



DEFENSORÍA DEL PUEBLO
MECANISMO NACIONAL DE PREVENCIÓN DE LA TORTURA
ESTADO PLURINACIONAL DE BOLIVIA

Women in Prison: Bolivia

Analysis from the National Preventive Mechanism

| September 2024



association pour la prévention de la torture
asociación para la prevención de la tortura
association for the prevention of torture



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Bolivia



UNCAT Ratification
10 February 1999

OPCAT Ratification
12 December 2005

National Preventive Mechanism (NPM)

National Mechanism for the Prevention of Torture of the Plurinational State of Bolivia (Mecanismo Nacional de Prevención de la Tortura del Estado Plurinacional de Bolivia) (MNP Bolivia)

NPM legal framework
Law No. 1397 (29 September 2021)

NPM operationalisation
From 2022

NPM structure
Specific unit within the organisational structure of the Ombudsman's Office

NPM composition
The Ombudsman, expert staff (2 lawyers, 1 forensic doctor, 1 forensic psychologist), deconcentrated staff (4 psychologists).
Total: 9 members (3 women)

I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women	Prison staff
Total prison population	Foreign women	Number of women's prisons	Prison staff (total)
30,978	86	21	1,541
Women in prison (total)	Pregnant women	Women-only prisons	Women prison officers
2,150 6.94%	5	4	296 (19%)
Sentenced women	Women with children in prison	Mixed prisons with separate units for women	
752	145	17	
Women in pre-trial detention	Older women (over 65years)		
1,398	60		

<p>Source: Ministry of Government, as of June 2024.¹</p>	<p>LGBTIQ+ women 47</p> <p>Women with disabilities 62</p> <p>Indigenous women 556</p> <p>Source: Ministry of Government, as of November 2023.²</p>	<p>Source: NPM Bolivia, July 2024</p>	<p>Source: Ministry of Government, as of June 2024³</p>
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II. Recommendations

Food for children living with their mothers in prison

- + It is recommended that the General Directorate of the Penitentiary Regime guarantee the allocation of a budget for food for children living with their mothers in penitentiary facilities, clarifying that food should be differentiated according to the child’s nutritional needs and age, in accordance with Article 27 of Law 2298 Law of Penal Execution and Supervision, of 20 December 2001, Article 106 (d), Article 107 (I) of Law No. 548 of 17 July 2014 Child and Adolescent Code, Article 73 (I) of the Constitution, Rule 48 of the Bangkok Rules, Principle 4 of the United Nations Declaration of the Rights of the Child, Article 3 (3), Article 24 (c) of the Convention on the Rights of the Child.

Healthcare

- + It is recommended that the General Directorate of the Penitentiary Regime should provide specialised healthcare for pregnant women and children living with their mothers in prison, in accordance with Article 91 (2) of Law No. 2298 of 20 December 2001 (Law on Penal Execution and Supervision), Articles 36 and 37 of the Constitution, Rules 18, 33.3, 51.1 of the Bangkok Rules, Principle 4 of the UN Declaration of the Rights of the Child, Article 24 of the Convention on the Rights of the Child, and Paragraph 27 of General Comment No. 7 (2005) Implementing Child Rights in Early Childhood.

¹ Ministry of Government, office CITE: MG/DGRPN°1947/STRIA-900/2024, signed by Juan Carlos Limpías Esprella, Director General of the Penitentiary Regime, attaching CITE/DGRP/COMP/N°214/2024, prepared by José Luis Guerrero Yujra, and received by the Ombuds Institution on 2 July 2024.

² Ministry of Government, office CITE: MG/DGRPN°3414/STRIA-1517/2023, signed by Juan Carlos Limpías Esprella, Director General of the Penitentiary Regime, attaching the report D.G.R.P./ASR and RS CITE N°183/2023, prepared by Dra. Mariana García Vargas and received by the Ombuds Institution on 15 November 2023.

³ Id.

Alternatives to detention

- + It is recommended that the Supreme Court of Justice issue instructions for the exceptional application of the ultima ratio precautionary measure of preventive detention to women with and without children investigated for crimes of possession of minimum quantities of controlled substances, in application of the gender-specific approach and the best interests of the child, in observance of Rules 57, 60 of the Bangkok Rules, Rule 3.2 of the Tokyo Rules, of the Declaration of Antigua Guatemala (OAS 2013) "For a comprehensive policy against the world drug problem in the Americas", in particular Points 10 and 18.

Work and social reintegration programmes: routine and activities

- + It is recommended that the General Directorate of the Penitentiary Regime implement productive work training programmes for women in prison, which will provide them with a basic economic income during their stay in prison and a job upon release, promoting alliances with civil society, private enterprise and public entities and companies, in accordance with Articles 181 and 183 of Law 2298 Law on Penal Execution and Supervision, of 20 December 2001, Article 68 of Law No. 294, of 31 July 2012, Law of the National System of Citizen Security, Article 74 of the Political Constitution of the State, Rule 96 and 98 of the Mandela Rules.

III. Detention Issues

In Bolivia, there is an accelerated growth of the prison population. As of November 2023, there were 1871 women in prison, and by June 2024, this figure had risen to 2150, representing an increase of 12.5% in just 7 months.

41.26% of women in prison are deprived of their liberty for offences related to controlled substances (drugs). 12.28% of the women in prison are accused of committing non-violent crimes (e.g. theft). This is followed by murder at 7.59% and homicide 4.12%. The problem of offences involving controlled substances has been a problem for more than a decade, as data from 2012 showed that percentage of women in prison for drug-related offences was 56%. In 2018, the percentage of this type of offences committed by women reached 31.62% and in 2023, the percentage of women in prison for offences under Law 1008 rose again to 41.26%. There is clear evidence that public policies to prevent crimes and for the social reintegration of women in prisons are not respectful of human rights, and one issue of concern is Law No. 1008 of 19 July 1988, Law on the Regime of Coca and Controlled Substances (Anti-drugs Law)⁴, which establishes disproportionate offences with respect to the act carried out. For example, a woman consumer with minimal quantities of marijuana can be sentenced to between 10 and 25 years if she cannot prove that the quantity of the controlled substance is for her own consumption (Articles 48 and 51 Law 1008). A legal loophole was revealed in Article 49 of Law 1008 (referring to consumption), and there is a need to establish a clear definition of the maximum amount that can be legally possessed for personal consumption in order to avoid arbitrariness on the part of the authorities. In addition to the deficient regulations, there is also the mechanical application of the law by prosecutors and judges, without considering international human rights standards, such as a gender-specific approach and the best interests of the child. The situation is aggravated by the fact that 65% of women are in prison without a sentence.⁵

⁴ [Coca and Controlled Substances Regime Law](#)

⁵ Ministry of Government, office CITE: MG/DGRPN°1947/STRIA-900/2024, signed by Juan Carlos Limpías Esprella, Director General of the Penitentiary Regime, attaching CITE/DGRP/COMP/N°214/2024, prepared by José Luis Guerrero Yujra, and received by the Ombuds Institution on 2 July 2024.

The vast majority of women prisoners in Bolivia come from the most vulnerable sectors of society: poverty, lack of job opportunities and barriers to education. 78% of the women interviewed indicated that their income before entering prison was below the national minimum wage (USD 259)⁶, and 38% earned their income from informal jobs (without protection of labour rights). Women's testimonies about the motives for committing crimes refer to economic needs and deception or violence against them, and in the case of repeat offenders, reasons of discrimination and isolation from society, lack of work and drug addiction were mentioned.⁷ Although the General Directorate of the Penitentiary Regime reported⁸ that more than 40 work activities are offered to women in prisons, the information provided by the Bolivian NPM during visits to prisons shows a different picture: only 3 out of 10 women are doing some kind of work within the prison facilities, mainly in the area of cooking, product sales, laundry and hand weaving, with an average income of USD 50 per month. That is to say, 70% of the inmates are not engaged in activities that produce some kind of income, which is a major concern because 60% of the women interviewed indicated that they have children outside the prison and would like to support their families financially.

Mental healthcare

63% of the women in prison interviewed by the NPM did not have a medical examination upon entry to the penitentiary facility, neither physical nor mental.⁹ Although the medical examination is not carried out immediately, it is carried out in the months following admission. In Bolivia, there are 60 women prisoners suffering from mental health conditions¹⁰, representing 0.7% of all women in prison. The most common diagnoses are schizophrenia, severe depression and anxiety. There are only 17 psychologists available, not only for the initial examination of the 2150 women prisoners but for the total prison population of 30,978.

Assessment of the mental health needs of women prisoner is not carried out with sufficient regularity and with many difficulties, resulting in women's mental health needs not being addressed in a timely manner. For example, the San Sebastian prison in the municipality of Cochabamba does not have a psychiatrist, and women with schizophrenia must receive outpatient care. However, to leave the prison, they require a court order, which is delayed due to the procedural load in the courts and the lack of officers to guard the exit. In addition, outpatient psychiatric care is not free of charge. These obstacles mean that in practice outpatient releases do not take place as regularly as they should in some prisons.¹¹ It has been identified that in some prisons women prisoners with a diagnosis of depression have no difficulty in leaving the prison to attend their outpatient appointments. However, the testimonies indicated that it is the women themselves who have to buy their medication.¹²

⁶ Supreme Decree No. 5154 of 1 May 2024, Article 7 of which establishes the national minimum wage in the public and private sectors at Bs2,500.

⁷ Testimonies from 15% of the total population of women in prison collected by NPM Bolivia between November and December 2023 in visits to 11 prisons housing women in both urban and rural areas.

⁸ Ministry of Government, office CITE: MG/DGRPN°3414/STRIA-1517/2023, signed by Juan Carlos Limpías Esprella, Director General of the Penitentiary Regime, attaching the report D.G.R.P./ASR and RS CITE N°183/2023, prepared by Dra. Mariana García Vargas and received by the Ombuds Institution on 15/Nov/2023.

⁹ Testimonies from 15% of the total population of women in prison collected by NPM Bolivia between November and December 2023 in visits to 11 prisons housing women in both urban and rural areas.

¹⁰ Ministry of Government, office CITE: MG/DGRPN°3414/STRIA-1517/2023, signed by Juan Carlos Limpías Esprella, Director General of the Penitentiary Regime, attaching the report D.G.R.P./ASR and RS CITE N°183/2023, prepared by Dra. Mariana García Vargas and received by the Ombuds Institution on 15 November 2023.

¹¹ Information gathered during NPM Bolivia's visit to the San Sebastián prison (Cochabamba) on 13 November 2023.

¹² NPM Bolivia visit to the San Roque prison in the municipality of Sucre (Chuquisaca Department) on 24 November 2024.

In addition to the lack of sufficient mental health staff, interviews with health professionals and with the Departmental Directors of the Penitentiary Regime¹³ reported that medical, psychological and social work staff in women's prisons also have to attend to men's prisons, being staff assigned not to one but to several prisons. In some jurisdictions, staff in charge of mental health are assigned additional tasks such as organising educational activities.¹⁴

Women prisoners with mental health conditions that could pose a danger to themselves or to the rest of the prison population share the same environments as other women and children, which causes problems among the inmates. Some women with mental health conditions have reported that they feel discriminated against by their fellow inmates because of their condition, receiving verbal attacks such as "crazy, take your pills".¹⁵

The training given to staff working with women in prisons does not include a gender-specific perspective, however, there are discussions between the prison administration and the Bolivian NPM for further training of prison staff.

Solitary confinement, isolation

29% of the women in prison interviewed by the NPM stated that they had been sent to solitary confinement at some time, and of these 29%, 63% indicated that their sanction was for 5 to 10 days, and that the sanction was issued by the Director of the prison. 70% of the inmates who were sent to solitary confinement stated that they were heard before the sanction was issued, but to no avail. They also mentioned that adequate safeguards are not respected or established, as no medical visits are made to assess them physically or mentally, and additionally, when the inmates are in solitary confinement, they are not permitted to receive visitors.¹⁶

Women prisoners reported that isolation of pregnant women, breastfeeding women, women detainees with young children and women with psychosocial disabilities is not used in practice.¹⁷

The inmates reported that solitary confinement was only applied when the offence committed was serious or very serious, and when the offence was not serious, the inmates carried out punishments such as cleaning activities and help in the kitchen.¹⁸ However, in the Morros Blancos prison in the city of Tarija, solitary confinement for two weeks is common place, just for the fact of entering the prison for the first time, that is to say, this isolation is applied as a way of "acclimatisation" to their imprisonment. This practice was used in all prisons to prevent Covid-19¹⁹, however, the national health emergency for Covid-19 was lifted in Bolivia in July 2023²⁰ so such measures should no longer be applied.

In the dialogues and interviews conducted with women prisoners in the various prisons visited, none of

¹³ The Departmental Director of the Penitentiary System is the authority responsible for the penitentiary administration in the jurisdiction of the Department, and they report hierarchically to the General Director of the Penitentiary Regime who is the authority in charge of the penitentiary system at the national level.

¹⁴ NPM Bolivia visit to the San Roque prison in the municipality of Sucre (Chuquisaca Department) on 24 November 2024.

¹⁵ Visit of the NPM Bolivia to the Trinidad Mujeres penitentiary centre in the municipality of Trinidad (Beni Department) on 12 December 2024.

¹⁶ Testimonies from 15% of the total population of women in prison collected by NPM Bolivia between November and December 2023 in visits to 11 prisons housing women in both urban and rural areas.

¹⁷ Testimonies from 15% of the total population of women in prison collected by NPM Bolivia between November and December 2023 in visits to 11 prisons housing women in both urban and rural areas.

¹⁸ Testimonies from 15% of the total population of women in prison collected by NPM Bolivia between November and December 2023 in visits to 11 prisons housing women in both urban and rural areas.

¹⁹ Visit from the Bolivian NPM to the Morros Blancos prison (Tarija Department) on 9 November 2023.

²⁰ Ministerial Resolution No. 0461 of 26 July 2023.

them mentioned that they had been placed in solitary confinement for their safety or with their consent. This data reinforces the fact that prisons with a female population do not have high levels of violence among inmates.

On-site observations carried out by the Bolivian NPM observed that the isolation cells have different characteristics in each of the country's regions, but that all of them are in poor condition. For example, in the city of Cochabamba, in the San Sebastian prison, the solitary confinement cell is a room of about 1 metre by 1.5 metres, where there is only space for a mattress on the floor, and it was observed that it was occupied by 3 women. There is no artificial light, no natural light and even less ventilation.²¹ On the other hand, the isolation cell in the Morros Blancos prison is much larger, 4 by 5 metres, has adequate lighting and natural ventilation, as well as a toilet. However, there are no cots, only blankets on the floor, and as this room is used by the new inmates, at the time of the NPM visit, there were 6 women in this cell.²²

Recording of the use of solitary confinement is not uniform and, in many cases, the information is incomplete.

IV. Women in Special Situations of Vulnerability

55.39% of the women in prison are also pregnant women (5 women), mothers living with their children under 6 years of age in prisons (145 mothers), women with physical, intellectual and psychosocial disabilities (62 women), elderly women (60 women), LGBTQ+ (47 women), indigenous women (556 women) and Afro-Bolivian women (15 women), foreign women (86 women), women with HIV (46 women) and sexually transmitted diseases (10 women), drug-dependent women (42 women), whose needs are not met by the State in accordance with the differentiated approach established in international standards, which implies impairments that have a disproportionate impact on their lives while in prison. It has also become evident that data collection in prison registers is carried out without considering the differentiated approach, so that the categorisation of groups in situations of vulnerability is inaccurate and the registers are incomplete. This means that the problems and needs of these groups are invisible, and that there are no complete official statistics.

LGBTIQ+ women

47 women in prison have identified themselves as lesbians from the LGTBIQ+ community, who freely express their sexual preference; however, they perceive that they are discriminated against by their colleagues and by the police. According to information from the women interviewed, they indicated that some of their peers do not openly express their sexual identity due to reprisals.

Pregnant, postpartum and breastfeeding women

In all the prisons in our country with a female population, there are 5 pregnant women. Although the number of pregnant women is minimal, they do not receive the attention and accompaniment of a gynaecologist or obstetrician in the facility, who can monitor both the mother and the unborn child for complications that could put the health of both of them at risk. Similarly, her condition as a pregnant mother is not taken into account in order to obtain the benefit of house arrest or alternative precautionary measures to pre-trial detention. None of the penitentiary centres have separate and adequate rooms for women to give birth. Once they have been medically discharged, which is usually the day after the birth, they must return to the precarious conditions of their cells with their newborn baby, compounded by the fact that most of the cells have no toilets and are locked at night. In addition,

²¹ NPM Bolivia visit to the San Sebastian prison (Cochabamba Department) on 13 November 2023.

²² NPM Bolivia visit to Morros Blancos prison (Tarija Department) on 9 November 2023.

conflicts arise with their cellmates due to the changes that a newborn child implies, for example, crying at night.

Women in prison with their children

A total of 145 children under the age of 6 accompany their mothers in prisons across the country. The prison authorities are failing to meet the basic needs of these children. The situation of these children in relation to their food is worrying, that is to say, in none of the penitentiary facilities do they receive a specific diet according to their age. In all cases, they are fed with the same food as their mothers, with the aggravating factor that the mothers do not receive any increase in the budget allocated to them by the State for food (1 USD per day).

Similarly, the health situation of children (under 6 years of age) is worrying, i.e. there is no specialised care from a paediatrician who can attend to the health needs of these children, as it is the general practitioner who attends to the entire prison population (men, women, boys and girls).

Likewise, due to the characteristics of imprisonment, these children find themselves in an environment that is harmful to their development, as they experience different situations typical of prisons, where there are acts of (verbal) violence between inmates, as well as interaction with inmates who use drugs and alcohol.

Finally, in terms of their development, there are no staff who can stimulate their motor and cognitive abilities, so the children's development is affected. As a result of this isolation, the children lose permanent contact with their extended family, and in some cases the mother and child are abandoned by their family, which has repercussions and affects their emotional health and causes them to fall behind emotionally and educationally.

Older women

There are 60 women over 65 years of age who are interned in Bolivian prisons. They do not receive specialised medical care from a geriatrician. However, they receive a food supplement, as well as an income for the elderly provided by the State, and the great majority of them mentioned that they receive visits from their relatives.

Indigenous and ethnic minority women

In the detention facilities, there are inmates of Aymara, Quechua, Guaraní, Chiman and Afro-Bolivian origin. Most of them did not experience any communication difficulties during their court proceedings. In addition, the prisons are located in the department of the community to which they belong, so they are able to receive visits from their families. However, the inmates feel discriminated against by their fellow inmates because of their ethnic origin. The data provided by the prison administration²³ was found to be inaccurate. For example, in the Cochabamba Department, where there is only one prison for women (San Sebastián Mujeres), there are 305 Quechua women and 138 women from the Aymara nation. However, there are no more than 300 inmates in San Sebastián.

Foreign women

In 2023, there were a total of 86 foreign women²⁴ in Bolivian prisons: Colombia (18), Peru (17), Brazil (17), Paraguay (9), Argentina (7), Venezuela (5), Chile (3), Ecuador (3), Mexico (1), Spain (1), Portugal (1), Germany (1), China (1), Pakistan (1). 59% of them are detained for drug-related offences. Interviews

²³ Ministry of Government, office CITE: MG/DGRPN°3414/STRIA-1517/2023, signed by Juan Carlos Limpías Esprella, Director General of the Penitentiary Regime, attaching the report D.G.R.P./ASR and RS CITE N°183/2023, prepared by Dra. Mariana García Vargas and received by the Ombuds Institution on 15 November 2023.

²⁴ Ibid.

conducted by the NPM identified that some of the foreign women had no contact with their embassies or consulates.

V. Alternatives to Detention

Alternatives to pre-trial detention (bail, house arrest, probation, etc.)

Article 232 of the Code of Criminal Procedure²⁵ stipulates that the precautionary measure of pre-trial detention is not appropriate for pregnant women, nursing mothers of children under one (1) year of age, who have under their guardianship, custody or care a child under six (6) years of age or a person with some degree of disability. The inappropriateness of pre-trial detention has limitations with respect to several offences²⁶, among them, the prosecution of crimes of "drug trafficking and controlled substances" and "of patrimonial content that are exercised with physical violence on persons", which makes the gender focus with which it was conceived less applicable, since 41.26% of the crimes committed by women are related to the supply, trafficking and transport of controlled substances. This is followed by the crime of aggravated robbery with 10.37%, crimes that predominate in cases involving women for years²⁷, even more so if we add to this problem the fact that the offence of trafficking is classified as a crime regardless of the quantity and type of controlled substance found in possession or the fact of proving that the person is a consumer. In cases of property-related crimes, the criminal offence of aggravated robbery is used, which incriminates the woman without taking into account her degree of participation in the crime (women generally act as companions, watchers of the crime committed by their partners or friends).

Article 231 bis of the Code of Criminal Procedure establishes 9 alternative measures to pre-trial detention, which are not applied and are not based on a gender perspective for women.

Non-custodial sentences (suspended sentences, deferred sentences, community service, etc.).

Article 76 of Law No. 348²⁸ provides for alternative sanctions, which will be ordered as long as the perpetrator is not a repeat offender, and the sentence does not exceed three years, or at the request of the person sentenced to imprisonment for more than three years who has served at least half of it (in the same way, they should not be a repeat offender). Alternative sanctions to imprisonment may be applied,

²⁵ Article 232 (inadmissibility of pre-trial detention), "pre-trial detention is not appropriate:... 3. when dealing with persons with a terminal illness, duly certified; 4. when dealing with persons over sixty-five (65) years of age; 7. when dealing with pregnant women; 8. when dealing with nursing mothers of children under one (1) year of age; and, 9. when the person charged is the sole guardian, custodian or carer of a child under six (6) years of age or a person with a degree of disability that prevents them from fending for themselves.

²⁶ 1. Against humanity, terrorism, genocide, treason and war crimes. 2. Against the life, bodily integrity or sexual freedom of children, adolescents, women and the elderly. 3. Of patrimonial content that are exercised with physical violence against persons. 4. Of a patrimonial content affecting the State, corruption or linked to it. 5. Drug trafficking and controlled substances.

²⁷ Ombudsman 's Office, Bolivia: Volcar la mirada a las cárceles, Situación de vulnerabilidad de las personas privadas de libertad en las cárceles de ciudades capitales de Bolivia 2018. [Turning the spotlight on prisons: the situation in prisons in Bolivia's capital cities] P. 492: "From the preceding table, the crime under Law 1008 or drug trafficking is the most common crime committed by women, followed by aggravated robbery...";

Ombudsman's Office, Bolivia: Situación de los derechos de las mujeres privadas de libertad, [Situation of the rights of women deprived of their Liberty] 2012, p. 45.

²⁸ Law No. 348 of 9 March 2013, Comprehensive Law to Guarantee Women a Life Free of Violence".

consisting of: fines²⁹, weekend detention³⁰, community work³¹. In the event that they are granted, the authority must also dictate security measures³² in favour of the victims and their family environment, and the judge is empowered to order a behavioural plan for the sentenced person. These alternative sanctions are not applied in practice, given that, as they involve crimes of violence against women, which are subject to strong social and media pressure, judges are inclined to hand down sentences of more than three years, and it would then be up to another judge in charge of controlling the execution of the sentence to decide on the application of non-custodial sentences.

On the other hand, Article 431 (Deferred execution) of the Code of Criminal Procedure³³ gives the possibility to defer the execution of the sentence in the case of a pregnant woman or a woman who has a child under one year of age; however, women do not agree to the deferred execution of the sentence, mainly due to lack of knowledge and inadequate legal advice, also due to excessive requirements to demonstrate the concurrence of legal domicile, as well as the requirements of surveillance and guarantors.

Regarding the serving of the sentence, Article 197 of Law 2289³⁴ establishes that inmates who are six months or more pregnant may serve the sentence imposed in house arrest for up to ninety days after giving birth, a benefit which is subject to the procedure foreseen for prolonged releases foreseen in Article 167³⁵ of the same legal body. This measure, as well as the deferred execution of sentences, has

²⁹ Law 348, Article 77 (FINE). The imposition of a fine as an alternative or additional sanction does not replace reparation to the woman for the damage caused as a result of violence; it may not be greater than three hundred and sixty-five days nor include for the calculation more than fifty per cent (50%) of the salary of the person sanctioned and when the salary is undetermined, it shall be calculated on fifty per cent (50%) of the national minimum wage. The day of deprivation is equivalent to one day's fine and may be revoked in the event of non-compliance. The fines will be destined to the Integral Attention Services under the responsibility of the Autonomous Municipal Governments, who will constitute a fund and open a fiscal account exclusively for this purpose, and must allocate the resources preferentially to the Temporary Shelter and Refuge Houses and the cost of health services. The funds may not be used for any other purpose.

³⁰ Law 348 Article 78. (WEEKEND DETENTION). It is a limitation of liberty that applies from Friday at 19:00 hours until Monday at 6:00 hours. For the purpose of equivalence, the day of deprivation of liberty corresponds to a day of weekend detention. It may also be applied to public holidays, under the same conditions.

³¹ Law 348 Article 79. (COMMUNITY WORK). Community work consists of the provision of work in favour of the Municipal Autonomous Government, to be carried out on weekends, holidays and working days at times other than the usual ones. This sanction shall be applied for a minimum of one (1) year, which is equivalent to the work of fifty-two (52) weeks, with their respective holidays and working days, and a maximum of up to one hundred and four (104) weeks.

The Autonomous Municipal Government must supervise and report compliance with the sanction to the competent court and to the Plurinational Integral System for the Prevention, Attention, Sanction and Eradication of Gender Violence – SIPPASE.

³² Law 348 Article 80. (SECURITY MEASURES). The judicial authority in execution of the sentence, when alternative sanctions have been ordered, will apply the necessary security measures to protect the woman who is in a situation of violence, and her children or her family nucleus.

³³ Article 431 (Deferred execution). Prior to the execution of a custodial sentence, the judge or court that handed down the sentence shall defer the execution of the sentence and provide for appropriate precautionary measures to ensure its execution, in the following cases:

- (1) When it is to be served by a woman who is pregnant or who has a child under one (1) year of age at the time the sentence is executed;
- (2) When the sentenced person is seriously ill and the immediate execution of the sentence would endanger their life, according to the forensic medical opinion.

³⁴ Law on Penal Execution and Supervision of 20 December 2001. Art. 197 (Pregnant inmates). Inmates who are six months or more pregnant may serve their sentence under house arrest for up to ninety days after giving birth.

³⁵ ARTICLE 167. (Extended discharges). Convicted prisoners classified in the probation period may apply to the judge for an extended release, for a maximum period of fifteen days, complying with the following requirements: 1) Not have been convicted of a crime that does not allow pardon; 2) Have served at least two fifths of the sentence imposed; 3) Not have been punished for serious or very serious offences in the last year; and, 4) Offer two guarantors of presentation.

requirements that are difficult for women prisoners to meet: It is not applicable to all crimes, it requires the serving of two fifths of the sentence, the presentation of guarantors and necessarily the accreditation of domicile, among other requirements.

VI. Other Relevant NPM Information on Women in Prison

- + Ombuds Institution, Situación de los derechos de las mujeres privadas de libertad, Informe Defensorial, 2012. [Situation of the rights of women deprived of their Liberty]
- + Ombuds Institution, Volcar la mirada a las cárceles: situación en las cárceles de ciudades capitales de Bolivia, 2018. [Turning the spotlight on prisons: the situation in prisons in Bolivia's capital cities]
- + Ombuds Institution (MNP-Bolivia), Mujeres en cárceles de Bolivia: Informe temático del Mecanismo Nacional de Prevención de la Tortura sobre la situación de las mujeres privadas de libertad, 2024. [Women in Bolivian prisons: Thematic report of the National Mechanism for the Prevention of Torture on the situation of women deprived of their freedom]

This report is part of the Global report on Women in Prison.

Access the full report here: www.apt.ch/global-report/