Law 348:
The Struggle to End Violence Against Women in Bolivia

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Bolivian population as of 2012: **10,027,254**

- Of the **6,916,732** people age 15 years or older, **2,806,592** self-identify as Indigenous or Afro-Bolivian (roughly **40%** of the population)
- Aymara: **1,191,352**
- Quechua: **1,281,116**
Violence Against Women (VAW) according to Law 348

- Physical violence
- Feminicide
- Psychological violence
- Violence against dignity, honor, and the name
- Sexual violence
- Patriarchal/economic violence
- Violence in the family
- Violence against sexual rights and freedom
- Media violence
- Symbolic and/or hidden violence
- Violence against reproductive rights
- Violence in health services
- Workplace violence
- Violence in the plurinational educational system
- Violence in politics and leadership
- Institutional violence
Violence Against Women in Bolivia

<table>
<thead>
<tr>
<th>Year</th>
<th>Feminicide</th>
<th>Murder</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>89</td>
<td>56</td>
</tr>
<tr>
<td>2011</td>
<td>96</td>
<td>61</td>
</tr>
<tr>
<td>2012</td>
<td>99</td>
<td>48</td>
</tr>
<tr>
<td>2013</td>
<td>110</td>
<td>64</td>
</tr>
<tr>
<td>2014 (Jan-Oct)</td>
<td>103</td>
<td>64</td>
</tr>
<tr>
<td>2015</td>
<td>93</td>
<td>Not available</td>
</tr>
<tr>
<td>2016</td>
<td>104</td>
<td>Not available</td>
</tr>
</tbody>
</table>

Surveys from all 12 countries asked women whether they had experienced a similar though not identical list of behaviorally specific acts of violence by a partner ever or in the past 12 months, including physical acts, such as being slapped, kicked or choked, and sexual acts, such as forced sexual intercourse (all surveys), forced “sex acts” (the Dominican Republic 2007, Haiti 2005/6, and Peru 2007/8), and unwanted sexual intercourse performed out of fear of their partner (El Salvador 2008, Guatemala 2008/9, Nicaragua 2006/7, and Paraguay 2008). By combining women’s answers to all these questions, this indicator includes any physical and/or sexual violence by a partner ever or in the past 12 months.

Bolivia 2003: 53.3% of women ages 15-49 had experienced physical or sexual partner violence ever, and 25.5% in the past 12 months

Source: PAHO and CDC 2013

Sources: Center of Information and Development of the Woman Bolivia (CIDEM), El Potosí, La Fiscalía General del Estado Plurinacional de Bolivia

Bolivia 2003: 53.3% of women ages 15-49 had experienced physical or sexual partner violence ever, and 25.5% in the past 12 months

Source: PAHO and CDC 2013
Out of 2,620 women

(Coordinadora de la Mujer/OXFAM, 2013, Graphic 42, p. 104)

Sexual violence: Out of 912 indigenous women and 1,689 non-indigenous women

Physical violence: Out of 922 indigenous women and 1,689 non-indigenous women

Psychological violence: Out of 920 indigenous women and 1,687 non-indigenous women

(Coordinadora de la Mujer/OXFAM, 2013, Table 90, p. 107)
Law 348: “Comprehensive Law to Guarantee Women a Life Free from Violence”

What makes the law comprehensive?

- Prevention
- Attention and protection for the victims
- Punishment of the aggressors

Hanalí Huaycho

Which entities are carrying out and monitoring the implementation of Law 348?

- Ministry of Justice
- Integrated Plurinational System of Prevention, Attention, Sanction, and the Eradication of Violence for Reasons of Gender (SIPPASE)
- Report to National Plurinational Assembly
<table>
<thead>
<tr>
<th>New crime (as established by Law 348)</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feminicide</td>
<td>30 years in jail without the right to a pardon</td>
</tr>
<tr>
<td>Sexual suffering</td>
<td>15-30 years in jail</td>
</tr>
<tr>
<td>Forced sterilization</td>
<td>5-12 years in jail</td>
</tr>
<tr>
<td>Family and domestic violence</td>
<td>2-4 years in jail</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>4-8 years in jail</td>
</tr>
<tr>
<td>Sexually abusive acts</td>
<td>4-6 years in jail</td>
</tr>
<tr>
<td>Patrimonial violence</td>
<td>Fine of 100-365 days</td>
</tr>
<tr>
<td>Economic violence</td>
<td>2-4 years in jail</td>
</tr>
<tr>
<td>Robbing profits from family economic activities</td>
<td>6 months-1 year in jail, and afterward a fine of 50% of their salary for 365 days</td>
</tr>
<tr>
<td>Public servants who obstruct an investigation</td>
<td>90-120 days of community service, and disqualification from public roles for 1-4 years</td>
</tr>
</tbody>
</table>

(Articles 84-85, Law Nº 348)
Theoretical background

Intersectionality

An intersectional approach seeks to understand “...the various ways in which race and gender intersect in shaping structural, political, and representational aspects of violence against women of color” (Kimberlé Crenshaw, 1993, p. 1244)
My argument and statement of purpose

Intersectionality provides a lens to understand how race, ethnicity, class, and gender impact Bolivian women as it relates to violence in their lives.

This research seeks to understand the implementation of Law 348 in Bolivia. This study also considers the impact of neoliberal policies and the United States War on Drugs on women’s lives.
Research questions

1. What are the gendered effects of neoliberal policies and the U.S. War on Drugs in women’s lives?

2. How is violence against women intertwined with the social, political, and economic context?

3. How has Law 348 been implemented in Bolivia?
Methods

1. Literature review
2. Quantitative data available from public sources
3. Brochures and reports
4. Social media
5. Qualitative analysis: Interviews in La Paz, Bolivia May 2016 with the CLAS-CAL Research Travel Grant for Latin America

- Interview questions
  - Have more resources been allocated from the Bolivian state following the passage of Law 348?
**Finding #1**

Structural adjustment policies (SAPs) under the IMF/WB prescribed neoliberal reforms fueled financial instability among the Bolivian people.

Economic inequality contributes to the instability that fuels violence against women in the family and in public.

(Tapias, 2015)

(see also Sutton, 2010 re: neoliberal reforms and violence against women in Argentina)
Finding #2: Positive outcomes of Law 348

- Symbolic importance of Law 348
  - Ambitious law part of a state strategy to deal with violence against women
- Legal instrument to help women
- Women have more information about their rights under Law 348
- Reporting up 40%
  - More women reporting in urban areas
Finding #3: Challenges to the implementation of Law 348

- Lack of economic resources
- Lack of data
- Justice system does not have the capacity to attend to victims
  - 24 sentencings out of 104 feminicides in 2016
- Lack of specialized judges, police officials, district attorneys etc.
- Women are in more risk than before Law 348
- Lack of attention in rural areas
- Financial burden for victims

Law 348 is

“... a powerful instrument but it does not have the means in order to implement it”

(Personal communications, May 2016)
Recommendations: What would you do if you had the power and resources?

- Prevention in school curriculum re: gender equality, respect, human rights
- Create a Women’s Ministry
- Increase in economic resources for Law 348
- Specialization
- Economic opportunities from women
Conclusions

Bolivia has emerged from a complicated historical context that requires an intersectional lens when developing policies like Law 348. Evaluating and analyzing the implementation and impact of Law 348 is essential for the legislation to reach its full potential to eliminate violence against women in Bolivia.

Thank you for your time and attention! Comments, questions, input, and suggestions are welcome.

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