

# Chacruna Handbook on Sexual Abuse Law Bolivia

## 1. General Situation

### a. National Priority

Over the past decade, the Bolivian government has taken many steps to advance the rights of women, including ratification of international treaties against gender violence, amending its Constitution to add specific gender rights, see [e.g. Articles 11\(I\), 14 \(II\), and 15 \(II-III\)](#), and passing progressive legislation such as the Law 348, described below.

Despite these steps, Bolivia has struggled to combat gender-based violence. In the city of El Alto, part of greater La Paz, where people may seek to travel for ayahuasca, huachuma, and other indigenous psychedelic medicines, violence is especially prevalent and 87% of women reported in [a government survey](#) they experienced some sort of gender-based violence in their lifetimes, higher than the national average of 60% of women reporting the same.

In 2013, Bolivia passed Law 348, a keystone sexual abuse law and one of the region's most progressive. The law broadens protections for women against various forms of violence and establishing the eradication of violence against women as a Bolivian national priority.

### b. Difficult Realities

Despite the passing of [Law 348](#), Bolivia still has [the highest rates of gender-related violence in all of Latin America](#). That fact is especially salient when considered that the World Health Organization considers Bolivia to be the most violent countries for mistreatment of women (14 nations are among the world's 25 worst). Some say the law has [failed to fulfill its promise](#) of protecting women because since the law's passage only 20 percent of settled cases have resulted in prison sentences and public prosecutors handling crimes against women find themselves handling as many [as 600 cases at a time](#).

The high level of violence towards women in Bolivia, according to [Oxfam](#), can be attributed to three factors: a deeply-rooted culture of machismo which [some women say is now worse than before](#); a broken justice system that provides women with little recourse; and a lack of institutional capacity to implement and enforce Law 348 and its progeny such as the 2013 repeal of a marital rape exemption from the penal code and implementation of policies [to ensure that violent crimes against women are properly investigated](#). As a result of these three factors, violence against women in Bolivia is rampant and perpetrators regularly evade accountability.

Survivors of sexual violence in Bolivia face an uphill battle in accessing justice because of a high burden of proof, "[intimidation, physical or psychological violence](#)." The vast majority of sexual violence cases are dropped during the preliminary phases of an investigation [because of this burden of proof](#). Among the sexual violence cases that do make it beyond the preliminary investigative phase in Bolivia, 94 percent were [lost or abandoned](#) before they reach a trial phase.

### c. Positive Developments

The statistics highlight a dire situation, but ground-level women's initiatives are generating countercurrents that do provide some solace. [The National Police has created Family Protection Brigades](#) with the capacity to respond more promptly at the scene of acts of violence against women and provide better help than the regular police. Yet these special brigades are often constrained by a lack of resources and it should be noted that there is an allegedly high percentage of perpetrators of gender violence (including sexual abuse) among police staff who, at higher levels, are often guarded from persecution. Importantly, women's representation in the Bolivian government at both the national and local levels has skyrocketed in recent years to the point where women hold nearly half of all current seats in Bolivia's legislature and 45% of municipal council seats, up from only 19% in 2004.

In El Alto, a mostly indigenous city adjacent to La Paz, requested in 2018 to participate in the [UN Women's Safe Cities and Safe Public Spaces Global Flagship Initiative](#). As part of the initiative, El Alto identified areas where sexual harassment and other forms of sexual violence were likely to occur (streets, bars and public transportation) detailed coping mechanisms, and implementing a Safe City program. [The Safe City program](#) engages local authorities such as police, local government and transportation, as well women's rights organizations and other partners to design services for survivors, integrate gender issues into urban planning, and leads community mobilization efforts to prevent violence, [and examines laws and policies to prevent and respond to sexual violence in public spaces](#). This promising initiative is linked to El Alto's good political rulings over the last 15 years.

An advocacy foundation for survivors of sexual violence, [A Breeze of Hope](#), has been bringing perpetrators to court with unprecedented success prosecuting approximately 500 cases since 2004, with a 96% conviction rate, compared to [the national average of less than 10% successful convictions](#). The founder of A Breeze of Hope, Brisa De Angulo, has taken her own case all the way up through the Bolivian court system and the Bolivian Supreme Court to the Inter-American Court of Human Rights (IACHR) with the support of [Equality Now](#), an NGO advocating for women's rights and providing legal support for those in need.

In 2007, the Bolivian government declared a National Day of Solidarity with Victims of Sexual Violence (día Nacional de la Solidaridad con las Víctimas de Agresiones Sexuales) with the passing of [Law No. 373](#). Since then, Bolivian people hold an [annual rally and walk](#) to support victims and build momentum for cultural change.

Under Law 343, passed in 2012, local governments in Bolivia were mandated to fund a total of nine shelters for abused women, along with strengthening related psychological, legal and police resources. It is important to note, however, that getting these shelters in place has been slow. Where they exist they are often underfunded and low capacity—in Santa Cruz, for example, [the shelter only has space for 22 women though 40 complaints of violence against women are filed with police there every day](#).

## 2. Specific Laws

As a preliminary matter, it is important to note that the Bolivian penal code does not define consent, nor does it provide a presumption against consent, and the burden of proof for sexual violence is "[intimidation, physical or psychological violence](#)" which makes overcoming the initial hurdle of access to justice difficult. That said, it is not insurmountable, as A Breeze of Hope's 96% conviction rate shows.

Specific laws to be aware of are:

- [Law 348](#), passed in 2013, is Bolivia's keystone sexual abuse law.
  - The Law establishes mechanisms, measures and comprehensive policies for prevention, care, 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.
  - The Law encompasses crimes such as sexual assault, domestic violence, femicide and forced sterilization, and makes femicide punishable by 30 years in prison, the maximum sentence in Bolivia's justice system.
  - The Law defines violence as "any action or omission, open or disguised, that causes death, suffering, or physical, sexual or psychological damage to a woman or another person, causing damage to her assets, in her economy, in her source of work or in any other field, just by being a woman."
  - The Law authorizes the government to declare an emergency in the face of high indices of violence against women. Women's organizations [backed by the UN](#) have called for such a declaration several times but are yet to receive an official response from the Bolivian Government.
- The law of "[estupro](#)" which imposes lesser penalties for the rape of an adolescent girl than of a young girl or adult woman and is being challenged by the founder of A Breeze of Hope, Brisa de Angulo, with the support of Equality Now in the IACHR.
- [Law 343](#), passed in 2012, under which local governments were mandated to fund shelters for abused women, along with strengthening related psychological, legal and police resources.
- [Article 15 of the Constitution](#), adopted in 2009, which states, among other things, "All people, particularly women, have the right not to suffer physical, sexual or psychological violence, both in the family and in society."
- [Law 2033](#), passed in 1999, focuses on the protection of victims of crimes against sexual freedom, which defines certain crimes and establishes interdisciplinary teams to cooperate in investigations and the establishment of centers of care and support for victims.

### 3. Resources

The first thing victims of sexual assault should do is immediately get to a safe place, seek medical care if necessary, and then—if foreign—contact their embassy, who will provide assistance.

- Report the crime to the local police by dialing "110" and file a police report
- Contact the U.S. Embassy
  - +591 (2) 216-8000, or after working hours at +591 (2) 216-8000
  - Av. Arce 2780, La Paz

- Contact National Tourism Police, which provides free assistance in English to tourists
  - La Paz office at 800-14-0081
  - Cochabamba office at +591 (4) 450-3880
  - In the city of Santa Cruz, contact Interpol at +591 (3) 349-7720.
- [Julieta Montano](#), lawyer, Director of Legal Office for Women in Cochabamba, Bolivia, and the institutional representative of the Advisory Committee of Latin America and the Caribbean for the Defense of the Rights of Women, who has been an activist for women and girls for more than 30 years. Created the [Oficina Juridica para la Mujer](#) to represent women victims.
  - Contact [Oficina Juridica para la Mujer](#) for support in pursuing a case
  - Contact directly on [Facebook](#)
  - +591 (4) 4228929
  - Ayacucho 628 (corner of La Paz y Hamiraya), Cochabamba
  - [ojmujer@ojmbolivia.org](mailto:ojmujer@ojmbolivia.org)
- [Una Brisa de Esperanza](#)
- +591 (4) 4527505
- Calle Junín N° 271 (between Colombia y Ecuador), Cochabamba
- Opinión, a media outlet committed to covering the rights of women and girls and to covering sexual violence from a feminist perspective
- [ACOBOL](#), an association of female regional councilors of Bolivia

**Check the Ayahuasca Community Guide for the Awareness of Sexual Abuse:**  
<https://chacruna.net/community/ayahuasca-community-guide-for-the-awareness-of-sexual-abuse/>