



**Report on the Bolivarian Republic of Venezuela  
Twelfth session of the Periodic Universal Examination  
October, 2011 (Period 2007-2010)**

**Venezuelan Observatory of the Human Rights of Women.**

This report is presented by the Venezuelan Observatory of the Human Rights of Women (created in 2006) which comprises a network of 42 nation-wide non-governmental women organizations which is coordinated by the Center for Social Investigation, Education and Studies of Women (advisory status at the ECOSOC). Attached to this report is the 2nd Alternative Report to the CEDAW Committee for the year 2009 (attachment1) which has been distributed nationally and includes our responses to the areas of special concern that were submitted to the Bolivarian Government of Venezuela. The Venezuelan State is in arrears on this report since 2008.

The observatory was created with a clear mission: to watch for the fulfillment by the Venezuelan State of the obligations that, on the subject of protection of the human rights of the women, are contained in the Constitution of the Bolivarian Republic of Venezuela and in other laws. The observatory also follows up on the commitments to which Venezuela has obligated itself in this matter as a Party Nation Report of the CEDAW Convention and other Agreements and Declarations that protect the human rights of women.

**I. Current Context.**

1. We, the nongovernmental organizations that constitute the Venezuelan Observatory of the Human Rights of Women have found during the last four years of observation a worsening of the violation of a majority of the human rights of Venezuelan women, to a great extent as a consequence of the economic, political and social crisis generated by the authoritarian creation by the Political Powers, without consultation with the affected social areas, of decrees, laws and decisions intended to progressively eliminate civil and political rights, confiscate private property and limit individual freedoms to the maximum.
2. The Constitutional Reform proposal that the President presented for Referendum in 2007 included, among other matters, the elimination of private property, the end of representative democracy and civil rights and the constitutional establishment of a centralizing and controlling State. The Reform proposal was rejected in the Referendum. Nevertheless, aided by the qualified majority of deputies from the Party founded by the President, the National Assembly immediately granted him extraordinary powers to enact laws directly. Through these powers he has been imposing everything in the reform project which had been rejected by the people.

3. We are witnessing the swift deterioration and the near disappearance of the Rule of Law as well as an uncontrolled expansion of violence in society. Officially, in the year 2009, 21.132 murders were committed in the country (1); more than 81% were male, which translates into more than one million persons in mourning, mostly women. According to numbers from the Latin-American Institute of Social Investigations (ILDIS), in Venezuela there are annually registered 10.000 violent deaths of young people of the poorest strata. Between 2003 and 2008, there were 2.744 dead and 9.024 injured among persons in jails. 70% of the pupils in the schools have witnessed violent acts and 20% have seen classmates with firearms. Likewise, frequent murders have been registered in assaults inside health centers by delinquents (2). Police forces violate Human Rights and the very same Secretary of the Interior admits that more than 25% of crimes are committed by members of the nation's police forces.

## II. Human Rights of Women:

1. We will mention two concrete aspects that affect the life of Venezuelans and that demonstrate the contradiction between the principles of equality and social justice in the National Constitution of 1999 and the political decisions of the National Government:
  - 1.1. Article 88 of the Constitution recognizes “work at home as an economic activity that creates added value and produces wealth and social well-being” and concludes by pointing out that “the housewives have a right to social security”. Nevertheless, they were not included in the existing Law of Social Services which is in place since September, 2005.
  - 1.2. Article 21, paragraph 2 of the National Constitution guarantees the adoption of “positive measures in favor of persons or groups that could be discriminated, separated or made vulnerable”. Nevertheless, the National Electoral Council in the year 2000 did not apply article 144 of the Organic Law of Suffrage and Political Participation which guaranteed a quota of 30% for women to offices of popular election and provided for concrete sanctions if it was not followed. In 2005, the Council made public an administrative regulation that exhorts a 50-50 parity. The absence of sanction provisions in this administrative resolution transformed it into a declaration of good intentions without no practical result. In the last parliamentary elections of 2010, neither parity nor gender quota was included in the regulations that governed the process.
  - 1.3. The internal and debates regulations eliminated the Subcommittee for Women from the National Assembly Family Commission. The former had existed as Permanent Commission since 1.989.
2. The feminine population employed in the formal sector of the economy has diminished. In July, 2008, it was 60.3%, and in the same month of 2009, it had decreased to 58.4%. Between 2007 and 2009, employment in the informal sector increased and showed a growth of 249.150 persons, of which more than half, 132.162, were women. The growth that is observed in informal employment is clearly a response to the disappearance of a good part of the private enterprise sector of the country which had been generating up to now more than 80% of total employment in Venezuela.

3. According to the National Development Plan for 2007-2013 (the first socialistic plan), the private sector is to come down to 25% in the year 2013 and the state to grow to 75 %. This perspective will deepen, in terms of employment, the so called political Apartheid that is being applied based on the so-called “Tascón List” and “Maisanta List”, which are lists of persons with all their personal information that were drawn up in 2004 to penalize those who had signed the petition for a Referendum on the Revocation of the President of the Republic. Those who signed are excluded systematically for political reasons from any office or post to which they may aspire in a public institution, and even from some private sectors that work closely with the current Government or companies and organizations that are afraid to be excluded from the securing of governmental contracts if they do not follow the practice of not hiring them.
4. In January, 2006, the CEDAW Committee exhorted the Venezuelan State to speedily finalize the revision of the Penal Code; it still has not been done. The Penal Code continues to have discriminatory norms towards women which diminish their human condition, their sexuality and their capacity to decide for themselves. For example: A rapist is exempted from paying his sentence if he marries his victim; it establishes differing sanctions for the crime of adultery; it reduces the sanction for crimes listed in the laws if the victim is a prostitute which leads to impunity in these cases or to the accusation of prostitution against victims with an active sexual life who happen to be unmarried.
5. The tendency to exclusion that we had already denounced in our Alternative Report to the Follow-up Committee of the CEDAW Convention (2005) has deepened. The access to State resources through subsidies has been diminishing progressively, even in the cases in which services are provided in areas where the Government does not act or does so limitedly. Instead of opening channels that “guarantee regular routes of cooperation with the pertinent organizations in civil society”, the National Assembly, on June 14, 2006, in just the first discussion, approved the Law for International Cooperation, which was transformed in 2010 into the Law for the Defense of Political Sovereignty and National Self-determination. It was sanctioned without in December of 2010 as part of the package of laws authorized by the extraordinary powers that now allow the President to deepen the control and silencing of Venezuelan civil society. Today, civil society organizations such as us have only conditional access to national resources and access to international resources is penalized.

Likewise, every time there are more protests by the population, 3.114 in 2010, demanding progress in the quality of life (jobs, salary increases, collective bargaining, access to justice and civil safety, basic health services, education, housings, right to protest, etc.). More and more women of all ages are increasing their participation in these actions that include hunger strikes. These protests have been criminalized by the Venezuelan government and every day the number of persons penalized of both sexes increases, many of them subjected to prison (3).

6. Recommendations:
  - 6.1. Create the Commission for the Rights of Women in the National Assembly, so that a permanent instance may exist inside the legislature that will give priority to the agenda of equality and non discrimination that is contained in

the Constitution of the Republic and that may include in its work plan, among others, issues such as:

- 6.1.1. Approval of the law of Equality and Non Discrimination and its national implementation plan.
  - 6.1.2. Incorporation to the Law of the Suffrage and Political Participation and to the Law of Political Parties of the parity established by the National Electoral Council in 2005 as an administrative regulation that did not provide for sanctions.
  - 6.1.3. Reform of the Law of Social Services so that it may include housewives in the benefits of Social Security and thus implement the principle contained in article 88 of the Constitution.
  - 6.1.4. Reform of the Penal Code in order to eliminate the discriminatory dispositions that continue to keep women in juridical disadvantage.
  - 6.1.5. To follow-up and evaluate the Law on the Right of Women to a Life Free of Violence in order to determine its impact.
- 6.2. The increase in informal employment of women in Venezuela requires a national plan for decent employment that guarantees:
- 6.2.1. Stability
  - 6.2.2. Social security
  - 6.2.3. Collective Bargaining
  - 6.2.4. Equal wages for equal work (ILO convention 100)

### III Legal international and national framework

1. The international instruments signed and ratified by Venezuela are: in 1983, the Convention for the elimination of all forms of discrimination against women and its Optional Protocol in 2002; in 1991, the Convention against torture and other cruel, inhuman and degrading treatments or sentences (CAT); in 1990, the Convention on the Rights of the Child (CRC); in the year 2003, the Optional Protocol of the Convention on the Rights of the Child relative to the participation of children in armed conflicts and finally, the Statute of Rome for the International Criminal Court.
2. Venezuela is not a part of the Optional Protocol of the International Agreement for Economic, Social and Cultural Rights (OP-ICESCR) of 2008 and is in arrears since the year 2007 with 7<sup>th</sup> Periodic Report of the CEDAW.
3. The Constitution of the Bolivarian Republic of Venezuela of 1999 in its article 23, establishes that the treaties, agreements and conventions relative to human rights signed and ratified by Venezuela have constitutional hierarchy and prevail in the internal order inasmuch as they may contain dispositions on their use. It provides also for a legal framework on the subject of violence against women,

promulgated in the year 2007, and called Organic Law on the Right of Women to a Life Free of Violence (LODMVLV). Thanks to its organic character it has supremacy over other laws.

4. The LODMVLV in its Governing Principles establishes: guarantee of rights, public policies for prevention, strengthening of the penal and procedural framework, coordination of budgetary and institutional resources, promotion of participation and collaboration between entities, specialized associations and organizations, guarantee of gender transversality of measures, promotion of the sensitization of the professional groups involved, guarantee of resources, strengthening of safety measures and injunctions. All this under the Procedural Principles of gratuity, speed, immediacy, confidentiality, orality, concentration, making public and protection of the victims for the application of the Law.
  - 4.1. The LODMVLV typifies 19 types of violence against women, creates Courts with specific charter in the matter, creates a special 24 hour flagrancy condition, promotes the creation of multidisciplinary teams to support the access to justice, forces any public entity to deal preventively with the problem and omits the conciliatory act.
  - 4.2. Violations of rights and nonperformance of the LODMVLV exist which hinder Venezuelan women from access to justice, thus remaining vulnerable in their physical and emotional integrity and at risk of continuing to be victims of violence in any of its forms. A sample of this is the scarce application of the protection and safety measures from the moment in which the accusation is placed; this being due to the absence of training of officials of the organs receiving the charges due to the existence of cultural prejudices towards the women who place the accusations or to the absence of the necessary resources to apply those measures.
  - 4.3. The LODMVLV is not provided with a regulation that unifies the procedures for the attention and handling of the cases; this generates chaos in the procedures that every organ recipient of denunciations carries out (this is why some practices are still continued although they have been repealed in the legislation, such as those calling for a conciliation meeting, the submittal of psychological reports of the victims in order to formalize the charge or the non application of the corresponding measures of protection and safety).
5. Impunity exists in 96 % of the cases presented before the National Prosecution Bureau; of 58.421 processed in 2008, only 2.165 were accused before the competent courts. There is a large delay in the procedural times, both in the investigation and in the corresponding administrative steps, which leads to the dismissal of charges in a large percentage of cases.
6. An increase in femicide is detected in Venezuela, which constitutes the maximum expression of violence against women; in the year 2009, according to information of the NGO COFAVIC, femicides went from 1,5 to 2,5 percentage points.

7. As for public policies and institutions , in 2008, the Office of the Minister of State for Women Affairs was created and in 2009 it was converted into the Popular Power Ministry for Women and the Gender Equality. This ministry includes the National Women Institute (INAMUJER), the Bank for Development of Women and the Mothers of the Barrio Mission.
8. Although the LODMVLV establishes that all public and private entities must develop public policies for prevention and attention to violence against women, this directive is not being applied.
9. In accordance with the LODMVLV, the governing entity for public policies on the matter of violence against women is INAMUJER, charged with the development of specific programs with shared responsibility between the State and civil society. The programs must be for prevention; sensitization, education and training; support and orientation to women and their families when they become victims of violence; shelter; communication; orientation and attention to the aggressor: Nevertheless, since 2008, there is no National Plan of Prevention of and Attention to Violence against Women nor are there reports on the results of the previous National Plan initially ending in 2005 but extended to 2008.
10. There is no precise information on the prevalence and incidence of violence against women in our country because the National Institute of Statistics, jointly in charge with INAMUJER of the compilation and systematization of information in the matter, has only developed a “Register for accusations of violence against women” format. Two pilot tests were run in the years 2007 and 2009, but the definitive version has not been implemented nationally. Bearing in mind the importance and the urgency of this information, not to have the awaited products damages the possibility for the influencing of plans and public programs for attention, prevention or health, were they available or their creation be allowed.
11. A policy does not exist for the strengthening and protection of the specialized NGOs that offer services of attention to victims of violence against women; there is even elimination or suspension of the subsidies on the part of governmental instances to these institutions.
12.        Recommendations:
  - 12.1. Create the regulation or protocol for the LODMVLV to unify procedures of attention and handling of the cases.
  - 12.2. Develop a National Plan of Prevention and Attention of Violence against Women with active participation of the independent NGOs.
  - 12.3. Provide the necessary resources to ensure follow up of the application of the Law.
  - 12.4. Create the conditions that will favor women in due protection, safety and access to the justice.

- 12.5. Appeal to the National Assembly to fulfill its role of monitor over compliance to the LODMVLV.
- 12.6. Request support to the UN agencies for the monitoring the Venezuelan State and for the demanding that the State act with urgency by presenting clear, concrete and specific plans, so that there be no more repetitions of the same observations about the non compliance to the recommendations made in this matter.
- 12.7. Implement, with urgency, a register of cases and the publication of nation-wide information of violence against women, to be done with the participation of independent NGOs which specialize in the analysis of gender statistics.
- 12.8. Give support and guarantee financial resources on the part of the Venezuelan State to the NGOs that provide services in the area of violence against women.

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1- National Institute of Statistics. National poll of Victimization and Perception of Civil Security 2009. Caracas, May, 2010.

2-Threats to Democracy, the Constitutional state and Human Rights in Venezuela. Investigation ILDIS-Convite, June, 2009

3-Provea and Espacio Público. Public declarations. January - December, 2010. Caracas, March

**Network of Non Governmental Organizations  
that comprise the  
Venezuelan Observatory for the Human Rights of Women**

1. Alianza Laboral para Mujeres (ALMU), Caracas
2. Asociación Civil Desarrollo, Igualdad y Paz, Caracas
3. Asociación de Defensa de la Mujer Reclusa
4. Asociación de Mujeres por el Bienestar y Asistencia Recíproca (AMBAR)
5. Asociación Hogares sin Violencia, Estado Anzoátegui
6. Asociación para la Familia y Apoyo a la Comunidad (AFACO), Estado Lara
7. Asociación Venezolana para una Educación Sexual Alternativa (AVESA)
8. Asociación de Planificación Familiar Estado Lara (ALAPLAF)
9. Casa de la Mujer Juana Ramírez "La Avanzadora", Maracay, Estado Aragua
10. Centro de Animación Juvenil de Valera, Estado Trujillo
11. Centro de Atención Integral de la Mujer de Carúpano (CENAIM Carúpano), Estado Sucre
12. Centro de Consejería y Orientación Familiar (CECORFA), Trujillo
13. Centro de Educación y Capacitación para la Vida (CECAVID), Estado Lara
14. Centro de Estudios de la Mujer de la Universidad Pedagógica Experimental Libertador (CEM-UPEL)
15. Centro de Investigación Social, Formación y Estudios de la Mujer (CISFEM)
16. Centro de Investigación Social, Formación y Estudios de la Mujer Trujillo (CISFEM-Trujillo)
17. Colegio de Profesores del Estado Trujillo
18. Comité de Víctimas Contra la Impunidad del Estado Lara (CVCIL)
19. Federación Venezolana de Abogadas (FEVA)
20. Frente Nacional de Mujeres de Venezuela
21. Fundación de Apoyo al Centro de Estudios de la Mujer de la Universidad Central de Venezuela (FUNDACEM)
22. Fundación para el Desarrollo de las Mujeres Latinoamericanas (FUNDEMUL-Sección Venezuela)
23. Fundación para la Prevención de la Violencia Doméstica hacia la Mujer (FUNDAMUJER)
24. Fundación Promoción de la Mujer Estado Falcón (FUNDAPROMUF)
25. Género, Democracia y Derechos Humanos (GENDHU), Caracas
26. Hermanas Oblatas del Santísimo Redentor
27. Madres por la Vida, Organización Nacional
28. Maestría de Desarrollo Integral de la Mujer, Universidad Centro Occidental "Lisandro Alvarado" (UCLA)
29. Mujeres Dirigentes Unidas, Caracas
30. Organización Civil Cauce, Caracas
31. Organización Mujer Analítica
32. Programa de Apoyo a la Mujer (PAM), Fe y Alegría, Estado Lara y Llanos Occidentales
33. Proyectos de Desarrollo Social (PRODESOL), Caracas
34. Fundación Casa de la Mujer Argelia Laya, Acarigua, Portuguesa
35. Semanario Tinta Libre, Estados Lara y Yaracuy
36. Unión Vecinal para la Participación Ciudadana, Caracas
37. Universidad Valle del Momboy
38. Renacer de la Mujer, Maracaibo, Zulia



39. Aliadas en Cadena, Caracas
40. COMOR, El Hatillo, Caracas
41. Asociación Civil Mujer y Ciudadanía, Caracas
42. Fundación Blanca Nieves Sierra, Barquisimeto, Lara
43. Fundación para el Desarrollo Integral del Estado Aragua (FUNDADIA) Estado Aragua

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