolution 341 (XI) of July 1950,¹ we submit this communication² on the need for the government of Bolivia to amend its Penal Code's laws on rape and bring them in line with international and regional human rights standards. This communication is in reference to Equality Now's Action (last updated June 20, 2017): [Help stop child abuse in Bolivia!](#)³ Equality Now is an international human rights organization with ECOSOC status working to promote the equality of women and girls worldwide. A Breeze of Hope (Centro Una Brisa de Esperanza) in Bolivia provides young survivors of sexual violence with holistic care, including legal, mental and social services.

Brisa was just 15 years old when her adult cousin began raping her. To scare her into silence, he would torture the family's pets in front of her and threaten to rape her sisters if she told anyone about his abuse. During the eight months that followed, Brisa isolated herself from her family and attempted suicide twice. When her family discovered the abuse they immediately reported it to the police, but Brisa's suffering didn't end there. She was continuously re-victimized by the justice system, including by medical personnel, the prosecutor, and judges. Although the charges that Brisa brought against her abuser were for rape, the judge used his discretion to change the charge to *estupro*—wherein an underage girl is presumed to have not only consented to sex with an over-age man but to have seduced him—which imposes much lower penalties than for statutory rape. When Bolivia's justice system failed her, Brisa decided to get a law degree and take her case to the Inter-American Commission on Human Rights. The commission made the decision to admit her case in April 2017, fifteen years after her abuse was first reported to the police.

¹ The Economic and Social Council has reaffirmed the mandate of the Commission on the Status of Women to receive communications on the status of women in its resolutions 1983/27 of 26 May 1983, 1992/19 of 30 July 1992, 1993/11 of 27 July 1993 and decision 2002/235 of 24 July 2002.

² Equality Now hereby waives any claim of confidentiality to which we may be entitled in the communication process.

³ Available in at <https://www.equalitynow.org/action-alerts/stop-child-sexual-abuse-Bolivia-brisa>

Bolivia has one of the highest rates of sexual violence against women and children in South America. In the first six months of 2015 alone, 569 cases of sexual violence against minors were reported, of which 94% were against girls. 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. 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.

Equality Now and its partner organizations are pursuing litigation and advocacy to encourage Bolivia to amend its Penal Code. In March 2017, Equality Now and partners held a thematic hearing on sexual violence against adolescent girls in Bolivia at the Inter-American Commission on Human Rights. At the meeting, the government of Bolivia committed to working with civil society to amend its Penal Code. However, as of this date, Bolivia has failed to communicate with us about concrete steps its take to amend its laws on rape, if any.

Bolivia has an international obligation as a party to multiple human rights treaties and as a participant in the UN Sustainable Development Goals, particularly goals 5 and 10, to ensure that its laws on rape are aligned with international and regional standards and that women and girls are free from sexual violence. Specifically, the revised Penal Code should:

- “Define rape as based on lack of consent and including all forms of non-consensual penetration;
- Eliminate the requirement that survivors prove “intimidation, physical violence, or psychological violence”;
- Apply international and regional human rights standards on consent;
- Repeal the *estupro* provision[...]; and
- Provide clear guidelines on what acts constitute sexual abuse”

Today, Equality Now and A Breeze of Hope file this communication to request that the Commission call upon the government of Bolivia to amend, without delay, the provisions of its Penal Code that address rape and to prosecute offenders who sexually abuse underage girls and women. We also urge the Commission to refer this matter to the Economic and Social Council with a recommendation that it takes action to ensure Bolivia amends its Penal Code's provisions on rape to bring them in line with international and regional human rights standards.

Sincerely,



Yasmeen Hassan
Global Executive Director
Equality Now



Brisa De Angulo
Chief Executive Director
A Breeze of Hope



Parker Palmer
Chief Financial Officer
A Breeze of Hope