

# SurDH

## Alternative net on Human Rights

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### EVALUATION ON THE FULFILLMENT OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN IN THE BOLIVARIAN REPUBLIC OF VENEZUELA

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#### Sur DH:

The "South" is not only a geographic reference (the place where most of the planet's population lives). It is also an ethical and political reference that implies a choice for those who have been excluded or subordinated under the colonial and patriarchal context, a context where the capital has total domain over life itself: women, popular sectors, indigenous peoples, afro communities, peasants, sexually diverse people, and nature itself. **SurDH** is an articulation space which purpose is to think and act from and with that "South", following and promoting struggles for a worthy life and for a radically democratic economic, politic, social and cultural context that would make this kind of life possible.

#### Context:

As part of a broader process to confront the causes and roots for inequalities still present in the Venezuelan society, the Venezuelan government has continuously promoted through the past years, public policies, legislative actions, judicial decisions and several positive discrimination actions to overcome gender discrimination and inequality forms still present in the Venezuelan society, for they affect women's life and their possibilities for a full and ideal development in equal conditions to those of men.

We can mention the following significant progresses:

- Women's incorporation to public life because of the growing inclusion to politic participation spaces.

- Specialized institutions created for the attention and justice administration on violence against women (District attorneys offices, courts, ombudsman's offices)
- Several specialized institutions for the reduction of women discrimination and poverty feminization have been created by the Executive Power such as: Women's National Institute, Women's Development Bank, Popular Power Ministry for Women and Gender Equality, "Madres del Barrio Josefa Joaquina Sánchez" Mission, Police's Equity and Gender Council. More recently: shelter homes, Women's Attention and Integral Training Centers.
- Massive inclusion of Venezuelan women, specially those in extreme poverty situation, in national social programs (missions) for their integral inclusion in several life scopes making them able to enjoy their rights: education, health, work, social security, political participation, social-productive inclusion, etc. This process has had a significant impact in overcoming extreme poverty levels for many Venezuelan women, as it can be observed through socio-economic indicators published by several UN agencies.
- Promulgation of specific laws that have an impact on concrete benefits for women, and the incorporation of concrete elements on women's rights in several general law's articles. That would be the case of the following laws: Organic Law on Women's rights to a Violence-free life, Organic Law on Family Protection, Maternity and Paternity, Organic Law on Breast Feeding Protection, Organic Labor and Workers Law, Organic Law on Children's and Youth's Protection.

Nevertheless, there are still several aspects where the State of Venezuela should put special emphasis in order to assure the positive impact and sustainability of these measures. Among others, there should be a reinforcement of control towards the execution of public policies – both in the public and private scopes –and new actions should be promoted on yet not discussed themes in order to guarantee that gender equity and equality is concretized and deepen in Venezuelan women's lives. We suggest the following specific actions:

### ***About Women Political Participation***

- Although it is culturally recognized that women's presence in political participation spaces is majority and thus their inclusion in the public life, their presence in decision making scopes it is still significantly inferior, both in popular election positions (majors, council women, governors, deputies), and political directive roles in the public scope (ministries, seconded institution's presidents, directors, etc.), and in the private sector (directive positions in companies, cultural private institutions, sport institutions, among others). For this reason, it is of extreme

importance to include in the legal frame the parity with alternation principle, both for popular elected positions and directive positions, and in all instances that imply the exercise of power. This issue is currently out of the politic agenda. It is not present in the Political Parties's Law neither it is in the Electoral Processes Law. Nevertheless it has been mentioned as a pending must among the Politic Parties, especially those of the left wing. It has even been mentioned by the President Nicolás Maduro Moros.

- Likewise, it is necessary to favor equality and equity training processes for women who actually have a chance to be in popular elected positions and directive positions (public and private) in order for them to promote that their roles favor women's rights conquest. It has been seen that most women in public political positions have no gender perspective and usually do not include women's demands into their agendas.
- The Organic Laws on popular power, which establish new organizational forms (communal councils, comunnes) for the concrete expression of public participation, co-responsibility and co-government, include the figure of "Gender Equity and Equality Committees". These committees are defined in the law in order to include gender contents and programmatic actions in the agenda of these new democratic organizational spaces that currently exist in almost the whole country. Nevertheless, there are no massive public policies that will promote the materialization on this legal conquest. This means that these committees don't even exist or function in most communal councils or communes. It is necessary, in this sense, to promote public policies that will favor the creation of these committees, and also develop contents and training processes that will also promote a community agenda with a real sense towards the inequity and inequality overcome. The following issues should be prioritized: violence against women, sexual and reproductive rights, political rights, among others. It is important to highlight that there are some experiences of equity and equality committees that have been created because of their members own interest. They have given very interesting results that could actually be systematized and used for the public policy's definition on this subject.

### ***About violence against women***

- Although it is true that there has been a significant progress on the creation of specific institutions for justice administration in the matter of violence against women (District attorneys offices, courts, ombudsman's offices), it is also true that the results have been quite deficient. According to the General District attorney

annual report, in 2013 out of 102.676 cases only 10.416 came up for trial (almost 10%). This will mean that there is no work to prove such crimes and therefore most of them are looked down for lack of proves. In this sense, the State of Venezuela must promote actions to guarantee an ideal justice administration in violence against women cases. The current operation only generates mistrust towards the appropriate State's actions and its institutions. In addition it condemns women to a helplessness and vulnerability situation, being that the negligence or ineffectiveness of the system even favors the problem sharpening in some cases, arriving at femicides that could have been prevented if the system had arrived and acted on time and properly.

- It is important to highlight that the crime of "femicide" was included into the "Organic law for women's rights to a violence-free life" in 2014.
- The State of Venezuela has not promoted massive campaigns to impact the cultural symbolic universe of the Venezuelan population against chauvinist forms of violence against women. In this sense, we consider that the State should put a bigger emphasis in massive divulgation of contents in the matters of violence against women through several formats: audiovisual, web, printed, etc. These messages should easily explain the legal frame and they should try to promote the required cultural change to overcome these problematic issues.
- The State of Venezuela must guarantee the fulfillment of the Organic law for women's rights to a violence-free life, likewise the Organic Law for Social Responsibility on Radios, TV, and Electronic media, especially when it comes to establish control mechanisms and requirements to the private sector in reference to media violence and symbolic violence. This implies the sexist use of women in several TV and radio spaces, printed media, advertising, etc. that impose distorted value patterns about women and men beauty, esthetic consume, sexuality and power relations. The Venezuelan Plastic Surgery Society calculates that 30% of Venezuelan women have used biopolymers. The State should establish and apply sanctions to guarantee that these practices will stop. The main responsible actor for this situation is the private sector: media (printed, audiovisuals, web, among others), advertising companies and the multiple products they put in the market such as: fences, printed products, fix and moving screens, etc.) and especially the advertising professionals who chose the contents on the market. Likewise, besides establishing sanctions, the State must promote actions to prevent and stop this situation.
- Establish sanction and control mechanisms to the esthetic and medical private sector in reference to surgeries and invasive change of women's body. These practices have reached important levels of affectation on women's health, even

with fatal victims, due to the value penetration of a hegemonic beauty model constructed by the media and linked to the commercial exploitation of everything it implies. It is important to highlight the positive State's experiences in controlling and forbidding PIP implants and the use of biopolymers. They gave positive results that should be deepened.

- Deepen actions that imply controls on the health public and private sector in order to eliminate violent obstetrical practices that have not yet been seen by the medical and health unions as a crime included in the Venezuelan legal frame.
- Venezuela does not have specialized gender violence based statistics. This would help when it comes to put the issue in the public discussions, in the definition of public policies that would help to overcome the major bottlenecks. In that sense, it is a need for the State to produce specialized gender violence based statistics.

***About sexual and reproductive rights:***

- The State of Venezuela has an excellent legal frame referring to sexual and reproductive rights. Nevertheless it is quite far from its concrete application and thus from guaranteeing women's human right to fully enjoy her sexuality and her reproductive health in all her life phases. In that sense, we consider that the following suggestions should be massively promoted:
  - Access to free public services regarding sexual and reproductive health for women all over the country. They must operate properly for all women's life phases (equipment, personnel, etc.).
  - Free and proper access to medicines and contraceptive methods, including emergency contraceptives. There are currently serious difficulties to obtain oral or intrauterine contraceptives. This is a matter of urgent attention by the State.
  - Free access to public services regarding prophylaxis treatments post-exposition to VIH.
  - Access to sexual education for a responsible, free and pleasant exercise of her sexuality, in all the phases of her life.
  - Promote concrete actions to eliminate obstetric violence both in the public and private sectors, and to guarantee a sustained process for humanized birth and its impact in women's life.
- The Bolivarian Republic of Venezuela is positioned in between the first countries in reference to teen-age pregnancies. This important problem has a negative impact on the development possibilities for female teen-agers – who are culturally made responsible – and their families. This whole situation has a negative impact on poverty issues. Existing public policies to confront this problem are currently

scattered and have a very low impact. On the other hand, they lack of focus and methodology. This is a reality with an important negative and impact on the Venezuelan young population, especially the female population, and deserves special attention from the State. It should design and implement massive policies looking forward to positive results regarding the prevention of teen-age pregnancies, such as deep analysis on socio-cultural issues that have an impact on teen-agers lives, the control of the hypersexualization in the media, the sustained development of a direct and transversal sexual education through the whole girl's, boys and youth's educational process, free access to sexual health services for teen-agers, massive information campaigns to demystify masculine prejudices towards the use of condoms, among others.

***About the women's right to freely and voluntarily interrupt her pregnancy:***

This might be the most substantial debt from the State to Venezuelan women. Not only there have not been any progresses in this direction, also the levels of maternal mortality are still the same or even worse. Most of the cases are related to insecure and clandestine abortion practices. In this sense, we urge the State of Venezuela to make real, using the legislation, this human and constitutional right to decide how many children to have and when. Also through the decriminalization of it's interruption, before the 12<sup>th</sup> week, when pregnancy is not desired. It is a must to declare medicines such as "misoprostol" as indispensable to women's life, following the World Health Organization's (WHO) recommendation.

***About the right to an education free of gender prejudices and sexist stereotypes:***

The measures taken by the Bolivarian government to include women into the education system through several modalities have proven to be effective in feminizing the educational and therefor for women's inclusion. Even though these processes have been extremely important, it is required to strongly promote actions towards the inclusion of gender perspective into the contents of the Venezuelan educational system. We suggest the following actions:

- Guaranteeing the inclusion of direct and transversal gender contents into the national education curricula in all its levels, and both in the public and private schools. It is also a need to train teachers and specialists in gender contents, and to monitor its fulfillment.
- To train teachers in all levels in order for them to be able to include transversally the gender perspective, and equity and equality gender values, to teach in a free, responsible and pleasant sexuality context, and fight against the perverse work

division. There is only one Women's Study Center in the Venezuelan universities. Its post graduate courses, a post-graduate diploma and a master, are only dictated in the capital city. There is not even one single subject related to gender perspective in the teacher's educational programs in none of the Venezuelan universities.

***About women's labor protection, the care and nursing policies and the co-responsibility exercise***

- The recently adopted Organic Law of Work (LOTT) includes important progresses referring to gender equality, thanks to the struggle carried out by the national women's rights movement. It is important to highlight the following aspects: Pre and post natal has been extended from 16 to 28 weeks, the obligation to create nursery care centers in the work places, breastfeeding permission has been extended, breast milk feeders and breastfeed rooms have been created, permanent labor inamobility for both mothers and fathers with people with disabilities that depend on them, among others. Nevertheless, there is a lot of work to do to guarantee this law fulfillment, specially when it comes to the private and public sector because, even though a good legal frame now exists, most occupied women do not work in the formal sector:
  - 6 of every 10 occupied women work in the "informal" sector. Women between 25 and 44 years old represent more than 50% of unemployed women. This shows a negative incidence of the reproductive period when it comes to getting a job.
  - 4 of every 10 Venezuelan homes have a woman as chief, taking lonely care for her children, both emotionally and economically. In contrast, those homes with men as chiefs have a female partner economic and emotional support.
- On the other hand, the private sector has threatened to hire less women if the Law (LOTT) was approved. This is actually happening. It is a need to have a State that monitors and the fulfillment of these conquests, and that guarantees more women's stability and permanence in the formal working sector.
- Likewise, the State of Venezuela has made huge progresses including female and male workers into the social security system, especially referring to have granted pensions to an important number of Venezuelan people. Nevertheless, several debts to working women (paid and unpaid) still persist. The following examples show the situation: full incorporation of housewives, daily workers, female peasants, etc. into the social security system. The law (LOTT) refers these kinds of workers to special laws and these laws are still being elaborated. The Venezuelan

Institute for Social Security (IVSS has an enormous delay granting pensions to the population that should be already receiving the benefit. When it comes to women in special segments, the delay is even worse.

- On the other hand, it is a priority for the State of Venezuela to promote public policies in order to guarantee co-responsibility in between the family members, general society and the State referring to nursing and children care. This implies actions such as:
  - Creation of children-care centers at the working places and in the communities.
  - Creation of integral attention centers for elder people.
  - Creation of popular dining rooms and laundries.
  - Creation of a structural public system to attend persons with disabilities, chronic and congenital illnesses, according to the disability, the disability level and the illness, also according to age groups.
  - Develop massive campaigns to favor public reflection upon: new children raising models, co-responsibility in between family members, the community, the State and the socialist family as a space for gender equality, justice, among others.

***About prostitution:***

- The current penal code still includes discriminatory that must be reviewed and eliminated, either through its reform, or the adoption of a new penal code. In any case, it is urgent to approach the prostitution issue from a legal perspective.
- Venezuela has no public policy to attend women in a prostitution situation, nor to prevent or attend girls or female teen-agers in the same situation. The State action in this sense is an urge.