

**TECHNICAL INFORMATION SHEET**  
**CASE 12.350 M.Z.**  
**REPORT ON FRIENDLY SETTLEMENT N° 103/14**  
**FULL COMPLIANCE**  
**(BOLIVIA)**

**I. SUMMARY OF THE CASE**

**Victim (s):** M.Z.

**Petitioner (s):** *Oficina Jurídica para la Mujer*, The Latin American And Caribbean Committee for the Defense of Women's Rights (CLADEM) and the Center for Justice and International Law (CEJIL)

**State:** Bolivia

**Admissibility Report No.:** [73/01](#) published on October 10, 2001

**Report on Friendly Settlement Agreement No.:** [103/14](#) published on November 7, 2014

**Related Rapporteurship:** Rights of Women

**Topics:** Humane Treatment/ Judicial Guarantees/right to protection of honor and dignity/right to equal treatment/right to judicial protection/violence against women/gender-based violence

**Facts:** On November 22, 2000, the IACHR received a petition according to which the petitioners alleged that on October 2, 1994, MZ had been the victim of a rape at her residence in the city of Cochabamba, committed by her landlord's son. The crime was reported to Bolivian criminal justice so that it would be investigated and the person responsible would be properly punished, but as of the date of submission of the petition to the IACHR, this had not occurred. In this regard, the petitioners indicated that on November 19, 1996, a first instance decision handed down by the Third Criminal Court declared the attacker responsible for the crime of rape and sentenced him to serve a prison term of five years. Contesting the punishment imposed on her attacker, which she considered unduly lenient considering the harm caused, MZ and her representatives appealed that decision. On October 13, 1997, the Second Criminal Chamber of the Superior Court of the Cochabamba District issued a second instance decision acquitting the alleged perpetrator and leaving unpunished the rape of which MZ had been the victim. On April 25, 2000, the National Supreme Court declared the cassation appeal filed by MZ and her representatives to be unfounded. The petitioners asserted that the victim's status as a woman meant that her basic rights were violated, as she was subjected to a discriminatory judicial process based on prejudicial stereotypes that failed to take into account respect for due process and judicial protection.

**Rights Declared Admissible:** The Commission concluded its competence to hear the present case and that the petition was admissible in accordance with Articles 5 (right to humane treatment); 8 (right to a fair trial); 11 (right to privacy); 24 (right to equal protection); 25 (right to judicial protection) enshrined in the American Convention on Human Rights, as well as under Articles 3, 4, 6 and 7 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, to the detriment of M.Z.

**II. PROCEDURAL ACTIVITY**

1. On March 11, 2008, during the IACHR's 131st period of ordinary sessions, the parties signed a friendly settlement agreement.

2. On November 7, 2014, the Commission approved the friendly settlement agreement in Report No.103/14.

### III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
<b>TWO.- PUBLIC ACKNOWLEDGEMENT OF RESPONSIBILITY:</b>	
<p>The BOLIVIAN STATE recognizes its international responsibility with respect to the MZ Case No. 12.350, noting that the referenced case illustrates the situation faced by many women victims of sexual violence who have been discriminated against by the justice system in violation of the rights protected by the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women – the Convention of Belém do Pará - and the American Convention on Human Rights, the “Pact of San José, Costa Rica,” particularly with respect to the right of all women to a life free of violence and the State’s obligation to act with due diligence to prevent, investigate, and punish violence against women.</p> <p>This recognition of international responsibility shall be made known through a public ceremony to be held within 120 days following the signing of the agreement, to be conducted by the Minister of Foreign Relations and attended by the Minister of Justice, Vice Minister of Justice and Human Rights, the Vice Minister on Gender, judicial authorities, and national authorities, as well as relatives of the victim, the petitioners in the case, and others.</p>	<b>Total<sup>1</sup></b>
<p>To disseminate this friendly settlement agreement, the State agrees to:</p> <ul style="list-style-type: none"> <li>• Publish once in the Bolivian Information Agency (or some other equivalent official outlet) the full text of the Friendly Settlement Agreement approved by the Inter-American Commission on Human Rights.</li> </ul>	<b>Total<sup>2</sup></b>
<ul style="list-style-type: none"> <li>• Publish this Agreement once in two press outlets with national circulation (<i>Los Tiempos</i> and <i>La Razón</i>).</li> </ul>	<b>Total<sup>3</sup></b>
<ul style="list-style-type: none"> <li>• Submit the Friendly Settlement Agreement to the Judicial Branch and the General Prosecutor’s Office of Bolivia, reminding judges and prosecutors of the commitments assumed by the Republic of Bolivia for protecting and respecting human rights, particularly those derived from the Convention of Belém do Pará.</li> </ul>	<b>Total<sup>4</sup></b>
<ul style="list-style-type: none"> <li>• Publish the full text of the Friendly Settlement Agreement approved by the Inter-American Commission on Human Rights on the websites of the Ministry of Foreign Relations and the Judiciary Institute of Bolivia, making it visible on the sites’ home page and leaving it there for a period of six months.</li> </ul>	<b>Total<sup>5</sup></b>
<b>THREE.- RENUNCIATION OF RESTITUTION AND COMPENSATORY INDEMNITY MEASURES:</b>	
<p>It is clearly established that in order to make it easier to reach a friendly settlement in this case and to contribute – thereby – to overcoming discriminatory practices against women in the administration of justice in cases of sexual violence, Mrs. MZ indicates her renunciation of her right to monetary</p>	<b>Declarative Clause</b>

<sup>1</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>2</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>3</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>4</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>5</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<p>compensation. In the same spirit, the petitioner organizations renounce their right to claim reimbursement from the State of their costs and expenses. In addition, Mrs. MZ and the co-petitioners renounce any other action (administrative, judicial, or international) to which they might have a right with respect to the facts that led to this case.</p>	
<p><b>FOUR.- COMMITMENTS MADE BY THE PARTIES:</b></p>	
<p><b>Commitments made by the State:</b></p>	
<p>1. THE STATE agrees to implement within a period of one year through the Judiciary Institute of Bolivia a positive action to ensure that at least 15% of the total amount of time in its educational programs is dedicated to activities focusing on the promotion and protection of human rights with a gender approach, for which purpose it must ensure the participation of personnel who specialize in this subject.</p>	<p><b>Total<sup>6</sup></b></p>
<p>2. Explicitly include within a period of six months in the regulations governing the procedures for evaluating sitting judges the variable “<i>degree of knowledge of human rights, particularly issues associated with gender discrimination.</i>”</p>	<p><b>Total<sup>7</sup></b></p>
<p>3. Within no more than two years, through an administrative act, implement dissemination on the official website of the Judiciary and the Office of the Attorney General the resumes of candidates selected to occupy vacancies, in order to ensure maximum publicity. That publication must remain for a reasonable amount of time so as to allow individuals, professional associations, and associations involved in sectors linked to the work of the judiciary, human rights, and other similar organizations to submit in writing and on a well-founded and documented basis to the authorized administrative authorities of the Judiciary and the Office of the Attorney General, any observations, objections, views and other circumstances they deem relevant with respect to the candidates selected.</p>	<p><b>Total<sup>8</sup></b></p>
<p>4. The Ministry of Foreign Relations will organize a conference during 2008 on the rights of women and the Convention of Belém Do Para for judicial officials of the Supreme Court and District Superior Courts, the General Prosecutor’s Office, District Prosecutors’ Offices, the National Police, as well as lawyers in private practice and public defenders, ensuring the participation of the organizations acting as petitioners in the case and the Ministry of Justice and the Vice Ministry on Gender.</p>	<p><b>Total<sup>9</sup></b></p>
<p>5. The STATE, through the Ministry of Foreign Relations, and the Ministry of Justice – Vice Ministry on Gender and Generational Affairs, agrees to make financial provision for editing manuals and other publications on the treatment of the victims of sexual violence, which will be given to the Judicial Branch, the General Prosecutor’s Office, the National Police, and other institutions, as a campaign to raise awareness regarding the rights of women and the effect of international treaties</p>	<p><b>Total<sup>10</sup></b></p>
<p>6. The STATE, through the Office of the Attorney General, in accordance with Art. 26 of Law 2033 on protecting victims of crimes against sexual freedom, will create within a period of two years a Specialized Unit to support the victims of</p>	<p><b>Total<sup>11</sup></b></p>

<sup>6</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>7</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>8</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>9</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>10</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>11</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

sexual violence as well as to conduct investigations and take public criminal action with respect to these crimes.	
7. The STATE, through the Office of the Attorney General – Forensic Investigations Institute – will create within a period of two years a Special Unit to develop the scientific-technical studies needed for the investigation of crimes against sexual freedom.	<b>Total<sup>12</sup></b>
8. The STATE, through the Office of the Attorney General – Forensic Investigations Institute – agrees to make the necessary adjustments within no more than two years to ensure that the physical locations where victims of sexual violence submit their statements provide the necessary infrastructure conditions to guarantee their privacy.	<b>Total<sup>13</sup></b>
<b>FIVE – COMMITMENTS MADE BY THE PETITIONER:</b>	
The petitioner undertakes the following commitments: 1. Once this friendly settlement agreement is signed, to communicate to the IACHR the agreement that has been reached in accordance with the friendly settlement procedure governed by Art. 41 of the IACHR’s Rules of Procedure.	<b>Total<sup>14</sup></b>
2. Once both parties have fully complied with the commitments, to ask the IACHR to issue in accordance with Art. 49 of the American Convention on Human Rights a Friendly Settlement Report to conclude the processing of Petition No. 12.350.	<b>Total<sup>15</sup></b>

**IV. LEVEL OF COMPLIANCE OF THE CASE**

3. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in Report No.103/14.

**V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE**

**A. Individual outcomes of the case:**

- The State of Bolivia acknowledged its international responsibility in connection with the present case.
- The State published the friendly settlement agreement in a Bolivian Information Agency. It was also published in two nationally circulated press outlets.

**B. Structural outcomes of the case:**

- Programs for the promotion and protection of human rights, focusing on gender, through the School for Judges were implemented.
- The development of the design of the curriculum for the Course on Human Rights in the administration of justice was complied with, both for ongoing training and updating and the process for training judges, and specifically with regard to the MZ case it incorporates the gender approach in the instruction and training course of the School for State Judges.
- The Regulations for the Judicial Career through Agreement No. 079/2014 issued by the Council of the Judiciary on April 8, 2014 were approved.

<sup>12</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>13</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>14</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

<sup>15</sup> See IACHR, Report No.103/14, Case 12.350, Friendly Settlement, M.Z., Bolivia, November 7, 2014.

- The State referred to a new cycle of workshops called “Obligations and International Responsibility of the State in the Area of Human Rights” that are being conducted by the General Procurator’s Office and the OHCHR and be directed to police officers, male and female judges, prosecutors, and public defenders.
- The State set up the International Public Conference on “Access to Justice for Women in Domestic and International Jurisdictions”, with the participation of 275 people.
- The State undertook the production and publication of materials related to the rights of victims and witnesses in cases of psychological, physical, and sexual violence, through the publication of the documents by the Office of the Attorney General.
- The State enacted Law No. 348, the “Comprehensive Law to Guarantee Women a Life Free of Violence,” to establish mechanisms, measures, and comprehensive policies on prevention, care, protection, and support for women who have been the victims of violence.
- The State created a National Coordinating Office on Sexual Crimes, Human Smuggling and Trafficking, and Support for Victims and Witnesses, as well as Units to Support Victims and Witnesses and Specialized Units for the Prosecution of Human Smuggling and Trafficking, Sexual Crimes, and Gender-Based Violence.
- The State created the Forensic Investigations Institute, which has its principal headquarters in the city of La Paz, as well as the implementation of regional laboratories throughout the country.