

“No Justice for Me”

Femicide and Impunity in Bolivia



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Acknowledgements

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INTERNATIONAL HUMAN RIGHTS CLINIC
HUMAN RIGHTS PROGRAM AT HARVARD LAW SCHOOL

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I. Executive Summary

Bolivia, like many countries, has struggled to combat gender-based violence and discrimination for years. While the Bolivian government has had some success in its efforts to break down barriers for women,¹ and its commitment to fully eliminate disparate treatment on the basis of sex is admirable,² the number of femicides—the killing of women because they are women—in the country is alarmingly high. Bolivia has one of the highest rates of gender-related violence in all of Latin America,³ and perpetrators frequently evade accountability.⁴

In recent years the Government of Bolivia has taken some important steps to address femicide. For example, in 2013 the Bolivian government passed Law 348, which attempts to eradicate femicide through a series of policy changes designed to punish perpetrators and prevent such killings.⁵ Despite Bolivia's efforts, however, the high rate of femicide in the country continues to threaten the lives of Bolivian women.

With this backdrop in mind, Mujeres Creando, a wom-

en's rights organization based in La Paz, Bolivia, asked Harvard Law School's International Human Rights Clinic (IHRC or the Clinic) to carry out a preliminary, independent examination of incidents of femicide in Bolivia. Through desk-based research on the relevant legal and policy frameworks and statistical data, as well as through interviews conducted with a variety of stakeholders in Bolivia, including women's organizations, government officials, attorneys, and victims' family members, the Clinic sought to understand why the violence persists and how perpetrators often escape accountability, despite the government's efforts.

The Clinic's research identified three key areas that have hampered the government's efforts to prevent femicide and to hold perpetrators accountable:

(1) **Investigative Barriers:** Although Bolivia has policies in place to ensure that violent crimes against women are properly investigated,⁶ Bolivian police investigators struggle to carry out their work in a thorough and timely matter, and systematic roadblocks,



Aymara Woman in La Paz's Sopocachi neighborhood. The Aymara are one of 36 recognized indigenous groups in Bolivia. Bolivia has one of the highest percentages of indigenous citizens in the world. ©2019 Thomas Becker

such as a lack of resources, corruption, and bias, can undermine their work.

(2) **Judicial Barriers:** Deficiencies in the judicial process make it difficult for many family members of femicide victims to pursue remedies. Prohibitive costs, delays, and corruption create obstacles for grieving families seeking justice for their loved ones.

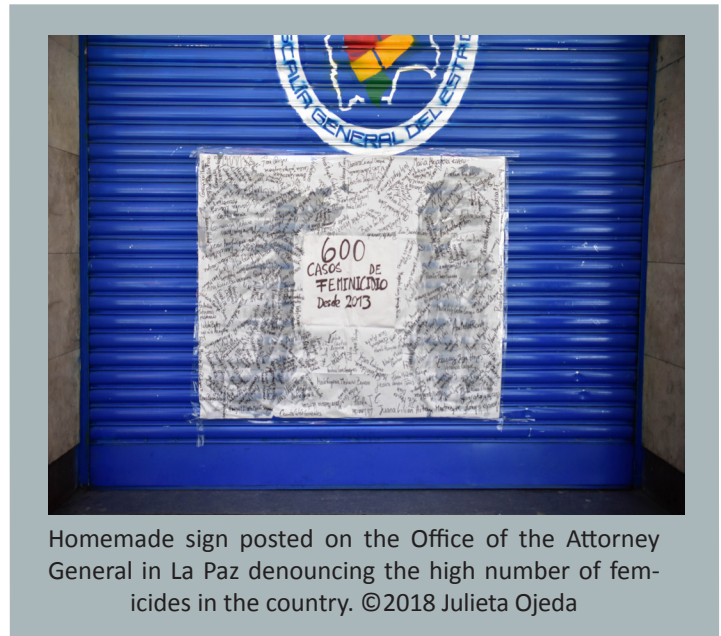
(3) **Institutional Discrimination:** Frequently, inadequately trained judges, prosecutors, and investigators fail to implement the gender-sensitive perspective that Bolivian policies require.⁷ Instead, some officials approach their work with a gender bias, engaging in victim-blaming and discounting important evidence. Indigenous women suffer from additional cultural and language barriers that the State must address.

Based on these obstacles, the IHRC offers the following preliminary recommendations that, if properly implemented, may assist the Government of Bolivia in moving closer towards its stated goal of eradicating femicide.⁸ Section VII of this report provides more detailed recommendations and identifies the state actors or entities that can best address them.

(1) **Implement Existing Laws and Procedures:** The government should implement existing laws and procedures, such as Law 348 and the *Minimum Guidelines for Investigation of Crimes Against Women and Femicide*, which are designed to ensure the integrity of investigative and legal processes and to protect those seeking justice.

(2) **Allocate Sufficient Resources:** Recognizing that Bolivia has limited resources, the State should nonetheless ensure that adequate resources are allocated to investigate and adjudicate femicide cases.

(3) **Eradicate Gender and Linguistic Barriers:** The State must break down structural gender barriers by hiring and training more women investigators, prosecutors, and judges and should guarantee that families can seek justice in their native language.



Homemade sign posted on the Office of the Attorney General in La Paz denouncing the high number of femicides in the country. ©2018 Julieta Ojeda

(4) **Process Cases in a Timely Manner:** Bolivia must ensure that investigations and cases are completed out in a timely manner.

(5) **Implement Proper Training:** The government should strengthen the training of police, prosecutors, investigators, and judges on gender-sensitive approaches and gender-based crimes, including femicide.

(6) **Address Corruption:** The government should investigate and hold accountable prosecutors, lawyers, judges, and others involved in bribery, intentional delays, and other forms of corruption that undermine femicide cases.

(7) **Collaborate with Other Stakeholders:** The State can benefit from collaborating with civil society, non-governmental organizations, and universities to combat femicide and gender violence.

Bolivia has shown a genuine commitment to protecting women from femicide and gender-based violence. Although systematic factors and flaws in implementation have prevented this laudable goal from being fully realized, progress is possible with the requisite dedication of time and resources.

II. Methodology

This is a preliminary report based on research and fact-finding conducted by the International Human Rights Clinic at Harvard Law School (IHRC or the Clinic) on the incidence and adjudication of femicide in Bolivia. The project began in September 2018 with a review of research and statistics about femicide and violence against women in Bolivia, as well as a review of the relevant domestic and international legal frameworks and obligations. The Clinic additionally examined the files of eight femicide cases from the greater La Paz area and assessed statistics on over 200 more femicide cases throughout Bolivia over the past roughly five years.

In October 2018, staff and students from the IHRC team traveled to La Paz, Bolivia, to interview family members of victims, activists, members of civil society organizations, lawyers, forensic investigators, and government officials, including police officials, a prosecutor, a judge, and the President of Congress. Interviews were conducted both one-on-one and occasionally as group discussions. Upon returning to Cambridge, the IHRC team continued to have follow-up conversations with interviewees by telephone. The team conducted additional interviews in La Paz in early 2019.

The purpose of the interviews was to gain a broad understanding of the incidence, investigation, and adjudication of femicide in Bolivia as well as the specific challenges faced by victims and their families. The Clinic spoke with more than 25 interviewees whose experiences and perspectives were broadly representative of the individuals and institutions involved in the investigation and adjudication of femicide. Unless otherwise noted, the stories and quotations in this briefing paper are drawn from the October 2018 research trip and subsequent telephone and in person interviews. The names and identifying information of some interviewees have been withheld in order to preserve confidentiality.



Mother, son, and baby wrapped in an aguayo, a traditional, colorful carrying blanket ©2019 Thomas Becker

Despite the government's attempt to curb femicide, Bolivia has one of the highest rates of femicide per capita in the world. In 2017, its femicide rate -- 1.9 in per every 100,000 women -- was the second highest number of femicides per capita in South America, making it one of the most dangerous countries for women in Latin America.

III. Background

Over the past decade, the Bolivian government has taken many steps to advance the rights of women in the country. The government has enshrined specific gender rights into its Constitution,⁹ ratified treaties against gender violence,¹⁰ and enacted progressive legislation such as Law 348 to protect the lives of women.¹¹ These measures have had some success in bettering the lives of women in Bolivia,¹² and they demonstrate Bolivia's commitment to addressing the unique issues affecting women.¹³ However, the rates of violence against women and femicide in Bolivia remain alarmingly high, making Bolivia one of the most dangerous places in all of Latin America for women.¹⁴ Accordingly, the Government of Bolivia must take further steps to combat gender inequality, violence against women, and femicide in the country.

Defining Femicide

Though definitions of femicide can vary, generally femicide is understood to be the intentional murder of women because they are women.¹⁵ In Latin America, the term femicide entered the social consciousness after the gross femicide epidemic of Ciudad Juarez, Mexico in the 1990s. Since then, 16 countries in Latin America have modified their laws to include gender-based killings.¹⁶ Bolivia codified femicide into its own legislation in 2013 through Law 348, which categorizes femicide as an extreme type of violence that “violates the fundamental right to life and causes the death of a woman because she is one.”¹⁷

Often, femicide is the culmination of prolonged domestic violence, which can range from verbal harassment and other forms of emotional abuse to daily physical or sexual abuse.¹⁸ The crime differs from male homicide in specific ways. Most cases of femicide are committed by partners or ex-partners and involve ongoing abuse in the home, threats or intimidation, sexual violence, or situations where women have less power or fewer resources than their partners.¹⁹

This pattern is categorized as “intimate femicide.”²⁰ In these cases, the perpetrators are generally current or former intimate partners, husbands, and boyfriends, but can also include other family members.²¹ The U.N. estimates that intimate partners or family members are responsible for 58% of murders of women, whereas those outside of intimate family circles generally are responsible for the killings of men.²² Intimate femicide is the most pervasive type of gender-based murder encountered in this investigation. Understanding the distinction between homicide and femicide and the instances in which femicide occurs is crucial to assess the measures needed to ensure women's safety.

Current Situation of Women in Bolivia

Despite its efforts to eradicate femicide in the country, Bolivia is one of the most violent countries in Latin America for women. Because domestic violence and other forms of gender violence are often precursors to femicide, it is important to explore the general state of violence against women in Bolivia. A 2013 report from the Pan-American Health Organization (PAHO) identified Bolivia as the Latin American country with the highest percentage of women between the ages of 15 and 49 who reported physical violence by a partner.²³ In Bolivia, seven out of every ten women suffer some form of physical assault, almost always committed by a man living in their home.²⁴

Due to underreporting, the actual number of women living in abusive circumstances is likely even higher. According to a 2009 study, 75% of Bolivian women in consistently violent situations do not report their abuser to the authorities.²⁵ This lack of reporting can be attributed to fear of reprisals, concerns about their children, economic pressures, and the stigma that accompanies such reports.²⁶

In addition, remedies are rare even when women do report their abuse. Because of institutional and social barriers, only around 4.7% of reported cases of political violence against women are ever brought to court.²⁷ In 2016, the Bolivian Ombudsman registered 416 cases of violence against women, but the State only resolved around 4.5% of those cases.²⁸ Similarly, the rate of prosecution of perpetrators of sexual violence is alarmingly low. According to a 2013 report by the Bolivian Ombudsman, approximately 14,000 complaints of sexual violence are filed annually by women and girls, and only 0.04% of these reported cases result in a sentence against the perpetrator.²⁹

The statistics are similarly bleak with respect to the occurrence of femicide in the country. In 2017, Bolivia had one of the highest rates of femicides per capita in the world (1.9 per every 100,000 women)³⁰ and the second highest number of femicides per capita in South America.³¹ According to the Bolivian Ombudsman, 96% of femicides occur between people known to each other,³² and more than 60% of Bolivian victims of femicide were murdered by their intimate partners.³³ A third of these victims were beaten to death.³⁴ Additionally, 86% of the victims of femicide were women between 14 and 40 years old.³⁵

Despite Bolivia's efforts to curb femicide through legislation, recent numbers remain disturbingly high. During the first 65 days of 2018, a total of 28 femicides were recorded, meaning that on average, a woman was killed every 56 hours.³⁶ The Attorney General's Office has recognized that the number of reported femicides in the country has increased in recent years.³⁷ According to one report, 109 cases of femicide were recorded in 2017³⁸ and 104 cases in 2016.³⁹ Between January and October of 2014, the Centro de Información y Desarrollo de la Mujer (CIDEM) reported 103 cases of femicide.⁴⁰ The number of cases, of course, varies depending on the institution gathering statistics. As the Bolivian Ombudsman noted, the number of femicides they counted and those from CIDEM were quadruple those counted by the Fuerza Especial de Lucha contra la Violencia (FELCV), the branch of the Bolivian police in La Paz

specifically in charge of investigating gender-based offenses.⁴¹

Unfortunately, femicide in Bolivia frequently goes unaddressed. According to CIDEM, Bolivian courts issued sentences in eight of the alleged 206 femicides that occurred between January 2013 and November 2014.⁴² The Bolivian Ombudsman estimates that less than 4% of known cases of femicide end in a sentence.⁴³ Such a high level of impunity for perpetrators of femicide is alarming and signals that the Bolivian government must do more to provide justice to victims and their families.

Bolivia's Legal Obligations

Bolivia has recognized the importance of preventing, sanctioning, and eliminating violence against women, including femicide, under the country's own domestic laws and through international treaties. This subsection provides a brief overview of Bolivia's relevant legal obligations.

Domestic Legal Obligations

Under domestic law, the Plurinational State of Bolivia has a duty to prohibit and punish gender discrimination and violence against women, including femicide. This duty is enshrined in the country's 2009 Constitution, which guarantees the "free and effective" enjoyment of rights to all people without distinction by gender.⁴⁴ Among the rights guaranteed to women are the rights to life and to freedom from cruel, inhumane, and degrading treatment.⁴⁵ The Constitution provides further safeguards to women, stating, "Everyone, in particular women, has the right not to suffer physical, sexual, or psychological violence in the family as well as in society."⁴⁶ Further, the Constitution pledges that the State "shall adopt the measures necessary to prevent, eliminate and penalize gender and generational violence" in the public and private spheres.⁴⁷

In addition to providing constitutional protections to

women, the Government of Bolivia has taken other legal steps over the past decade to protect women from violence and to battle femicide. In 2008, for example, the government adopted a National Plan for Equal Opportunities, which outlines among other civil rights protections Bolivia's vision to "generate the conditions for a life free of gender violence."⁴⁸

In March 2013, the Bolivian government further committed to combating femicide by passing the Comprehensive Law to Guarantee Women a Life Free from Violence, known as Law 348.⁴⁹ Law 348 incorporates the crime of femicide into the country's penal code and establishes mechanisms to prevent femicide and punish gender-based violence, which is an essential step to guarantee women a dignified life and the full exercise of their rights.⁵⁰ Law 348 considers femicide to be amongst the most extreme forms of gender discrimination⁵¹ and imposes a mandatory sentence of 30 years in prison without parole for those found guilty of the crime.⁵² Law 348 calls for all levels of government to design and implement policies to prevent violence against women and to provide care and justice to the women who have experienced violence.⁵³

International Legal Obligations

In addition to embracing commitments to combat femicide under domestic law, Bolivia has extensive international legal obligations to prevent violence against women, including femicide, and to punish those responsible for these crimes. These international obligations are incorporated into the State's own domestic legal framework. Articles 256 and 410 of the Bolivian Constitution declare, "International treaties and instruments in matters of human rights that have been signed and/or ratified...shall have preferential application over those [rights] in this Constitution."⁵⁴ Accordingly, these international human rights treaties carry constitutional weight and form, along with the Constitution, the supreme law of Bolivia.⁵⁵ Law 348 recognizes this constitutional framework and imbeds itself in international human rights commitments that guarantee women's right to freedom from violence.⁵⁶



Anti-femicide march in La Paz ©2018 Julieta Ojeda

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is one of the primary international instruments that imposes obligations on the Plurinational State of Bolivia to protect women. CEDAW, ratified by Bolivia in 1990,⁵⁷ condemns all forms of discrimination against women.⁵⁸ The UN Committee on the Elimination of Discrimination Against Women has stated that gender-based violence, including "acts that inflict physical, mental or sexual harm or suffering" on women because they are women, is a form of discrimination prohibited by CEDAW.⁵⁹ Consequently, the Bolivian government has an obligation to take all appropriate measures, including legislation (such as Law 348), to eliminate femicide, gender-based violence, and other forms of discrimination against women.⁶⁰ Simply enacting legislation is not enough, however. State signatories to CEDAW must ensure that laws are executed and must strive to eliminate socio-cultural patterns of conduct that are based on stereotyped roles for men and women, in order to realize equality for women in all aspects of life.⁶¹

Bolivia possesses further international legal responsibilities to eradicate femicide under the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, also known as the "Convention of Belém do Pará," ratified by Bolivia in October 1994.⁶² The Convention of Belém do Pará affirms that violence against women is a violation of women's human rights and dignity and lays out min-

imum due process rights that every woman should possess, including the right to simple and prompt recourse to a competent court for protection against acts that violate her rights.⁶³ The Convention calls on signatories to: ensure that state authorities apply due diligence to investigate, prevent, and impose penalties for violence such as femicide; include appropriate legislation to reach these goals; adopt measures to prevent perpetrators from harassing, intimidating, or threatening women; and establish fair and effective legal procedures for women subjected to violence, among other measures.⁶⁴ State signatories must also promote social and cultural change through training and education programs.⁶⁵

The Inter-American Commission on Human Rights and Inter-American Court of Human Rights, whose jurisdiction Bolivia recognizes,⁶⁶ have further contributed to the development of legal standards relating to violence against women and femicide.⁶⁷ The Inter-American Commission has affirmed that states are obligated to act with due diligence to prevent, investigate, and swiftly punish all acts of violence against women and are required to ensure the availability of effective, adequate, and impartial judicial mechanisms for victims of sexual, and gender, violence.⁶⁸

Several decisions from the Inter-American system impart duties on member states like Bolivia that are confronted with femicide. In 2001, in the *Maria da Penha* case, the Commission applied the Convention of Belém do Pará for the first time to denounce state tolerance of violence against women.⁶⁹ The Commission held that Brazil did not act with due diligence to prevent and punish domestic violence, having taken 17 years to convict the victim's abuser, her husband.⁷⁰ The Commission found that Brazil had failed to protect the victim's rights through unjustified delay and negligent processing of the domestic violence case.⁷¹ It further concluded that a states' duty to act with due diligence goes beyond the prosecution and conviction of perpetrators of violence against women and includes the obligation to pursue "by all appropriate means and without delay" policies to prevent such violence.⁷² The Commission asserted that "general

and discriminatory judicial ineffectiveness [creates] a climate that is conducive to domestic violence."⁷³

In 2009, in *González y Otras v. México* ("Cotton Field Case"), the Inter-American Court of Human Rights reinforced states' responsibility for irregularities⁷⁴ and delays⁷⁵ in the prevention and investigation of femicide cases. The Court found that Mexico did not fulfill its duty of due diligence in investigating the deaths of the three femicide victims and concluded that it is a state's responsibility to investigate and "thereby guarantee the rights to life, personal integrity and personal liberty."⁷⁶ The Court further held that slow or delayed investigations, negligence in collecting and testing evidence, loss of evidence in government custody, and a lack of a gender understanding of the crime of femicide violate women's rights.⁷⁷ The Court affirmed that "the States should not merely abstain from violating rights, but must adopt positive measures to be determined based on the specific needs of protection of the subject of law," either because of a victim's personal situation or because of the specific circumstances in which she finds herself.⁷⁸

Procedural Guidelines

In addition to being bound by domestic and international legal obligations, the Bolivian government has developed guidelines that impart responsibilities on certain actors and officials in their management of femicide cases. Both the *Minimum Guidelines for Investigation of Crimes Against Women and Femicide* and the *Manual to Judge with a Gender Perspective* create protocols relevant for the purposes of this investigation.

The Public Ministry published the *Minimum Guidelines for Investigation of Crimes Against Women and Femicide* (the "Minimum Guidelines") in 2016 in order to provide instructions and standards of conduct for investigators, police, prosecutors, and other judicial authorities in the investigation of cases of violence against women and femicide.⁷⁹ The Ministry has emphasized the importance of carrying out these protocols promptly since as time passes, the risk of losing

evidence and the probability of impunity increases.⁸⁰ The Minimum Guidelines specifically state that all urgent investigative acts, such as examining the body, inspecting the crime scene, and conducting interviews and interrogations, must be conducted immediately.⁸¹ The guidelines further hold that the preliminary stage of the investigation must be completed within eight days,⁸² and the preparatory stage must be completed within six months of the formal charge of the defendant.⁸³

The Minimum Guidelines lay out additional procedural protocols that officials must follow, such as how to collect and process evidence and submit it to the appropriate chain of custody.⁸⁴ Additionally, the Minimum Guidelines highlight the unique nature of femicides and guide investigators and prosecutors to act with sensitivity⁸⁵ to avoid prejudices that can affect the investigation.⁸⁶ This requires conducting investigations of apparent femicides with a “gender perspective”⁸⁷ and an “intersectionality analysis,”⁸⁸ as

well as utilizing “gender-sensitive tools.”⁸⁹

The *Manual to Judge with a Gender Perspective* (the “Manual”) published by the Justice Ministry of Bolivia is another initiative by the government to codify responsibilities for state actors in femicide cases.⁹⁰ Like the Minimum Guidelines does for investigators and prosecutors, the Manual requires judges to implement a gender perspective throughout the adjudication of femicide cases.⁹¹ It emphasizes that a gender perspective is essential in guaranteeing access to justice for women that have endured violent conduct, including femicide.⁹²

These procedural guidelines, as well as the aforementioned domestic and international laws highlighted in this section, impart clear obligations on the Bolivian government to address the various barriers that the Clinic has identified for families seeking justice in femicide cases. The following challenges must be tackled.



International Women’s Day March in Bolivia. One of the primary themes of the protest was femicide. ©2019 Thomas Becker

IV. Investigative Barriers



Woman and Child in Bolivia's Highlands. Femicide affects all women, including indigenous and non-indigenous. ©2018 Thomas Becker

The Bolivian government has taken important recent steps to combat femicide, including codifying the crime of femicide in its legislation⁹³ and publishing investigatory⁹⁴ and adjudicatory⁹⁵ manuals for femicide cases. Nevertheless, individuals interviewed by the Clinic team described systematic investigative failures that still prevent the truth from being uncovered in many cases of femicide and violence against women. The following section identifies several investigatory issues that impede justice in femicide cases.

Lack of Timely Autopsies

In interviews with the Clinic team, several family members of femicide victims explained that they did not receive autopsy reports in a timely manner, which negatively impacted their ability to bring cases. According to the Minimum Guidelines published by the Public Ministry, timely autopsies play an important role establishing the facts in femicide investigations.⁹⁶ A senior official involved in femicide investigations confirmed this point in an interview, emphasizing the

importance of performing an autopsy and capturing photos of the bodily injuries within 24 hours of the body being discovered.⁹⁷ Unfortunately, according to several victims' family members as well as government officials with whom we spoke, the protocols on autopsies are often not carried out promptly.⁹⁸ One medical examiner who conducts femicide autopsies stated that these procedures are infrequently followed and that investigators often delay opening investigations until months after a killing has occurred.⁹⁹ These delays in conducting autopsies and obtaining evidence often lead to the loss of significant relevant information, which can have a detrimental impact on an investigation.

One interviewee explained how an investigation into her daughter's death was impaired by a failure to carry out a timely autopsy. Sixty-three-year-old Teodora Mendoza Martinez ("Doña Teo"), whose daughter Veronica Chino was found dead on January 15, 2012,¹⁰⁰ recalled that the police never conducted a legal autopsy despite the fact that the family provided all required documents and requested both a physical

and psychological autopsy.¹⁰¹ Doña Teo stated that four or five years after her daughter's death, a necropsy was conducted, revealing marks that suggested that she was choked, as well as additional suspicious marks on her arms, legs, and back.¹⁰²

Other interviewees detailed how investigators never performed an autopsy or necropsy at all. For example, after Yessenia Fuentes was found dead on September 22, 2011, the cause of death was determined to be suffocation.¹⁰³ But as Yessenia's mother Miriam Valeriano, explained, the prosecutors did not conduct a full autopsy or make efforts to discover the exact date and time of death, despite the presence of bodily injuries indicating physical trauma and sexual abuse.¹⁰⁴ Similarly, Daniela Tapia died in a clinic on December 15, 2017 after experiencing significant physical and psychological abuse at the hands of her husband.¹⁰⁵ Despite her father's request for the body, the clinic immediately turned her body over to a funeral home, where it was doused in formaldehyde.¹⁰⁶ When her father was finally able to recover her body, he requested an autopsy but was told that the formaldehyde made it difficult to conduct tests.¹⁰⁷ According to Daniela's family, although an autopsy and toxicology exam would have still been possible, the prosecutor's office refused to investigate any further.¹⁰⁸

Investigative Errors in the Field

The Clinic team examined several instances where cases were undermined due to the failure of investigators, police, and prosecutors to carry out additional tests, collect evidence, and speak with relevant witnesses in a timely manner. Under Article 134 of the Bolivian Code of Penal Procedure, the initial stages of an investigation must be finished no more than six months after the start of the investigation.¹⁰⁹ Timeliness is particularly important in femicide investigations since, according to a senior forensic examiner who investigates femicide cases, the truth of what happened is harder to discover as time passes.¹¹⁰

Another police official echoed this sentiment, stating, "the investigation begins at the crime scene. To be successful, you need a good investigation."¹¹¹ Unfortunately, as a third medical investigator recounted, "Ofentimes investigations start months after [the killing] happens. If you don't collect evidence immediately, you lose it... Police often start too late."¹¹²

While some officials state that police investigators and prosecutors do their best to fulfill their duties to investigate thoroughly and quickly, our interviews suggest that these procedures are not always followed. For example, Magda Choque died at the hands of her abusive husband, a police officer, on November 30, 2017.¹¹³ Magda had previously reported her husband's violence and subjected herself to a medical examination to demonstrate the abuse.¹¹⁴ However, Magda's half-sister Calixta Choque recalled that following Magda's death, the Prosecutor's Office failed to pull the records of the previous charges leveled against Magda's husband and ignored the fact that Magda's body had marks indicating abuse.¹¹⁵ Calixta further stated that prosecutors never asked Magda's husband to make an official statement and failed to interview the couple's three children about their parents' relationship.¹¹⁶ In addition, Magda's death certificate, issued by the Civil Registry Service of La Paz, listed both the wrong date and cause of death.¹¹⁷

Bartolina Ramos recalled how the police similarly failed to discharge their duty to investigate in the death of her daughter, Vethy Mamani. Vethy was killed on September 30, 2018 after a night out with her friends and her abusive boyfriend.¹¹⁸ Even though the street outside the nightclub where the group spent their evening had security camera footage that could potentially have helped determine the circumstances that led to Vethy's death, investigators and prosecutors never asked for access to these tapes.¹¹⁹

Veronica Quintana's case suffered similar investigative deficiencies. Veronica was found dead in a ravine on August 10, 2013.¹²⁰ Her sister, Paola Quintana, recalled how investigators neglected to examine the car that had transported Veronica and her alleged mur-

Vethy Mamani



Vethy was a 23-year-old college student in La Paz. She was one of eight children in a loving, hard-working home. Vethy's mom, Bartonlina, describes her daughter as studious, but also playful and joyful. Vethy was only two months away

from graduating college when she was killed.

On September 29, 2017 Vethy left her home to go out for the night. Witnesses saw her with her boyfriend, who allegedly had a history of violence. After Vethy did not return home, Bartolina looked all over La Paz for her daughter the following morning. She checked the school, hospital, police station, and even the morgue, but to no avail. Hope was lost when later that day, local authorities discovered Vethy's body 138 feet below the Bridge of the Americas.

Bartolina thinks about her daughter everyday. "Her laugh never leaves my mind. I hear her giggles. I'll never forget them," she states. For the past year, Bartolina has fought to hold her daughter's killer accountable. "I go to the America Bridge at night and hope she is sitting there, but now she's gone...I just want justice," she states.

Above: Bartolina Ramos holding photos of her daughter Vethy Mamani for an interview ©2018 Mujeres Creando

To the Right: The Bridge of the Americas. Vethy Mamani's body was discovered 138 feet below the bridge on September 30, 2017. ©2019 Thomas Becker

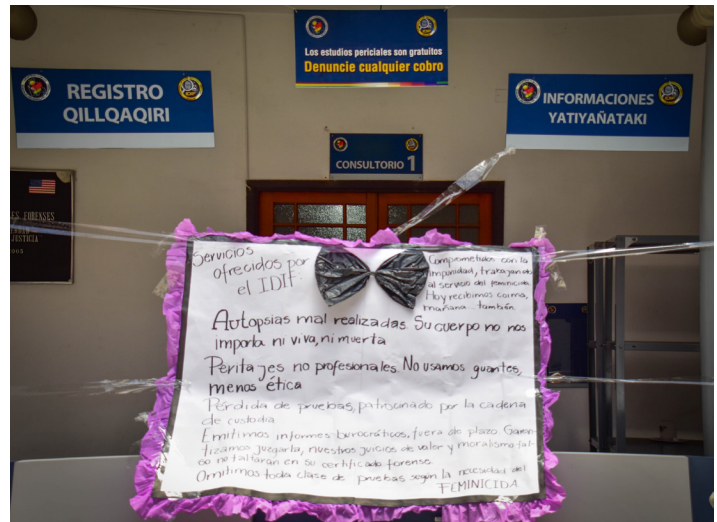


derers.¹²¹ Furthermore, despite evidence that she had been sexually assaulted, the investigators apparently never tested her underwear for semen.¹²²

Investigators also appear to have made several errors in the case of Andrea Aramayo. Andrea died on August 19, 2015 after being struck by the car of her boyfriend, William Kushner.¹²³ A key question in the case against William is whether he hit Andrea intentionally or accidentally. Andrea's mother, Helen Alvarez, explained how prosecutorial and investigative mistakes have made it increasingly difficult to discover the truth of what occurred.¹²⁴ Although there were two witnesses to the event, the police did not immediately take statements from either witness and later were unable to locate them to obtain statements.¹²⁵ In addition, although the club where the incident occurred had security cameras outside that may have filmed it, the police initially claimed that the cameras did not work.¹²⁶ Once it was discovered that the cameras did in fact work, the prosecutor took six days to request the tapes, at which point the images were gone.¹²⁷ Had the tapes been immediately requested, they may have revealed whether William intentionally or accidentally struck Andrea.

Additionally, Andrea's case appears to have been further complicated by errors in collecting evidence. According to the Public Ministry's Minimum Guidelines, prosecutors must ensure that any vehicles that may have been involved in the commission of a crime are requisitioned and stored properly.¹²⁸ However, Helen stated that the police waited almost a month before examining William's car that had struck Andrea.¹²⁹ During this month, under orders from the prosecutor, the car was left in an open-air garage with only a piece of paper indicating that it was under investigation.¹³⁰

Although the police eventually collected biological samples from the car, including blood, hair, and clothing fiber, it is possible that this evidence was contaminated by the long wait time, the conditions of the car's storage, and the fact that the car was easily accessible to the public.¹³¹ When evidence was finally



Poster placed by activists in the Instituto de Investigaciones Forenses denouncing flawed autopsies and investigations. ©2018 Julieta Ojeda

collected from the car, the police failed to conduct the DNA testing themselves but rather arranged for a private contractor to do so, raising concerns about the chain of custody over the evidence and about the reliability of the DNA test that was eventually conducted.¹³² Moreover, the police failed to test the clothing fibers after losing them when they dropped them and they blew away.¹³³ Helen also recalled that the police neglected to take immediate custody of the clothing Andrea had been wearing when she was killed, making evidence procured from the clothing less reliable than it otherwise would have been.¹³⁴

Further evidence was potentially lost when the police failed to immediately close off and investigate the street where the accident occurred,¹³⁵ violating the manual's requirement that prosecutors protect the crime scene and prevent the access of third parties to the scene so as to avoid contamination.¹³⁶ Instead, the officials overseeing Andrea's case allowed cars to continue driving over the crime scene and only collected evidence from the site three days after the incident, following a day of heavy rain.¹³⁷ When they did investigate the site, the police allegedly did not test for tire marks that could have indicated whether William attempted to stop the car before hitting Andrea.¹³⁸ According to a high-level forensic investigator, these types of delays and errors can be particularly

problematic, because the success of an investigation hinges on work done at the crime scene itself rather than in the lab.¹³⁹

Lack of Resources, Training, and Oversight: “It’s a total destruction of justice.”

Many individuals interviewed by the Clinic team identified systemic issues—particularly a lack of resources, heavy workloads, and lack of accountability—as factors that further undermine justice in femicide cases.

Several interviewees stated that the lack of sufficient resources to properly carry out investigations poses a major challenge. One senior police official who investigates femicide cases estimated that around 30% of the evidence available in criminal investigations is not processed due to a lack of resources.¹⁴⁰ A Bolivian police officer expressed similar frustrations, explaining that “with the police’s few resources, what can you do, particularly with complicated cases like violence against women or femicide?”¹⁴¹ The President of Bolivia’s Congress explained how Bolivia’s limited resources may mean that offices lack necessary infrastructure, equipment, and personnel.¹⁴² She suggested that the country could benefit from an independent audit to allow those resources that are available to be properly allocated to the most important issues.¹⁴³

Several investigators interviewed by the Clinic team discussed the ways that their work has been undermined by a lack of resources. For example, officials who investigate femicide cases recalled having to buy their own materials to conduct investigations.¹⁴⁴ One explained that “we don’t have photographs,” and that he had “brought his own computer,”¹⁴⁵ while another recalled bringing his “own equipment to use for investigations.”¹⁴⁶ One of the investigators also lamented, “you lose good people who are interested because of

a lack of resources,” resulting in qualified and dedicated investigators leaving an already understaffed profession.¹⁴⁷ This investigator further noted that families of femicide victims sometimes end up paying for the necessary investigative materials out of their own pockets, even having to “bring their own recorders or cameras” because of either the limited administrative budget, chosen government allocation of resources, or lack of interest in investigating the case.¹⁴⁸ If victims’ families do not have the financial resources to provide investigatory materials, their investigation may remain incomplete.¹⁴⁹

Often, femicide cases are further undermined by the excessive workload of Bolivian prosecutors.¹⁵⁰ According to Bolivia’s Attorney General, prosecutors in districts such as La Paz, Santa Cruz, and Cochabamba are assigned 600 to 700 cases for processing.¹⁵¹ Several officials with whom we spoke expressed concern about this workload. A long-serving Bolivian police officer told us that prosecutors are often responsible for an unmanageable number of cases at a single time, which means they may struggle to ensure that the appropriate investigative steps are taken in every case.¹⁵² A former high-level police investigator who worked on femicide cases also observed that “sometimes the prosecutors just sign off on what police do without looking at their evidence,” perhaps due to their oppressive workload.¹⁵³

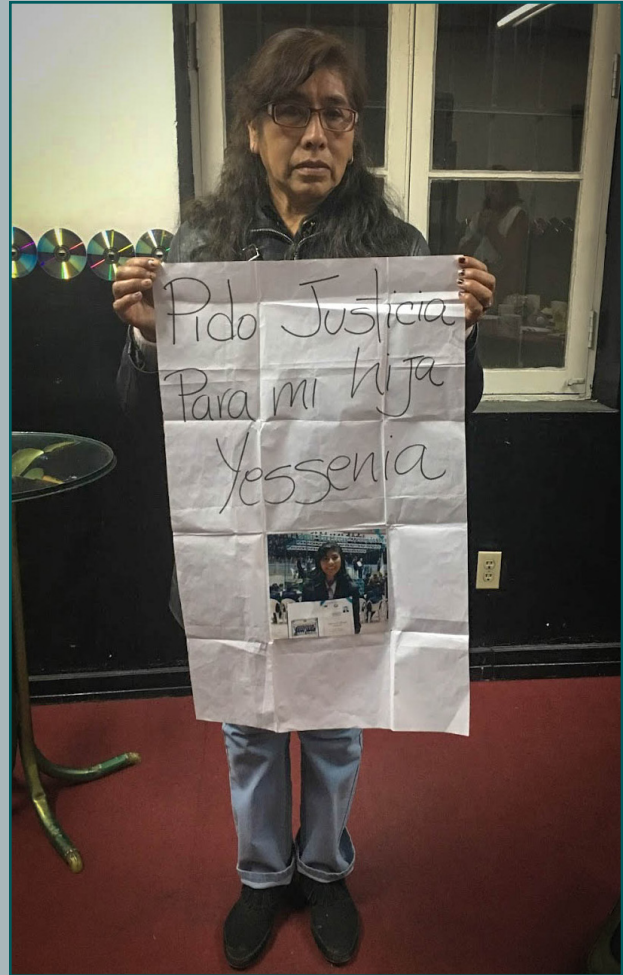
Interviewees expressed that these problems are compounded by a general lack of oversight within the institutions that investigate femicide cases. According to a police officer with whom we spoke, there needs to be more accountability for those who investigate femicides, particularly prosecutors.¹⁵⁴ “It’s a total destruction of justice,” he stated. “Prosecutors need to respect procedures, but they do not.”¹⁵⁵

Several people noted that an absence of meaningful oversight can lead to corruption in investigations and breed undertrained investigators. Human rights activists from the Permanent Assembly of Human Rights (APDHB) raised concerns about corruption in the body responsible for forensic analysis in La Paz,

Yessenia Fuentes

Yessenia (“Yes”) was a 20 year-old student at the Centro Boliviano Americano University. Her mother Miriam boasts about her caring daughter who was close to completing her degree in English. On the morning of September 21, 2011, Yes left her house to go to classes but never returned home. The following day, Miriam went searching for her daughter at the university, but officials said she never arrived. Later that afternoon, the family saw on television that police found a body with blue shoes that looked like those worn by Yes. Miriam rushed to the police station to find out that her daughter had been sexually assaulted and suffocated to death.

Yes’ death has been devastating to the family. “Everyday I cry. There are no birthdays with her, no celebrations, nothing...On Christmas, New Years, there is always one missing,” her mother laments. “I still hear my daughter’s voice saying, ‘Mommy, Mommy.’ I will never forget her,” she continues. The memory of her daughter is painful, but it has fueled her fight for justice for Yes and all victims of femicide.



Miriam Valeriano holding a photo of her Daughter Yessenia Fuentes. ©2018 Thomas Becker

Instituto de Investigaciones Forenses (the IDIF).¹⁵⁶ A former high-level police investigator also expressed concern that the quality of the IDIF’s work has deteriorated because many untrained people have been hired as personal favors.¹⁵⁷ According to this investigator, problems with the chain of custody or maintenance of evidence are mostly a result of hiring investigators who lack proper experience or training.¹⁵⁸ He recalled attending a recent training class for FELCV field investigations, where he was “surprised that they didn’t know how to investigate.”¹⁵⁹ This investigator also mentioned instances of investigators struggling

with technology, accidentally deleting or manipulating photos, or taking evidence home and misplacing it.¹⁶⁰ He emphasized that these mistakes make it difficult to prosecute femicide cases since “if the work is done poorly, we cannot tell if it is femicide.”¹⁶¹

Taken together, these interviews indicate that a lack of resources, heavy workloads, and inadequate oversight may combine to pose significant obstacles to legal accountability for violence against women, thus jeopardizing Bolivia’s goal of eradicating femicide and gender-based violence.

V. Judicial Barriers



Woman in Plaza San Francisco. © 2019 Thomas Becker

In addition to the investigatory obstacles described above, families of femicide victims recounted a number of barriers—both economic and procedural—that adversely impacted their ability to obtain justice in courts and continue to prevent Bolivia from meeting its goal of providing a free, fair, and transparent path to justice for women.

The Cost of Justice: “In Bolivia, justice is not free. You buy it.”

Interviews conducted by the Clinic team revealed that the cost of seeking legal recourse remains a significant hurdle to justice for many Bolivians. One police officer indicated that legal costs in a Bolivian femicide case can total between USD 5,000 to USD 25,000.¹⁶² Legal costs typically include direct costs, such as attorney fees, court expenses, filing fees, and materials for investigations, and indirect costs, such as transportation costs, loss of work hours, and childcare. In a country where the monthly median wage is approximately USD 232, bringing a legal claim may simply be beyond the means of many Bolivians.¹⁶³ Legal costs can effectively exclude average Bolivians, particularly low-income and indigenous women, from the justice system.

Each of the families we interviewed expressed that they were forced to absorb prohibitive costs at different points in the judicial process.¹⁶⁴ Some stated that it was common for families to pay for basic investigatory materials. Paola Quintana, Veronica Quintana’s sister, recounted having to buy materials, including cotton swabs and plastic bags, for the IDIF forensic investigator to complete the autopsy examination to determine how Veronica was killed and whether she was raped.¹⁶⁵ Similarly, Bartolina Ramos, Vethy Mamañi’s mother, was asked to pay 200Bs to the FELCV to print 100 photos of her daughter’s autopsy for the investigative file.¹⁶⁶ She also had to pay for the transportation costs of investigators to and from the crime scene and the hearings.¹⁶⁷

Government officials, civil society members, and advocates echoed these families’ concerns about the excessive cost of seeking justice in Bolivia. An investigator explained, “theoretically justice is free, but experts have a cost, notifications have a cost. It is expensive.”¹⁶⁸ A lawyer who works on femicide cases noted that “prosecutors and detectives ask for money to continue with the case, and families cannot afford it.”¹⁶⁹ A judge was even more direct: “In Bolivia, justice is not free. You buy it.”¹⁷⁰ Proper investigation and adjudication of femicide cases will not be possible so long as justice is driven by whether victims or their families have money. This economic reality constitutes a major barrier to justice for low-income families and is contrary to the country’s ideals, statutory protections, and constitutional guarantees.

Delays of Justice, Chicana Judicial, and Corruption: “They were trying to tire me.”

Bolivian law mandates that the adjudication period of any criminal case, including femicide, last at maximum

three years.¹⁷¹ In practice, however, the adjudication of cases can take much longer. One judge estimated that out of every 100 cases, approximately four or five are resolved within the prescribed period of time.¹⁷² Most of the cases reviewed by the Clinic did not meet the three-year deadline.

The Clinic team spoke to several families of femicide victims who identified lags in the judicial process as a significant barrier to justice. Rosario Mendez described the legal process as “five years of agony” as she continues to seek closure for the killing of her daughter Veronica in 2013.¹⁷³ Similarly, Miriam Vale-riano lamented that the “legal process has been very long and tiring,” making an agonizing situation even more painful.¹⁷⁴

Procedural delays in the adjudicatory phase can have a direct impact on families of victims and on the likelihood of achieving accountability. The more time that passes, the more costs accrue, which increases the likelihood that families abandon a case for lack of resources. As one lawyer noted, “there is a high rate of withdrawn cases because women cannot afford to carry on the process.”¹⁷⁵ A judge shared this sentiment, stating, “Very few cases end in a conviction if one side has money. There can be a delay in justice.”¹⁷⁶ In turn, delays in justice can result in impunity for those who commit femicide and ultimately undermine Bolivia’s goal of providing equal access to justice for women.

While some cases appear to be delayed because of mismanagement or apathy, others appear to be intentionally hindered through *chicana judicial*. *Chicana judicial* is a term for the delay tactic used by lawyers to prolong and frustrate the judicial process through frivolous motions, unreasonable paperwork, or other delays in order to favor one of the parties. In femicide cases, the *chicana* is almost exclusively used in favor of the accused.¹⁷⁷ One judge observed repeated deliberate attempts to cause procedural delays in court and identified these practices as significant obstacles to the administration of justice, particularly for victims of femicide.¹⁷⁸

Several families of femicide victims indicated that these intentional delays harmed their cases. Calixta Choque explained that for six months, the prosecutor in the case of her half-sister, Magda Choque, made no effort to obtain the defendant’s declaration.¹⁷⁹ Calixta stated that this ultimately contributed to the court’s decision to close the case.¹⁸⁰ Similarly, Veronica Quintana’s family recalled how the defense lawyers in Veronica’s case repeatedly cancelled and rescheduled hearings because one of the five defendants was not present.¹⁸¹ The family said that in 2017, after persistent cancellations, the prosecutor in El Alto attempted to close the case because five years had passed without adjudication.¹⁸²

The Clinic team spoke with several families as well as officials who asserted that *chicana judicial* is often a successful tactic because of widespread corruption in the legal profession in Bolivia. Interviewees stated that affluent defendants pay for justice networks that include bribed lawyers, judges and/or prosecutors who utilize *chicana judicial* and personal connections to secure an acquittal.¹⁸³ A Bolivian lawyer noted that the problem is pervasive: “There is lots of corruption. The family of the accused pays money to prosecutors. Judges and court interns also sometimes receive money.”¹⁸⁴ A police officer also complained of corruption, stating, “the laws break down a lot because of power, corruption, and money.”¹⁸⁵

Several family members told the Clinic team that corruption can influence pre-trial detention and imprisonment. Two families expressed concern that affluent and well-connected defendants in pre-trial detention were given special treatment at detention centers and were even allowed to leave.¹⁸⁶ This practice severely undermines the preventive purpose of pre-trial detention and effectively endangers families of victims and other women. Until corruption and other unethical practices by legal professionals are addressed, justice for victims of femicide will continue to be hindered in Bolivia.

VI. Institutional Discrimination

In addition to facing investigative and judicial hurdles, survivors and families of victims of gender-based violence recounted encountering discrimination and bias by government officials that have hindered justice in their cases. Frequently officials approach their work with a lack of a gendered perspective, which can lead to victim blaming and revictimization of women and their families. Additionally, indigenous families are further confronted with cultural and linguistic barriers.

Gender Bias

When analyzing gender-based crimes, particularly femicide, it is important that officials use a gendered perspective. According to the United Nations Office of the High Commissioner for Human Rights, the use of a gendered perspective requires “an analysis of the gender dimensions of the violations that includes the perspectives of everyone, including LGBTI, and the impacts of the human rights violations on all individuals and groups, which can differ depending on their sex and gender.”¹⁸⁷ The Bolivian government has recognized the need for this perspective and has incorporated it into its own policies. The Public Ministry’s Minimum Guidelines for investigating femicide recognize that femicide should not be seen as isolated from sexist violence and states that “investigations must include and be carried out with a gender perspective.”¹⁸⁸ According to the Minimum Guidelines, approaching an investigation with a gendered perspective involves, in part, analyzing an investigation with a consciousness of the social reality that women face in an androcentric, or male-centered, society and recognizing the impact of the inequality women face at any given time.¹⁸⁹ Unfortunately, several interviewees stated that, in practice, officials do not always meet the standards outlined in the Minimum Guidelines and fail to apply a gendered perspective to their work, which can undermine accountability in femicide cases.¹⁹⁰

Both officials and family members of victims recounted how a lack of gendered perspective tainted officials’ decision-making at all stages of a case.¹⁹¹ In these cases, the officials’ bias was manifested in their choice of what information to investigate, who to charge, and which evidence to consider in making rulings.¹⁹² Human rights activists from the APDHB expressed similar concern about such bias, stating, “there is a patriarchal perspective in the police that affects their work.”¹⁹³ A former police investigator echoed these concerns, explaining that police “work with blinders on, or in black and white,” but that they need to instead work with a “360 degrees perspective.”¹⁹⁴

Victims’ families described how gender bias has caused investigators and prosecutors to overlook prior instances of abuse when investigating femicide cases. For example, Miriam Valeriano stated that the prosecutor in her daughter’s case was reluctant to charge Yessenia Fuentes’ boyfriend with femicide or enforce his house arrest despite the fact that Yessenia previously reported him to the police for abusing her.¹⁹⁵ Similarly, Calixta Choque said that the police did not ask the husband or children of her deceased half-sister Magda to make statements, overlooking a previous report of domestic violence by her husband.¹⁹⁶ Magda’s autopsy showed extensive signs of beating.¹⁹⁷

Interviewees also explained that officials failed to apply a gendered perspective in their investigations when signs of sexual assault existed. According to Rosario Mendez, officials found semen on the exterior clothing of her daughter Veronica Quintana but then failed to take the next step of testing her underwear.¹⁹⁸ Similarly, Miriam Valeriano stated that officials disregarded indications of sexual violence, including lacerations on her breasts, which were “destroyed.”¹⁹⁹ Such biases can lead police, investigators, and prosecutors to miss key opportunities to conduct investigations fairly and effectively.

Daniela Tapia



Daniela Tapia worked as a model. ©2017 Edwin Tapia

Daniela was a 29-year-old young professional from Tarija. She was close to her family, particularly her father Edwin. Edwin was extremely proud of Daniela's accomplishments: she had studied political science in Chile and worked as an advisor for the Bolivian sen-

ate. In 2014, Daniela and her husband Mauricio moved to La Paz and had their first and only child. The entire family was overjoyed with the arrival of the baby boy. Soon, however, their joy was broken as they heard her stories of Daniela's husband abusing her.

Late in 2017, Daniela became inexplicably ill. According to Edwin, he repeatedly tried to check in on his daughter, but Mauricio would not let her speak on the phone and kept her locked in a room. Daniela's son said that his mother would scream for help from her room. Upon learning of how dire her condition had become, Edwin called Mauricio from Tarija and demanded that Daniela be taken to a hospital. Three hours later, Mauricio took her to Clínica del Sur. Daniela died shortly after.

Mauricio has been formally charged for the crime of femicide, and he has been declared a fugitive. Daniela's family continues to look for answers and seek justice. Edwin, Daniela's four-year-old son and the rest of the family mourn Daniela's death. "He destroyed my life and my grandson's life," Edwin laments. "What can I do for my daughter now?" he adds, "I can't do anything for her anymore."

Lack of Specialization in Gender Based Crimes

The Government of Bolivia has recognized the need for specialized professional investigators and judges to address the lack of gendered perspective in femicide cases, as demonstrated by the existence of FELCV investigators and judges specialized in violence against women. Unfortunately, these specialized officials are not accessible throughout Bolivia, particularly in rural

areas.²⁰⁰

Furthermore, many judges and investigators do not receive adequate training related to femicide and violence against women. One judge in La Paz noted that judges who specialize in violence against women cases also hear corruption cases, despite the fact that the two issues have little in common.²⁰¹ The interviewee also stated that these judges do not receive specialized training for gender-based violence cases, nor do they need to possess specific expertise for appoint-

ment to the position.²⁰² A senior police official stated that although investigators, including FELCV, receive a high level of training, none of the training explicitly addresses femicide or how to work with victims of gender violence.²⁰³ Another investigator noted that, “there is a lack of know-how of investigators,” and he emphasized the need for training and specialization to combat gender bias in femicide cases.²⁰⁴

Victim Blaming

The tendency of officials to blame victims and overlook evidence that points to an alleged perpetrator’s culpability is often a consequence of gender bias. Belief in traditional gender norms and machismo by predominantly male police, investigators, and prosecutors may reinforce this victim-blaming bias. Activists from the APDHB recently observed victim blaming when surveying a group of women in El Alto.²⁰⁵ According to the APDHB, police often ignored the women’s complaints and accused them of being unfaithful to their partners.²⁰⁶ Among 46 families they interviewed who had brought complaints about violence against women to police, 41 families received no recourse.²⁰⁷

The Clinic team spoke with several family members who recounted instances of victim blaming in their cases. Yessenia Fuentes’ mother, Miriam Valeriano, recalled how the prosecutor made comments to the family about Yessenia’s character, indicating his belief that she was at least partially culpable for her death for choosing to go to a party or have a boyfriend.²⁰⁸ Helen Alvarez stated that an investigator in her daughter Andrea’s case affirmed that if Andrea had not approached the moving car of the accused, she would not have died.²⁰⁹ The prosecutor ultimately labeled the crime as a car accident instead of femicide, despite conflicting physical evidence.²¹⁰

Gender bias and victim blaming appear to be especially pronounced in the misuse of psychological autopsies. According to the Public Ministry’s Minimum Guidelines, the purpose of a psychological autopsy

is to reconstruct the psychological profile of a victim before death due to a “doubtful cause” and should be viewed as an “autonomous test... of a technical – scientific nature.”²¹¹ However, multiple family members interviewed by the Clinic team indicated that psychological autopsies were used to diminish or completely disregard the aggressor’s role in the victim’s death.

Doña Teo stated that the prosecutor in her daughter Veronica Chino’s case determined the case to be a suicide without providing Doña Teo an opportunity to speak to her daughter’s mental state and without examining the extensive documents she provided to him.²¹² Similarly, Helen Alvarez indicated that in her daughter Andrea Aramayo’s case, the investigators concluded that Andrea had a mental disorder based on a text message Andrea wrote after her breakup saying, “I want to die.”²¹³ However, the investigators paid no attention to information presented by the victim’s family about Andrea’s mental state and indicators of physical or psychological abuse by her boyfriend.²¹⁴ Veronica Quintana’s mother expressed a concern shared by several families of victims regarding psychological autopsies: that they often inappropriately shift the focus to “the person instead of the crime.”²¹⁵

Revictimization: “Women denounce violence only to receive more violence.”

Interviewees told the Clinic team that gender bias often manifested itself through the “revictimization” of victims and their family members. Families interviewed by the Clinic team consistently reported feeling revictimized throughout the investigatory and judicial process, stating that prosecutors and police officers displayed a general lack of sensitivity towards those who endure gender violence.²¹⁶ Veronica Quintana’s mother, Rosario, said simply, “everyday we are revictimized.”²¹⁷

Revictimization can affect the victims of violence. For example, a senior police official stated that the FELCV room for examining and questioning women reporting abuse is not private.²¹⁸ He recognized that this lack of privacy can perpetuate revictimization, in addition to creating a barrier to reporting violence.²¹⁹

Revictimization can also affect victims' families. Veronica Quintana's family felt revictimized by the prosecutor in their case after receiving what they felt was no support from him throughout the hearing process: "The authorities, they don't care. They don't listen to us."²²⁰ The family ultimately had to become the driving force behind their case despite having no legal experience. Calixta Choque also said she felt revictimized by police in the case of her half-sister Magda.²²¹ Calixta recalled how the police sergeant sided with the alleged perpetrator, who was also a police officer, and told Magda's family that they should have given him Magda's body simply because he was her husband, despite his reported history of abuse.²²²

Institutional officials interviewed by the Clinic team also raised concerns about the revictimization of family members. For example, a medical examiner stated that he often sees family members forced to retell the same piece of information or give evidence repeatedly, up to six times, because of poor practices of prosecutors.²²³ The examiner said that this form of revictimization incentivizes families to drop or settle their cases in order to escape the pain of revisiting their loved one's death or having to continually hear the victim portrayed in a derogatory manner by prosecutors and the media.²²⁴ Helen Alvarez explained the pain of revictimization: "First you kill my daughter. Now you want to kill her memory."²²⁵

Linguistic Barriers

The Clinic team spoke with several families whose cases were further undermined linguistic barriers. Doña Teo is a traditional Aymara woman who has been seeking justice for her daughter Veronica for several years.²²⁶ During our interview with her, Doña

Teo struggled to explain her daughter's story in broken Spanish since Aymara is her primary language.²²⁷ Despite language barriers, for six years Doña Teo has attended hearings conducted in Spanish and followed her daughter's case without receiving an interpreter throughout the various stages of the process.²²⁸ Doña Teo stated, "They totally took advantage of me. I speak Aymara, not Spanish."²²⁹ Bartolina Ramos, also Aymara, discussed similar hurdles in her daughter's case. She explained, "I don't know how to read and write, but [Vethy] studied hard. Now she's gone."²³⁰ An inability to communicate proficiently in Spanish limits a family's ability to participate in the justice process and ultimately undermines justice for their loved ones.



Woman in Patacamaya. Femicide affects women in urban and rural areas in Bolivia. ©2019 Thomas Becker

VII. Recommendations

Bolivia has taken a number of significant steps in recent years to combat femicide and gender-based violence, including the enactment of Law 348 in 2013. Nevertheless, the Bolivian government must do more to protect women from violence and ensure their equal access to justice. The International Human Rights Clinic offers the following preliminary recommendations to the Plurinational State of Bolivia, including its state actors and officials.

To the Federal Government:

Reallocate Resources to Femicide Investigations

- While recognizing resource limitations within Bolivia, certain funds must be re-allocated to police and investigators so that officials can properly perform their duties. It is imperative that police officials have, at minimum, the basic materials necessary to conduct investigations. It is problematic that police officials, investigators, and victims' family members interviewed by IHRC reported buying materials, such as photo equipment, computers, paper, and cotton swabs for investigations and autopsies. Those without economic resources should not be excluded from justice in Bolivia.

- In re-allocating resources, the national government should ensure that properly trained and equipped police forces and prosecutors' offices exist not only in the larger cities, but also in rural areas so that all communities can access these institutions without enduring onerous costs and having to overcome additional obstacles.

Collaborate with Civil Society and Local Communities

- The national government should partner with and look for guidance from civil society, NGOs, and universities to prevent femicide.²³¹ Civil society can help inform the government of ongoing implementation issues and raise public awareness.²³²

- The national government should continue to invest in education aimed at preventing femicide.²³³ Its "Freedom Now from Violence, Our Identity, Our Values" campaign in which the Ministry of Communication worked with FELCV and civil society in El Alto is an example of a good first step.²³⁴ The government can also partner with schools and universities to provide women with information on support and resources available to them.

- The national government should work with localities and civil society to develop community-based monitoring procedures.

Follow Bolivian Laws and Procedures

- The Bolivian government and its officials must follow its own laws, official guidance manuals, and protocols when investigating and adjudicating femicide. The Constitution,²³⁵ the *Manual to Judge with a Gender Perspective*,²³⁶ and the *Minimum Guidelines for Investigation of Crimes Against Women and Femicide*²³⁷ provide state actors with guidance on their responsibilities. Additionally, Law 348 obligates the State to ensure that police, investigators, prosecutors, and judges follow certain protocols so that femicide cases can be properly investigated and adjudicated.²³⁸

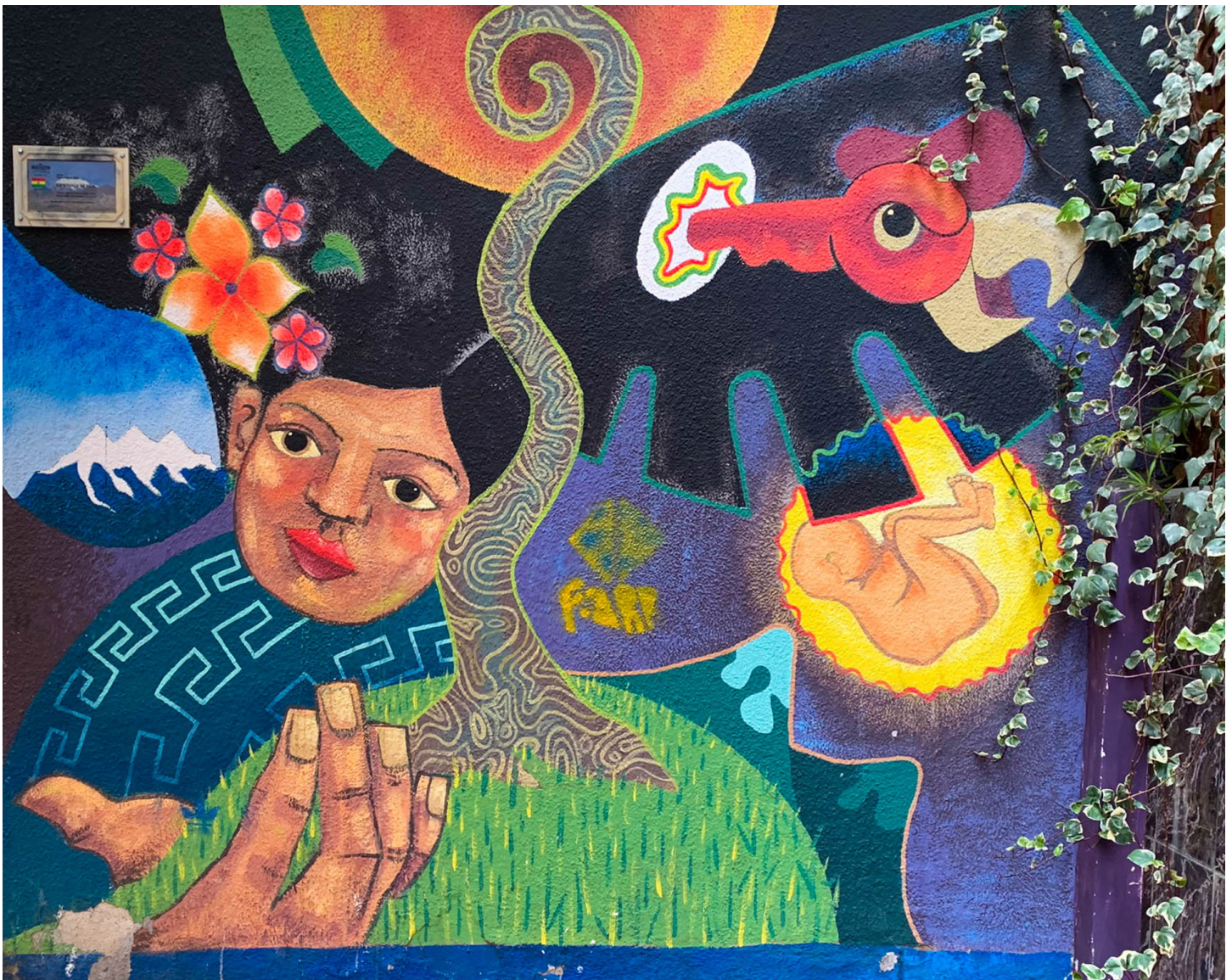
- Strong internal reporting mechanisms within the Public Ministry, the Ministry of Justice and police departments should be created in order to discipline officials who fail to abide by rules and protocols. Additionally, men who have committed violence against women should not occupy positions within the institutions where they work on femicide cases.

- The Bolivian government should conduct an audit of femicides by collecting and publishing comprehensive data on the number of police complaints, investigations, and cases in which charges are filed for alleged femicides; femicide trials and their outcomes; as well as the number of killings of women and how many are suspected femicides as defined by Bolivian law. The national government started this process by preparing an audit in the case of Maria Pillco and should continue this effort to encourage compliance with the law and to identify ongoing areas of non-compliance.

To the Prosecutor's Office and the Ministry of Justice:

Combat Corruption of Government Officials

- Recognizing that corruption is a pervasive and challenging problem, the Prosecutor's Office and the Ministry of Justice (as well as the national government) should work to prevent corruption among



Street mural in La Paz. Street art is used to draw attention to issues affecting women, including femicide. © 2019 Thomas Becker

prosecutors, lawyers, and judges, which can lead to a miscarriage of justice for victims. Bolivia should provide officials with more comprehensive anti-corruption training and require stricter conflict of interest checks on judges, prosecutors, and lawyers. Those involved in corruption should be prosecuted.

- The government should collaborate with local bar associations to promote professional ethics and ensure any misconduct is reported.

Process Cases in a Timely and Comprehensive Manner

- The adjudication of cases should be completed within, at minimum, the three years required by Bolivian law.²³⁹ Further, judges must comply with the guidelines set out in the *Manual to Judge with a Gender Perspective*.

Improve Training and Specialization

- Although judges are divided into areas of specialty, including adjudication of gender violence cases, the number and geographic reach of these positions should be increased.²⁴⁰ Additionally, specialized training and appointment processes must be used to make these positions meaningful.
- Specialized training for prosecutors handling femicide cases is imperative. Training should include, at a minimum, specific information and protocols for femicide cases and how to work with a gendered perspective.²⁴¹

To Police and Investigators:

Complete Investigations in a Timely and Comprehensive Manner

- The investigation of cases should be completed in a timely manner in order to preserve evidence

and facilitate prompt and equal access to justice. The longer investigators wait to gather evidence and the slower they act, the more likely key information will be lost. Specifically, femicide investigations should be conducted in accordance with the *Minimum Guidelines for Investigation of Crimes Against Women and Femicide*.

- Investigations of femicide cases should be comprehensive. Investigators and prosecutors should work together to take statements from all pertinent witnesses, promptly collect all evidence relevant to the crime, and review any prior reports of violence by the aggressor.

Eliminate Structural Barriers to Reporting

- It is crucial that authorities reduce barriers women face in filing complaints and their families face in working with prosecutors. To do so, the police force should hire and properly train more women police officials and ensure that all police stations have rooms to provide privacy and confidentiality to victims and their families.²⁴²
- Indigenous communities must be able to seek justice in their native languages. Victims, witnesses, and families should never be prevented from reporting or making a statement due to a lack of translator.

Improve Training and Specialization

- The national government has already implemented some specialized positions, such as those within the FELCV, however the number and geographic reach of these positions should be increased.²⁴³ Specialized training and appointment processes must be used to make these positions meaningful. Training should include specific protocols for femicide cases and guidance on how to work with a gender perspective.²⁴⁴

VIII. Table of Acronyms

APDHB:	Asamblea Permanente de Derechos Humanos de Bolivia (Permanent Assembly of Human Rights)
CEDAW:	Convention on the Elimination of All Forms of Discrimination Against Women
CIDEM:	Centro de Información y Desarrollo de la Mujer (Women's Information and Development Center)
FELCV:	Fuerza Especial de Lucha contra la Violencia (Special Force to Fight Violence)
IDIF:	Instituto de Investigaciones Forenses (Institute of Forensic Investigations)
IHRC:	The International Human Rights Clinic at Harvard Law School
PAHO:	Pan-American Health Organization

IX. Endnotes

- 1 For example, women hold 53% of seats in the Bolivian Congress. Proportion of Seats Held by Women in National Parliaments, THE WORLD BANK, <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS> (last visited Mar. 7, 2019). Notably, in 2016 Bolivia was the only country in South America in which women held more than 50% of the seats in the national parliament. Gender Data Portal, THE WORLD BANK, <http://datatopics.worldbank.org/gender/country/bolivia> (last visited Mar. 7, 2019). The maternal mortality ratio for low-income women has been constantly decreasing for, at least, the past fifteen years. Id. The unemployment rate for women was reduced from 6.1 in 2000 to 4.5 in 2016. Id.
- 2 Bolivia's commitment to gender equality has been affirmed in various legal instruments both in the domestic and international frameworks. Prominently, this commitment has been manifested in Bolivia's ratification of the Convention on the Elimination of all Forms of Discrimination Against Women, Status of the CEDAW, U.N. TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-8&chapter=4&lang=en (last visited Mar. 7, 2019), and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, Status of Signatories and Ratification to Convention of Belém do Pará, OAS, <http://www.oas.org/en/mesecvi/docs/Signatories-Table-EN.pdf> (last visited Mar. 7, 2019). Further, Bolivia's Law 348 specifically undertakes to "guarantee women a dignified life and the full exercise of their rights" and recognizes as a priority "the elimination of violence against women." Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013), art. 1–3 (Bol.). Moreover, Bolivia has often been a regional leader in promoting gender equality. Bolivia was the second country in Latin America to modify its penal code to include the crime of femicide, Gender Equality Observatory for Lat. Am. and the Caribbean, Femicide As a Specific Type of Crime in National Legislations in Latin America: An Ongoing Process, Note for Equality No. 17 (July 2015), https://oig.cepal.org/sites/default/files/noteforequality_17_0.pdf, and the first one to have a law specifically addressing political violence against women, UNDP, From Commitment To Action: Policies To End Violence Against Women In Latin America And The Caribbean, at 26 (2017), <https://bit.ly/2BwXL0W>.
- 3 E.g., Defensoría del Pueblo del Estado Plurinacional de Bolivia, La Violencia Contra las Mujeres en el Estado Plurinacional: Ponencia del Defensor del Pueblo Rolando Villena Santa Cruz at 5 (Mar. 8, 2013), <http://www.defensoria.gob.bo/archivos/Ponencia%20del%20Defensor%20del%20Pueblo%20sobre%20la%20violencia%20contra%20las%20mujeres%20en%20el%20Estado%20Plurinacional.pdf>. See also, Linda Farthing, Despite Legal Protections, Violence Against Women is Spiking in Bolivia, WORLD POLITICS REVIEW (Dec. 16, 2016), www.worldpoliticsreview.com/articles/20720/despite-legal-protections-violence-against-women-is-spiking-in-bolivia.
- 4 See, OEA, Bolivia: Final Report on the Implementation of the Belém do Pará Convention, ¶ 123, OEA Doc. 263/17 (Aug. 24, 2017), <http://www.oas.org/es/mesecvi/docs/FinalReport2017-Bolivia.pdf>.
- 5 Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013), art. 2 (Bol.).
- 6 See e.g., MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO, at 51 ¶ 101 (2016).
- 7 Id. at 51 ¶ 101.
- 8 See, e.g., Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013), art. 1, 2, 7(2) (Bol.).
- 9 E.g., CONSTITUCIÓN POLÍTICA DEL ESTADO, Feb. 7, 2009, art. 11(I), 14 (II), 15 (II–III), 45 (V), 48 (V–VI), 147 (Bol.).
- 10 E.g., Convention on the Elimination of All Forms of Discrimination Against Women [hereinafter CEDAW], entered into force Sept. 3, 1981, 1249 U.N.T.S. 1.; Inter-Am. Convention on the Prevention, Punishment and Eradication of Violence Against Women [hereinafter Convention of Belém do Pará], entered into force June 9, 1994, 1438 U.N.T.S. 63.
- 11 See e.g., Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013) (Bol.). See also, Ley Contra El Acoso y Violencia Política Hacia Las Mujeres (Law No. 243/2012) (Bol.). See generally, UNDP, From Commitment To Action: Policies To End Violence Against Women In Latin America And The Caribbean, at 26 (2017), <https://bit.ly/2BwXL0W>.
- 12 See, supra note 1.
- 13 See, supra note 2.
- 14 See, supra note 3.
- 15 WHO, Understanding and Addressing Violence Against Women, at 1, WHO/RHR/12.38 (2012), http://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf?sequence=1.
- 16 Gender Equality Observatory for Lat. Am. and the Caribbean, Femicide As a Specific Type of Crime in National Legislations in Latin America: An Ongoing Process, Note for Equality No. 17 (July 2015), https://oig.cepal.org/sites/default/files/noteforequality_17_0.pdf.
- 17 Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013), art. 7(2) (Bol.).
- 18 WHO, Understanding and Addressing Violence Against Women, at 1, WHO/RHR/12.38 (2012), http://apps.who.int/iris/bitstream/handle/10665/77421/WHO_RHR_12.38_eng.pdf?sequence=1.
- 19 Id. at 2.
- 20 Id. Non-intimate femicide, in contrast, is that committed by someone without an intimate or personal relationship with the victim. Such killings can be random or targeted and often include sexual violence. Id. at 3.
- 21 Id. at 1, Box. 1.
- 22 United Nations Office on Drugs and Crime, Global Study on Homicide: Gender-related Killing of Women and Girls, at 3 (2018), https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf.
- 23 Pan-American Health Organization, Violence Against Women in Latin America and the Caribbean: A Comparative Analysis of Population-Based Data from 12 Countries, at 20 (2012), <https://www.paho.org/hq/dmdocuments/2014/Violence1.24-WEB-25-febrero-2014.pdf>.
- 24 Alianza por la Solidaridad, Femicidio en Bolivia: Acceso a la Justicia y Desafíos del Estado Boliviano, at 22 (2015), www.alianzaporsolidaridad.org/wp-content/uploads/Femicidio-en-Bolivia.pdf.
- 25 Id. See also, Centro de Información y Desarrollo de la Mujer, El CIDEM y sus Aportes para Incorporar el Femicidio Como Delito en la Normativa Nacional, at 20 (2015), http://info.comvomujer.org.pe/catalogocomvo/productos/catalogos_2_2015/53_Publicacion_Sistematizacion_aportes_CIDEM_tipificacion_femicidio_Bolivia_CIDEM%20GIZ_Bolivia_2015.pdf.
- 26 See e.g., Alianza por la Solidaridad, Femicidio en Bolivia: Acceso a la Justicia y Desafíos del Estado Boliviano, supra note 24 at 22.
- 27 Rosse Mary Camacho Justiniano, Violence Results from Patriarchal Attitudes, DEVELOPMENT AND COOPERATION (Apr. 10, 2015), <https://www.dandc.eu/en/article/latin-america-bolivia-reports-most-cases-violence-against-women>.
- 28 Defensoría Registró 416 Casos de Violencia Contra la Mujer, PÁGINA SIETE (Jan. 1, 2017), <https://www.paginasiete.bo/seguridad/2017/1/1/defensoria-registro-casos-violencia-contra-mujer-122300.html>.
- 29 Siete de Cada Diez Mujeres Sufren Alguna Vez Abuso Sexual, ERBOL (July 31, 2013), https://erbol.com.bo/noticia/genero/31072013/7_de_cada_10_mujeres_sufren_alguna_vez_abuso_sexual.
- 30 Luz Mendoza, Bolivia Es Uno de los Países Con Mas Femicidios per Capita del Mundo, ANF (Nov. 28, 2017, 10:21 am), <https://www.noticiasfides.com/nacional/sociedad/bolivia-es-uno-de-los-paises-con>

mas-femicidios-per-capita-del-mundo-383815. In a report of 104 countries under review from 2004 to 2009, Bolivia was among the 12 countries with the highest average femicide rates per 100,000 women. Anna Alvazzi del Frate, <i>When the Victim Is a Woman</i> , IN GENEVA DECLARATION SECRETARIAT, 113–144, 120 (2011), http://www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011_CH4.pdf .	54	CONSTITUCIÓN POLÍTICA DEL ESTADO, art. 256, 410 (Bol.).	
31	Id.	55	Id. at art. 410 (II).
32	Defensoría del Pueblo del Estado Plurinacional de Bolivia, <i>La Violencia Contra las Mujeres en el Estado Plurinacional: Ponencia del Defensor del Pueblo Rolando Villena Santa Cruz</i> , supra note 3, at 5.	56	Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013), art. 1 (Bol.).
33	Rosse Mary Camacho Justiniano, <i>Violence Results from Patriarchal Attitudes</i> , supra note 27.	57	Status of the CEDAW, U.N. TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-8&chapter=4&lang=en (last visited Mar. 7, 2019).
34	Id.	58	CEDAW, supra note 10.
35	Defensoría del Pueblo del Estado Plurinacional de Bolivia, <i>La Violencia Contra las Mujeres en el Estado Plurinacional: Ponencia del Defensor del Pueblo Rolando Villena Santa Cruz</i> , supra note 3, at 5.	59	UN Committee on the Elimination of Discrimination Against Women, CEDAW General Recommendation No. 19: <i>Violence against women</i> , ¶ 6 (1992), https://www.refworld.org/docid/52d920c54.html .
36	Un Femicidio Cada 56 Horas Es el Promedio Durante 2018, ERBOL (7 Mar., 2018, 7:32 PM), https://erbol.com.bo/noticia/seguridad/07032018/un_femicidio_cada_56_horas_es_el_promedio_durante_2018 .	60	Id. at ¶¶ 4, 6.
37	Laura Manzaneda, <i>Aumentan Femicidios y Cochabamba Ocupa el Segundo Lugar</i> , LOS TIEMPOS (Jul. 5, 2018), https://www.pressreader.com/bolivia/los-tiempos/20180705 .	61	CEDAW, supra note 10, at art. 5(a).
38	Bolivia Reporta 109 Femicidios y 87 Infanticidios en 2017, EL NUEVO DIARIO (Jan. 31, 2018), https://www.elnuevodiario.com.ni/internacionales/454480-bolivia-reporta-109-femicidios-87-infanticidios/ .	62	Status of Signatories and Ratification to Convention of Belém do Pará, OAS, http://www.oas.org/en/meseci/docs/Signatories-Table-EN.pdf (last visited Mar. 7, 2019).
39	Casos de Femicidios de este Año Superan los Registrados en 2016, INSTITUTO NACIONAL DE ESTADÍSTICA DEL ESTADO PLURINACIONAL DE BOLIVIA (Dec. 28, 2017), https://www.ine.gov.bo/index.php/prensa/monitoreo-de-prensa/item/2976-casos-de-femicidios-de-este-ano-superan-los-registrados-en-2016 .	63	Convention of Belém do Pará, supra note 10 at art. 4(g).
40	Rosse Mary Camacho Justiniano, <i>Violence Results from Patriarchal Attitudes</i> , supra note 27.	64	Id. at art. 7.
41	Defensoría del Pueblo del Estado Plurinacional de Bolivia, <i>El Ejercicio de los Derechos Humanos en el Estado Plurinacional de Bolivia: Informe 2015 at 18</i> (2015), http://www.defensoria.gov.bo/archivos/INFORME%20DDHH%202015.pdf .	65	Id. at art. 8.
42	Rosse Mary Camacho Justiniano, <i>Violence Results from Patriarchal Attitudes</i> , supra note 27.	66	American Convention on Human Rights “Pact of San Jose, Costa Rica:” Signatories and Ratifications, OAS, http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm#Bolivia , (last visited Mar. 7, 2019).
43	Defensoría del Pueblo del Estado Plurinacional de Bolivia, <i>El Ejercicio de los Derechos Humanos en el Estado Plurinacional de Bolivia: Informe 2015</i> , supra note 40 at 19.	67	See e.g., Inter-American Commission on Human Rights, <i>Legal Standards Related to Gender Equality and Women’s Rights in the Inter-American Human Rights System: Development and Application</i> , OEA/Ser.L/V/II. 143, (Nov. 3, 2011), https://www.oas.org/en/iachr/reports/pdfs/legalstandards.pdf .
44	CONSTITUCIÓN POLÍTICA DEL ESTADO, art. 14 (III) (Bol.).	68	Id. at ¶ 18.
45	Id. at art. 15 (I).	69	Fernandes v. Brazil (Maria da Penha), Case 12.051, Inter-Am Comm’n H.R., Report No. 54/01, OEA/Ser.L./III.111, doc. 20 (2000).
46	Id. at art. 15 (II).	70	Id. at ¶ 60.
47	Id. at art. 15 (III).	71	Id. at ¶ 60.
48	MINISTERIO DE JUSTICIA, PLAN NACIONAL PARA LA IGUALDAD DE OPORTUNIDADES, at viii (Dec. 2018), http://www.americalatinagenera.org/es/documentos/centro_gobierno/Bolivia_Plan_Nacional_Igualdad_Oportunidades.pdf . (Bol.)	72	Id. at ¶¶ 54–56.
49	Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013) (Bol.).	73	Id. at ¶ 56.
50	Id. at art. 84.	74	González et al. (“Cotton Field”) v. Mexico, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 205, ¶147 (Nov. 16, 2009). The IACHR Rapporteur found, for example, that Mexican officials often dismissed reports of missing women saying “the victim was out with a boyfriend and would soon return home.” Id. Further, the Rapporteur noted a lack of technical and scientific capacity and training for members of the judicial police; a negligence in gathering evidence, conducting examinations, and the identification of victims; a pattern of lost information and evidence, including the misplacement of body parts in the custody of the Prosecutor’s Office; and failure to consider the attacks on women as part of a global phenomenon of gender-based violence. Id. at ¶ 150.
51	Id. at art. 7.	75	The Court found that officials delayed the commencement of investigations and noted the slow pace and inactivity in the processing of case files. Id. at ¶ 150.
52	Id. at art. 84.	76	Id. at ¶ 602 (5).
53	Id. at art. 3.		

77	Id. at ¶ 147, 150.	99	IHRC interview with medical examiner, La Paz, Bolivia, Oct. 10, 2018.
78	Id. at ¶ 243.	100	IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018.
79	MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO (2016).	101	Id.
80	Id. at 36 ¶ 78.	102	Id.
81	Id. at 86 ¶ 171.	103	IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.
82	Id. at 131. See also, Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013), art. 94 (Bol.).	104	Id.
83	Id. at 157. See also, CÓDIGO DE PROCEDIMIENTO PENAL, art. 134 (Bol.).	105	IHRC interview with Edwin Tapia Burgos, Luis Angel Saavedra, Jallith Marino, and Leslie Amosquivar., La Paz, Bolivia, Oct. 9, 2018.
84	Id. at 87 ¶ 173. For example, any vehicles that may have been involved in the commission of a crime must be requisitioned and stored properly. Id. at 135. Further, due to the nature of femicide, an autopsy should include a collection of vaginal and anal fluids so as to explore any evidence of sexual violence. Id. at 136.	106	Id.
85	Id. at 183.	107	Id.
86	Id. at 65 ¶ 127.	108	Id.
87	Id. at 49 ¶ 95. Maintaining a gender perspective requires not investigating femicides as isolated or sporadic from sexist violence, but rather recognizing the gender-related motives behind the violent death of women and how violence is used as a tool by the aggressor to subordinate women. Id. at 51 ¶ 100.	109	CÓDIGO DE PROCEDIMIENTO PENAL, art. 134 (Bol.).
88	Id. at 61 ¶ 119. The Guidelines requires that investigators adopt an intersectionality analysis and not “homogenize” the victim profile. Id. That is, that they recognize that factors such as race, culture, and economic status can affect the violence experienced by women. Id.	110	IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.
89	Id. at 57 ¶ 109. The Guidelines insists that certain analytical tools must be used in the investigation of femicides. Among these, is for example, the eco-feminist model – an instrument used to contextualize the different spaces in society in which violent practices against women emerge. Id.	111	IHRC interview with senior police official, La Paz, Bolivia, Oct. 9., 2018.
90	TRIBUNAL SUPREMO DE JUSTICIA, PROTOCÓLO PARA JUZGAR CON PERSPECTIVA DE GÉNERO, at 1 (2016).	112	IHRC interview with medical examiner, La Paz, Bolivia, Oct. 10, 2018.
91	Id. at 61.	113	IHRC interview with Calixta Choque, La Paz, Bolivia, Oct. 7, 2018.
92	Id. at 185.	114	Id.
93	See, Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013) (Bol.).	115	Id.
94	E.g., MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO (2016).	116	Id.
95	E.g., TRIBUNAL SUPREMO DE JUSTICIA, PROTOCÓLO PARA JUZGAR CON PERSPECTIVA DE GÉNERO (2016).	117	Id. Similarly, Doña Teo recounted how the police failed to take statements from the accused and key witnesses in her daughter’s case. IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018.
96	MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO, at 86–87 (2016).	118	IHRC interview with Bartolina Ramos, La Paz, Bolivia, Oct. 9, 2018.
97	IHRC interview with senior police official, La Paz, Bolivia, Oct. 9., 2018.	119	Id.
98	E.g., IHRC interview with medical examiner, La Paz, Bolivia, Oct. 10, 2018; IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018; IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018; IHRC interview with Edwin Tapia Burgos, Luis Angel Saavedra, Jallith Marino, and Leslie Amosquivar., La Paz, Bolivia, Oct. 9, 2018.	120	IHRC interview with Rosario Mendez and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.
		121	Id.
		122	Id.
		123	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018.
		124	Id.
		125	Id.
		126	Id.
		127	Id.
		128	MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO, at 112 (2016).

129	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018.	158	Id.
130	Id.	159	Id.
131	Id.	160	Id.
132	Id.	161	Id.
133	Id.	162	IHRC interview with police officer, La Paz, Bolivia, Oct. 9, 2018.
134	Id.	163	Sergio Martin-Carrillo, Reporte Económico de Bolivia: Evolución Salarial 2008-2017, TeleSur (Mar. 1, 2018), https://www.telesurtv.net/opinion/Reporte-economico-de-Bolivia.-Evolucion-salarial-2008-2017-20180301-0027.html . This number represents the real (adjusted for inflation) median salary in the private sector for the year 2017. Id.
135	Id.		
136	MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO, at 108–09 (2016).	164	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with Calixta Choque, La Paz, Bolivia, Oct. 7, 2018; IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.; IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018; IHRC interview with Bartolina Ramos, La Paz, Bolivia, Oct. 9, 2018; IHRC interview with Edwin Tapia Burgos, Luis Angel Saavedra, Jallith Marino, and Leslie Amosquivar., La Paz, Bolivia, Oct. 9, 2018; IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.
137	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018.		
138	Id.		
139	IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.	165	IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.
140	IHRC interview with senior police official, La Paz, Bolivia, Oct. 9, 2018.	166	IHRC interview with Bartolina Ramos, La Paz, Bolivia, Oct. 9, 2018. A senior police official interviewed reported that an autopsy requires at least 100 photographs. IHRC interview with senior police official, La Paz, Bolivia, Oct. 9, 2018.
141	IHRC interview with police officer, La Paz, Bolivia, Oct. 9, 2018.		
142	IHRC interview with Gabriela Montaña, La Paz, Bolivia, Oct. 17, 2018.	167	Id.
143	Id.	168	IHRC interview with medical examiner, La Paz, Bolivia, Oct. 10, 2018.
144	IHRC interview with senior police official, La Paz, Bolivia, Oct. 9, 2018.	169	IHRC interview with human rights activist, La Paz, Bolivia, Oct. 10, 2018.
145	Id.	170	IHRC interview with judge at Anti-Corruption and Matters on Violence Against Women tribunal, La Paz, Bolivia, Oct. 9, 2018.
146	IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.	171	CÓDIGO DE PROCEDIMIENTO PENAL, art. 133 (Bol.).
147	IHRC interview with senior police official, La Paz, Bolivia, Oct. 9, 2018.	172	IHRC interview with judge at Anti-Corruption and Matters on Violence Against Women tribunal, La Paz, Bolivia, Oct. 9, 2018.
148	Id.	173	IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.
149	Id.	174	IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.
150	While several interviewees expressed that prosecutors' work fell short because of excess workloads, one activist stated that prosecutors' failure to follow proper investigatory procedures and autopsy protocols is a result of intentional negligence. IHRC interview with human rights activist, La Paz, Bolivia, Oct. 10, 2018.	175	IHRC interview with human rights activist, La Paz, Bolivia, Oct. 10, 2018.
151	Lachimpa Ve Enorme Carga Procesal en Fiscales del Eje Central de Bolivia, EJU! (Oct. 25, 2018), http://eju.tv/2018/10/lachimpa-ve-enorme-carga-procesal-en-fiscales-del-eje-central-de-bolivia/ .	176	IHRC interview with judge at Anti-Corruption and Matters on Violence Against Women tribunal, La Paz, Bolivia, Oct. 9, 2018.
152	IHRC interview with police officer, La Paz, Bolivia, Oct. 9, 2018.	177	Id.
153	IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.	178	Id.
154	IHRC interview with police officer, La Paz, Bolivia, Oct. 9, 2018.	179	IHRC interview with Calixta Choque, La Paz, Bolivia, Oct. 7, 2018.
155	Id.	180	Id.
156	IHRC interview with activists of the Asamblea Permanente de Derechos Humanos, La Paz, Bolivia, Oct. 8, 2018.	181	IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.
157	IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.	182	Id.
		183	IHRC interview with judge at Anti-Corruption and Matters on Violence Against Women tribunal,

La Paz, Bolivia, Oct. 9, 2018. See also, IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018; IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with activists of the Asamblea Permanente de Derechos Humanos, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with police officer, La Paz, Bolivia, Oct. 9, 2018; IHRC interview with Edwin Tapia Burgos, Luis Angel Saavedra, Jallith Marino, and Leslie Amosquivar, La Paz, Bolivia, Oct. 9, 2018; IHRC interview with human rights activist, La Paz, Bolivia, Oct. 10, 2018.	207	Id.
	208	IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.
184 IHRC interview with human rights activist, La Paz, Bolivia, Oct. 10, 2018.	209	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018.
185 IHRC interview with police officer, La Paz, Bolivia, Oct. 9, 2018.	210	Id.
186 IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.	211	MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO, at 123 (2016).
187 OHCHR, Integrating a Gender Perspective Into Human Rights Investigations: Guidance and Practice, U.N. Doc. HR/PUB.18/4 (Sept. 2016) at 8, https://bit.ly/2Dx87Op .	212	IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018.
188 MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO, at 51 ¶¶ 100-01 (2016).	213	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018.
189 Id. at 51–56.	214	Id.
190 See e.g., IHRC interview with activists of the Asamblea Permanente de Derechos Humanos, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.	215	IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.
191 See e.g., IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with Calixta Choque, La Paz, Bolivia, Oct. 7, 2018; IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with Edwin Tapia Burgos, Luis Angel Saavedra, Jallith Marino, and Leslie Amosquivar, La Paz, Bolivia, Oct. 9, 2018.	216	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with Calixta Choque, La Paz, Bolivia, Oct. 7, 2018; IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018; IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018.; IHRC interview with Bartolina Ramos, La Paz, Bolivia, Oct. 9, 2018; IHRC interview with Edwin Tapia Burgos, Luis Angel Saavedra, Jallith Marino, and Leslie Amosquivar, La Paz, Bolivia, Oct. 9, 2018; IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.
192 Id.		
193 IHRC interview with activists of the Asamblea Permanente de Derechos Humanos, La Paz, Bolivia, Oct. 8, 2018.	217	IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.
194 IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.	218	IHRC interview with senior police official, La Paz, Bolivia, Oct. 9, 2018.
195 IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.	219	Id.
196 IHRC interview with Calixta Choque, La Paz, Bolivia, Oct. 7, 2018.	220	IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.
197 Id.	221	IHRC interview with Calixta Choque, La Paz, Bolivia, Oct. 7, 2018.
198 IHRC interview with Rosario Mendez, and Paola Quintana, La Paz, Bolivia, Oct. 8, 2018.	222	Id.
199 IHRC interview with Miriam Valeriano, La Paz, Bolivia, Oct. 7, 2018.	223	IHRC interview with medical examiner, La Paz, Bolivia, Oct. 10, 2018.
200 IHRC interview with Mujeres Creando, La Paz, Bolivia, Oct. 7, 2018.	224	Id.; See also, IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018.
201 IHRC interview with judge at Anti-Corruption and Matters on Violence Against Women tribunal, La Paz, Bolivia, Oct. 9, 2018.	225	IHRC interview with Helen Alvarez, La Paz, Bolivia, Oct. 8, 2018.
202 Id.	226	IHRC interview with Teodora Mendoza, La Paz, Bolivia, Oct. 7, 2018.
203 IHRC interview with senior police official, La Paz, Bolivia, Oct. 9, 2018.	227	Id.
204 IHRC interview with forensic examiner and investigator, La Paz, Bolivia, Oct. 10, 2018.	228	Id.
205 IHRC interview with activists of the Asamblea Permanente de Derechos Humanos, La Paz, Bolivia, Oct. 8, 2018.	229	Id.
206 Id.		

230 IHRC interview with Bartolina Ramos, La Paz, Bolivia, Oct. 9, 2018.

231 See generally, UN Department of Economic and Social Affairs: Division for the Advancement of Women, Handbook for Legislation on Violence Against Women, U.N. Doc. ST/ESA/329 (2010), <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>. The UN Handbook advises states to focus on prevention and detection as well as punishment. Id. at 2. It refers positively to reforms made to the Swedish Penal Code in 1998 that emphasized “the importance of collaboration between the police, social services and health-care providers” to combat violence against women. Id. at 14. Countries like Uruguay and Kenya mandated the creation of a national plan or policy framework, along with the passage of strict laws criminalizing violence against women, in order to ensure effective implementation. Id. at 17. Kenya requires the policy framework to be reviewed every five years. Id.

232 Id. at 28–29. The handbook praises a Guatemalan law that makes the government responsible for the “promotion and monitoring of awareness-raising campaigns, generating dialogue and promoting public policies to prevent violence against women.” Id. at 28. Venezuela, Brazil, and India have similar preventative provisions. Id. at 29. Public awareness campaigns are important in terms of changing the way a country and a people think about women’s rights. Id. Governments may wish to undertake such campaigns, perhaps in collaboration with NGOs and international organizations, to emphasize a zero-tolerance approach for gendered violence.

233 Id. at 2. Spain has passed an act that focuses on the promotion of gender equality at all levels of education. Id. at 30. Mexico requires its schools to have educational programs, at all levels, that promote gender equality and a life free of violence for women. Id. In Chile, educational curricula must include “content about intrafamily violence, including how to modify behaviors that enhance, encourage, or perpetuate such violence.” Id.

234 Ministry of Communication Coordinates Domestic Violence Prevention Campaign, MINISTRY OF COMMUNICATION (July 10, 2013) <http://www.comunicacion.gob.bo/?q=20140710/16053> (Bol.).

235 CONSTITUCIÓN POLÍTICA DEL ESTADO, art. 15 (II) (Bol.).

236 TRIBUNAL SUPREMO DE JUSTICIA, PROTOCÓLO PARA JUZGAR CON PERSPECTIVA DE GÉNERO (2016).

237 MINISTERIO PÚBLICO, FISCALÍA GENERAL DEL ESTADO, MANUAL DIRECTRICES MÍNIMAS PARA LA INVESTIGACIÓN DE HECHOS DELICTIVOS QUE ATENTEN CONTRA LA VIDA DE MUJERES EN RAZÓN DE GÉNERO FEMINICIDIO (2016).

238 See generally, Ley Integral Para Garantizar a Las Mujeres Una Vida Libre de Violencia (Law No. 348/2013) (Bol.).

239 CÓDIGO DE PROCEDIMIENTO PENAL, art. 133 (Bol.).

240 UN Department of Economic and Social Affairs: Division for the Advancement of Women, Handbook for Legislation on Violence Against Women, supra note 231 at 31. The United Nations makes the case that specialized units, including courts, designed to deal with violence against women are both more responsive and more effective as they possess the required expertise and can implement better and more efficient process. Id. at 19. Such units are only successful if they are given adequate funding and training. Id. Specialized courts are more sensitive to women’s rights and issues and run less of a risk of being overburdened, unlike many national courts are, which creates delays, additional costs, and danger to women. Id. at 20. Specialized courts exist and have been effective in Brazil, Spain, Uruguay, Venezuela, the U.K., and several U.S. states. Id.

241 Id. at 18. In designing specialized training, Bolivia should look to successful examples from other countries. Spain has created “specific training on sexual equality... and issues of violence against women” that “judges, magistrates, prosecutors, court clerks, national law enforcement and security agents, and coroners

must undergo.” Id. In Albania, the responsibility is split between the Ministry of the Interior, which is required to train police to handle domestic violence cases, and the Ministry of Justice, which must train medico-legal experts on domestic violence and bailiffs on service of protection orders. Id. The Philippines has an even more comprehensive requirement, requiring all agencies “responding to violence against women and children” to take part in education and training on “(a) the nature and causes of violence against women and their children; (b) legal rights and remedies of complainants/survivors; (c) services available; (d) legal duties of police officers to make arrests and offer protection and assistance; and (e) techniques for handling incidents of violence against women and their children.” Id.

242 Another solution is demonstrated by Brazil, where the State has provided for specially-designated women’s police stations where all officers are trained to respond to reports of violence against women. Human Rights Watch, One Day I’ll Kill You: Impunity in Domestic Violence Cases in the Brazilian State of Roraima (June 21, 2017), <https://www.hrw.org/report/2017/06/21/one-day-ill-kill-you/impunity-domestic-violence-cases-brazilian-state-roraima#>. A 2015 World Bank study of 2,000 municipalities credited the presence of women’s police stations with a 17 percent drop in the homicide rate of women living in metropolitan areas where such centers were active. Elizaveta Perova & Sarah Reynolds, Women’s Police Stations and Domestic Violence: Evidence from Brazil, WORLD BANK GROUP, at 14 (Nov. 2015), <https://openknowledge.worldbank.org/bitstream/handle/10986/23461/Women0s0police0evidence0from0Brazil.pdf?sequence=1&isAllowed=y>.

243 See, supra note 231

244 See, supra note 240.