



Complementary Report¹
***4th Periodic Report of The Bolivarian
Republic of Venezuela***
114th Session

June 2015

¹ The original report is in Spanish. This is a non-official translation made by our social organizations.

Presentation

This Alternative Report reflects the views of three autonomous and independent social organizations² that work in different specialties and territorialities, but are united in the fighting for gender equality and equity in the Bolivarian Republic of Venezuela, advocating ethical values of feminism as a way to ensure real and effective equality among all people.

The information to be provided below is intended to provide additional information to the Committee on Human Rights on the implementation of the International Covenant on Civil and Political Rights (ICCPR), regarding the evaluation of the fourth periodic report of the Bolivarian Republic of Venezuela to be held during the 114th session on June 29 and 30, 2015.

Introduction

This alternative report is intended to address some elements of implementation of the ICCPR, on the basis of Articles 2 to 6 of the Constitution of the Bolivarian Republic of Venezuela (CBRV) which establish the principles governing our homeland, as they are: the preeminence of human rights, national self-determination, political pluralism, democratic exercise of the popular will, the co-responsibility, the model of participatory democracy and the inalienable popular sovereignty.

Also, this report is presented in light of the provisions of Article 62 of the CBRV which states:

"All citizens have the right to participate freely in public affairs, directly or through their elected representatives.

The participation of people in making, implementation and monitoring of public governance is the necessary way of achieving the protagonism to ensure their complete individual and collective development. It is the duty of the State and the duty of society to facilitate the generation of more favorable conditions for its practice".

² BASE LÉSBICA, national organization, based in the Bolivarian state of Miranda, which main objective is the socio-political and feminist education for the guarantee and realization of people of sexual diversity's human rights.

COLECTIVE CIMARRÓN, social organization of popular education, focused on the development of agro-ecological and socio-productive projects with feminist approach since 2005, based in the Commune "Corazón de mi patria por siempre", in the state Zulia.

FEMINIST COLECTIVE GÉNERO CON CLASE, representing a mixed group of feminist articulation linking the fighting for the emancipation of women in its various expressions and realities with the fighting of the working class to free itself from capitalist exploitation, assuming that weighs on women also patriarchal oppression and exploitation.

In this sense, we understand that as part of Venezuelan society, we share responsibility (co-responsibility) in guaranteeing, protection and defense of human rights and therefore we must be guarantors of compliance with international human rights instruments signed and ratified by the Republic.

To do this, we present below information on Articles 18, 19, 23, 24, 25 and 26 of the ICCPR.

Article 18

As one of the first-generation human rights we have the freedom of religion, conscience and worship. This right includes the freedom to change of religion or belief, as well as the freedom to manifest it individually and collectively, in public and in private. It is so described in the Universal Declaration of Human Rights (Art. 18), the ICCPR (Art. 18) and the Convention on the Rights of the Child (Art. 14 and 30). The CBRV, describe this right in its Art. 59, and establish that the State shall guarantee freedom of religion and worship, that everyone has the right to profess their religious faith or worship, and express their beliefs in private or in public by teaching and other practices. However, it is necessary the depathologization of the Venezuelan State with regard of the preeminence that it professed to the Catholic faith, from the speech until the action. Creating a culture and a laic State that guarantees the separation of state from religion is necessary. The state must serve the citizens and not the interests of a religion. Also it must transcend all its policies from heteronormative boundaries and promote the fighting against cultural hegemony of the traditional family, understanding that there is a plurality that has to be visible.

We consider the movement of sexual diversity, accompanied by the Venezuelan State and its institutions, must achieve a framework of legal protection for children and adolescents who are victims of rejection and abuse from their own families for having a sexual or gender orientation different than the one has be imposed by heteronormative patriarchal culture.

In this sense, we consider appropriate that the Committee recommend to the State to design strategies to overcome the heteronormative and patriarchal culture promoted by the dogmas imposed by some religions, especially in the case of Venezuela, the Catholic religion; and ensuring the laic nature of its institutions.

Article 19

Article 57 of the CBRV states that *"Everyone has the right to express freely his or her thoughts, ideas or opinions orally, in writing or by any other form of expression, and to use for such purpose any means of communication and diffusion, and no censorship shall be established"*, according to art. 19 of the ICCPR, Art. 13 of the American Convention on Human Rights and Art. 19 of the Universal Declaration of Human Rights.

This freedom includes the right to speak and write without censorship using any way appropriate to disseminate thinking and ideas, but not only. As recognized by the Inter-American Court of Human Rights, freedom of expression combines two dimensions: individual and collective, that includes the right of everyone to the acknowledgement of opinions, reports and news. Thus, freedom is to express and meet other expressions, because the real importance of this right is not in the possibility of having our opinions but have the possibility to manifest and transmit them. Venezuela holds in its legal system, as a superior value, the preeminence of human rights, the ethic and the political pluralism. It is also important to note that we have a Telecommunications Act that aims to establish the legal framework of general regulation of telecommunications, in order to guarantee the human right of people to communicate and be able to realize the economic activities necessities to reach it, without restrictions other than those derived from the Constitution and laws and also, we have the right to reply.

Also, we have the current Law on Social Responsibility in Radio and Television, which regulates communication companies in protection of human right to hold opinions and to freedom of expression, having access to accurate and timely information.

In this regard, we welcome the democratization that has been experienced in Venezuela with regard to freedom of expression, as they have diversified the means of expression, with radio, television and print media in our own communities that allows to the people that have been historically excluded from the spaces monopolized by large telecommunication networks to express their views, discuss them and disseminate them with other members of their own community, materializing a true participatory democracy, detached from the interest of the Capital of communication business. Thus, civil society, expressed in different types of popular organization, has appropriated of important spaces for the effective exercise of their inalienable right to freedom of opinion and expression.

However, in the light of the principle of indivisibility and interdependence of human rights, the right to freedom of expression cannot be interpreted in isolation from other human rights, because the limit it indicates by the necessary existence of other human rights. In Venezuela, in the name of freedom of expression, other human rights and freedoms are impeded because in most of private media, press, radio and television, the symbolic and psychological violence against women are systematically perpetrated. The media are instruments for the reproduction of sexist, misogynist and patriarchal stereotypes, where the dignity and status of women are permanently assaulted. Through advertising, entertainment programming, “telenovelas”, contests, among others, private companies and the media convey messages with demeaning and discriminatory content against women, reproducing gender inequality as a consequence and, under the capitalist mentality about the realization of the freedom of expression, they manage to sell their products.

In this regard, based on the Final Observation of CEDAW Committee³, which highlights the role of media in transmitting positive images of women to reach their

³ Final observations to the Bolivarian Republic of Venezuela for its 7th and 8th Periodic Report, CEDAW/C/VEN/CO/7-8, paragraph 16 and 17.

equality with men in public and private life, we propose that the Committee recommend to the Venezuelan State to make a public control and a thorough review of the contents of media, to avoid that it continues to be an instrument used for breeding in our society greater discrimination, reproducing sexist, misogynist and patriarchal values, hiding behind the protection of the right to freedom of expression.

The state through “users committees” of the National Telecommunications Commission of Venezuela (CONATEL) has to combat the spread of messages with discriminatory content on gender and sexual orientation, as well as to fulfill the constitutional mandate to use a non-sexist language and ensure compliance of free of violence and discrimination against women programs.

Article 23

Article 75 of the CBRV, establishes: *"The State shall protect families as a natural association in society, and as the fundamental space for the overall development of persons. Family relationships are based on equality of rights and duties, solidarity, common effort, mutual understanding and reciprocal respect among family members. The State guarantees protection to the mother, father or other person acting as head of a household. Children and adolescents have the right to live, be raised and develop in the bosom of their original family. When this is impossible or contrary to their best interests, they shall have the right to a substitute family, in accordance with law. Adoption has effects similar to those of parenthood, and is established in all cases for the benefit of the adoptee, in accordance with law. International adoption shall be subordinated to domestic adoption"*.

Articles 21, 23, 26, 45 and 78 of the CBRV set the protection of society. However, the reform of the Civil Code and Criminal Code is required, while there persists discriminatory rules and provisions, especially about women and their sexuality and ability to decide about themselves. Everyone, regardless of their sexual orientation or gender identity, has the right to personal security and protection by the State against violence or bodily harm, whether inflicted by officials or by any person or group.

In this sense, we suggest that the Committee recommend to the State, especially to the Parliament, initiate the reform process of the Civil Code and the Penal Code.

The National Electoral Council and other institutions related to the issue should focus on the compliance of national legislation for the change of name and gender of transsexual and transgender people for the identification document according to their identity and gender expression.

Exercising the right to develop and promote any petition or legislative initiative and assuming the role of "PEOPLE legislating" given in Article 51 and 204, paragraph 7 of the CBRV, in line with the provisions of the Articles 13, paragraph 2, 17, paragraph 3, 26, paragraph 3 and 127 of the Rules of Procedure and Debate of our National Assembly

(Parliament), presented the following conceptual and methodological considerations around our vision on same-sex civil unions:

It is referred as a historical determinant that patriarchy as a system of power and domination model is pre-existing, but neoliberal capitalism is based on patriarchy, there partnership and complementarity between them. These systems are mutually reinforcing. The patriarchal system, learned from generation to generation through the traditional mechanisms of socialization, differentiates men and women based on gender roles and ranks the masculine basing by this way the asymmetry in power and in the assessment of the sexes. One example of this is the "marriage", a social institution that has a bourgeois and religious characteristic, imposing the heteronormativity, and denying absolutely other dynamics of relationships between two persons of the same sex which is totally opposed to the construction of homo families, which shows an obvious discrimination of the diversity of social phenomena, actions that are not coherent with the construction of a revolutionary State.

Article 24

We welcome the adoption of the "Law for the Promotion and Protection of the Right to Humanized child bearing and birth" in November 2014, and the creation of the program "Desired, Safe and Happy Motherhood: Respected and Accompanied Childbirth", initiates this May 28 and, we expect it will remain over time and contribute to the reduction of maternal mortality.

However, we continue to be concerned and worried about the early pregnancy in Venezuela. According to UNFPA, about 3 of every 10 Venezuelans women have children before 19 years old. Considering maternal and infant risks that entails, we propose the Committee to urge Venezuelan State to reform the limited and late way that the sexual education it is taught in Venezuela (using a single chair, and must be over 14 years), based on a cross-sexual education at all levels, taught from an early age, respecting the sensitivity and maturity of children and adolescents. A clear and accurate sexual education, based on safety, responsibility, pleasure and consent, as was requested in the framework of the National Consultation for the Quality of Education. Although, there has been an effort to include content on sexual and reproductive rights in the Collection "Bicentenario" for primary and secondary education, biases persist in the system and are still reproduced by teachers.

In this sense, it is urgent to implement a training plan for teachers and a thorough analysis of the contents on sexual and reproductive education textbooks at all levels.

Moreover, understanding the need for progress in ensuring sexual and reproductive rights, especially of our children and adolescents, we urge the State, as we have already done, to open a debate about sexist content in the legislation prior CBRV, and especially to start a debate on the decriminalization of abortion. We recommend making a comprehensive diagnostic of the number of voluntary interruptions of

pregnancy and its impact on the health of women. This scenario is exacerbated by the open sabotage of the international pharmaceutical industry to the Venezuelan political process that limits access to oral contraceptives and condoms.

Article 25

In recent years there have been significant advances in the political participation of women in government areas as well as Communal Councils, social and political organizations and movements. But that political participation has not been reflected in the nominations made by political parties, or the occupation of positions on the decision-making of the legislative bodies at national, state or municipal level. That reflects a lack of commitment by political parties and their leadership with parity and alternation that has been carried out by the Venezuelan women in political, community and social work. This is in contrast with the national public power branches that have an equal participation of women in some of them, where women occupy in many cases, the charges as Presidents of these power's branches, fulfilling in a real and effective way with the constitutional provisions guaranteeing equality.

We observe in the Supreme Court, whose President is a woman, a female representation of 43% of Magistrates. Also, the Electoral Power has demonstrated a lesson in female participation since it is chaired by a woman, and in his presidency, consisting in 5 rectors, 4 are women.

Also in the framework of the elections held in the two (2) last periods, we reaffirm that it has been said in the 7th and 8th Periodic Report to the CEDAW in paragraph 101, about the fact that the National Electoral Council has effectively taken decisions aimed at establishing quotas for the nomination of women to elected positions. However, such actions have been insufficient, because of the administrative nature of them.

The lack of concrete progress in the political participation of women is reflected in their limited presence in the various branches of public power. Within the executive branch, only 9 women are leading a ministry of 28 ministries existing. In the National Assembly, in 2005-2010 the percentage of women was 15% and in the elections of 2010-2015 the percentage reached only 14% with 15 assemblymen women.

We also have that in the elections for state governors made in December 2012, three women were elected Governors of the 24 states, representing 12.5% of the total.

Meanwhile, in the last elections carried out in December 2013 to elect mayors, only 43 women were elected mayors (of 335 mayoralities) resulting in 13% of all elected officials.

In this regard, there are the following levels of obstacles: 1) Absence of legal regulations about women political parity and alternation as a democratic condition; 2) The characteristics of the electoral system that accepts lists in which only men are nominated in key positions, and; 3) The lack of commitment in the leadership of political parties for the inclusion of women within this leadership.

In general, there is a lot of resistance from political parties to implement the system including parity with political alternation, mostly because it would mean the loss of spaces occupied by men, added to a patriarchal and misogynist behavior with stereotyped discrimination against women.

It is important to emphasize that women's movements impulse the drafting and adoption of the Organic Law on Gender Equality and Equity, which would develop the principle of equality enshrined in the CBRV. This law would establish substantive equality between men and women in all spheres of social life, without discrimination of any kind. This is a principal objective for raising the female role in the various levels of power.

We note as a relevant fact for parliamentary elections to be held in the last quarter of 2015, that the United Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela – PSUV*), which has the largest membership in the country, has decided that women and young people have the opportunity to be postulated to take fifty percent of the seats in the next constitutional term of the parliament.

This political decision is supported by the revolutionary women's and feminist movements, but opposition political parties have not heeded this call to bring women to the same extent.

On the other hand, we reaffirm that Venezuelan society has a social, political and territorial organization with a special feature as it is based on the principle of participatory democracy, which is very important in political life of our country. In this sense, there are new forms of organization for decision-making and territorial management: the Communal Councils and Communes. In these new spaces, free of gender biases that penetrate the traditional structures of power, women have achieved a participation of spokespeople (space-making) of over 56%, giving a lesson to bureaucratic and traditional spaces of power structures of the Venezuelan State.

These revolutionary opportunities for participation are vital because they have resized the organizational capacity of civil society, because they are spaces of management and territorial government in which the people of the community are involved, especially people with scarce economic resources, democratizing spaces of power. In fact, the Communal Councils (of which we have already more than 44,000 nationwide) are new organizations for the protection and defense of human rights with action and decision capacity. And in relation to the human rights of women, they have become spaces that contribute to the consolidation of territories free of violence against women. In this sense, there have been created in the Communal Councils, Committees of Women and Family and in the Communes, the Committees of Women and Gender Equality.

However, we understand that political parity will be achieved in order women achieve a higher state of empowerment, organization, education and mobilization. In this regard, women in social organizations, political parties, communal councils, and even those that have never participated in social organizations and political parties, we have decided to found and organize a unified platform that allows us to act as a muscle in defense of our

rights and our self-determination. So, we created the National Union of Women (*Unión Nacional de Mujeres - UNAMUJER*), on March 8, International Day of Working Women, during the Venezuelan Congress of Women, and whose membership is more than 1 million three hundred thousand women nationwide. Achievement that has been reached by women's and feminist movements and has publicly celebrated by the Venezuelan State, as well as it has been given an important technical support from the National Electoral Council to reach this record.

We ask the Committee to consider recommending to the Venezuelan State to continue to promote these spaces for political participation of women; to the National Assembly to adopted the Law on Gender Equality and Equity, whose project was presented by social organizations and which is under discussion; and to establish effective mechanisms to ensure political equality of women in the spaces of the traditional structure of the State, as has been achieved in Communal Councils and Communes.

Article 26

The constitutional principle set out in Article 21 guarantees equality before the law between men and women without any discrimination. In this context, about the non-discrimination based on sexual orientation or identity and gender expression and in the case of same-sex civil unions, we continue to wait the final consolidation and for that the State must continue to educate in Bolivarian, revolutionary, solidary and social inclusive values. While there is legislation prohibiting discrimination based on sexual orientation and gender, there is no legal text on this concrete matter.

However, it is valid to note that the issue of gender equality and equity has made important progress. For example, we can highlight the Organic Law on the Right of Women to a Life Free of Violence, partly renovated last year and incorporating two types of violence vital for the human rights of women: femicide and induction to suicide, as extreme forms of gender violence.

The approval of this bill, among other legislation prohibiting discrimination, materializes the principle of equality before the law between men and women.

In this regard, we welcome the call of the President to a national debate about these issues, so we appeal to the State and all its institutions, and social organizations, to get engaged with this national debate urgently in order to promote the structural changes that we still need to ensure equality before the law, and the real and substantive equality.