

ENDING DOMESTIC VIOLENCE IN VENEZUELA

“ As long as we think of domestic violence issues as matters between husbands and wives, we are never going to get out of the hole we are in. Family violence is not a husband-wife problem, it’s a serious problem, a problem that destroys homes, a problem that messes up the minds of children... It’s a problem of State awareness, a public health problem.”

Woman C interviewed by Amnesty International, Venezuela, July 2007

Violence against women is a worldwide phenomenon. The most common way in which women experience this violence is at the hands of their intimate partners, in their homes and families. According to UN surveys, on average at least one woman in three experiences intimate partner violence in their lifetime worldwide. Venezuela is no exception. Figures compiled by national women’s organizations suggest that on average a woman is abused by her partner or former partner every 15 minutes.

The introduction in 2007 of the Organic law on the right of women to a life free of violence has helped strengthen women’s access to their human rights in Venezuela. This law covers many different aspects and manifestations of violence against women. It defines violence against women as a human rights violation and reaffirms the responsibility of the

state and its officials to eradicate it. It sets out measures to prevent violence against women, to protect women at risk and to punish those responsible.

The 2007 law has the potential to bring about real improvements in women’s lives. However, realizing that potential depends on political will and adequate resources.

DOMESTIC VIOLENCE — A HUMAN RIGHTS ISSUE

Domestic violence has often devastating consequences for women. Some do not survive, others suffer life-threatening injuries. The longer term health consequences, physical and psychological, can also be debilitating. The repercussions on families of violence against women can reach down through generations and disfigure the political and cultural life of communities. Domestic violence

“The State has an unavoidable obligation to adopt all administrative, legislative, judicial and other measures that may be necessary and appropriate to ensure compliance with this Law, for the purposes of guaranteeing the human rights of women who are subjected to violence.”

Organic law on the right of women to a life free of violence, Article 5

Women’s names have been withheld in order to protect their privacy and ensure that their security is not compromised.



IN HER OWN WORDS

“...he used to sit me on a chair and ‘talk to me’ for three or four hours, without stopping to let me have a drink of water or go to the toilet. The older children knew this routine very well and they used to shut themselves in their room. ... For long, exhausting hours, he would tell me that this whole situation was my fault... If I dared to disagree, he would begin to abuse me and tell me that I didn’t know how to be a woman; how to keep a house; that I didn’t know how to live as a couple; that I didn’t respect him; that I was always going to be a failure.”

Amarillys Corvaia, *Amor color de rosa, amor color de sangre*, 2005, INAMUJER

IN HER OWN WORDS

“We need more awareness that these cases exist, so that when people see someone... experiencing this kind of violence they hold out a hand, accept the complaint... They shouldn’t see us as abused women, but as human beings. We have rights and human rights should be upheld.”

Woman D,
interviewed by Amnesty International,
Venezuela, July 2007

also has serious economic and social consequences. Some of these are more easily quantifiable, such as loss of working days, loss of income and the cost of health care. The cost of human pain and suffering is in many respects incalculable.

Studies from all parts of the world have shown that violence against women is grossly under-reported. However, studies also show that women do come forward to report when they are given a way of doing so that is accessible and secure and likely to be effective. Official statistics show that in the months following March 2007, when the law came into force, more than twice as many women came forward to report cases of violence in Venezuela.

Most of those responsible for violence against women are not held to account. As with all human rights violations, impunity is a powerful factor in perpetuating abuses. Overcoming violence in the family cannot be

achieved without overcoming the belief that it is a private matter. It is not. It is a violation of human rights. The government and its officials have a responsibility to prevent and punish violations of human rights, including violations of women’s right to a life free of violence. This obligation is clearly acknowledged in the 2007 law.

OVERCOMING OBSTACLES

Many of the measures that are most urgently needed to overcome the barriers that prevent women from living a life free from violence are set out in the 2007 law. Implementation would provide immediate protection and begin to put an end to the pain and suffering experienced here and now in homes throughout the country.

Venezuela has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, (Convention of Belém do Pará).

RAISING AWARENESS AND CHALLENGING PREJUDICE

The 2007 law provides an important framework for tackling one of the most entrenched misconceptions about domestic violence – that sexual abuse and rape in marriage or other intimate relationships is not a crime. It provides a comprehensive description of what constitutes rape, acknowledges that intimate-partner sexual violence is a crime and sets out penalties for those convicted which should serve as a serious deterrent. Rape within marriage is rape. Social attitudes which seek to excuse, condone or dismiss it need to be challenged and changed.

Domestic violence is one of the most insidious forms of violence against women. In public debates on the issue the needs of the woman are sometimes put in opposition to the needs of the family. If protecting women, so the argument goes, means breaking up the family, then it is too high a price to pay. In this way the needs of the children are often used to justify inaction. This all too familiar argument was repeated

IN HER OWN WORDS

“I have organized marches in front of the Prosecutor’s Office. I have made announcements to the media, I have called press conferences, I have attended meetings in the universities to tell them about my case. Because I am not ashamed to say I was raped because I was not to blame. And that is the first thing that a raped woman should know. That she is not to blame. Never, a raped woman should never feel guilty... I ask you that, when you report all this, you call for this to stop happening to women. I don’t want the same thing to happen to my daughters and so I will not keep quiet.”

Woman C,
interviewed by Amnesty International, Venezuela, July 2007

IN HER OWN WORDS

“What really gave me the courage to report him was what one of my sons said when he came to get me from the hospital where I was staying. He said to me, ‘Mum, if you don’t do something, I will...’ often we women who are victims of violence don’t realize that we are not the only ones who suffer violence, our loved ones and our family – in other words our children – also suffer violence. That’s why I say that my children should not have had to endure what they did.”

Woman A,
interviewed by Amnesty International, Venezuela, July 2007

IN HER OWN WORDS

“It also took me such a long time [to report the violence]... for cultural reasons, the way in which many people here in Venezuela are brought up. That marriage is for life, and that you don’t do your dirty washing in public.”

Woman A,
interviewed by Amnesty International, Venezuela, July 2007

“The State will create tax exemptions for companies, cooperatives and other bodies that promote the employment, integration and rehabilitation of women victims of gender violence into the labour and production market.

Women victims of gender violence will have priority in accessing the help and assistance established by the Public, National, State or Municipal Administration.”

Organic law on the right of women to a life free of violence, Article 4, Chapter 2

by several of those interviewed by Amnesty International, including state officials.

However, all the evidence suggests that even when children are not the immediate targets of family violence, its consequences for their future development are severe and far-reaching. Witnessing violence has a negative psychological impact on children. There is also compelling evidence that domestic violence very frequently escalates to target others in the family. Studies also show that some children exposed to violence in the home go on to become abusers themselves, perpetuating the vicious cycle down the generations.

Shame and social stigma remain powerful barriers to reporting violence in the home. Social attitudes, preconceived ideas about women's role in relationships and in the family and about the nature, extent and causes of violence in the home discourage many women from escaping violent situations. Violence which would be condemned if carried out by a stranger is somehow seen as more acceptable when the perpetrator is known to the woman.

Without exception, all those interviewed by Amnesty International – survivors of family violence, academics, government authorities, prosecutors, judges, police officers and women's organizations – stated that education and raising awareness were key to preventing domestic violence. This education needs to start from a young age for both boys and girls. It should encompass continuing re-education and training for professionals involved in addressing domestic violence, and programmes to raise awareness among the public at large. Many of the women told Amnesty International of how important advertisements for the national confidential emergency hotline 0800Mujeres, run by the National Institute of Women's Affairs (INAMUJER), had been in helping them to escape violent home situations.

INFORMATION GATHERING

Reliable statistical information is vital for devising effective programmes to tackle violence against women. The lack of data on violence against women has long been recognized as a problem by governments, intergovernmental organizations such as the UN, and NGOs. It is hoped that some of the initiatives which the authorities have stated they would adopt in 2007 will improve the collection of information and provide a more sound basis for finding effective solutions.

SHELTERS

Shelters provide a vital place of safety for women and their children when they first escape from a violent and abusive situation. Their importance is recognized in the 2007 law and the women who spoke to Amnesty International reaffirmed the key role played by shelters in providing emergency housing and allowing women to begin to rebuild their lives.

The 2007 law acknowledges the need for shelters in each of Venezuela's 23 states. However, the laudable aim of creating a shelter in every state is far from being fulfilled, with only two shelters run by the national government in operation in the entire country at the time of writing. The urgent need for more is undeniable.

BUILDING A FUTURE

In the longer term, shelters are only part of the solution. Economic security, health care, housing and employment remain urgent needs after the immediate respite offered by shelters, vital though that is. Several women described to Amnesty International how they were reluctant to leave the shelter because they had nowhere to go – other than back to the abusive situation they had fled. The 2007 law provides for assistance for women and their families leaving abusive situations, but again implementation has failed to live up to the law's promise.

IN HER OWN WORDS

"I arrived at the shelter, the first shelter, and I was very frightened, but I feel that in these places people are very warm towards you, boost your self-esteem, value you as a woman... everyone there has a really important role to play. They help us to overcome this, this trauma of where you've come from because when you arrive you don't even want to talk. When you arrive you are frightened and it's difficult to say why you are here, face the other women and say 'I'm here because of...' That really boosted my self-confidence and that's why I'm sitting here in front of you now."

Woman D,
interviewed by Amnesty International,
Venezuela, July 2007

IN HER OWN WORDS

"The day I left [the shelter], I wasn't altogether ready for it. I was afraid of having to begin to face life alone with my children... It took me a week to get used to being out and about. To get used to doing the shopping on my own again, deciding what I want and all that. But it's very good, very good to start on your own... This is the beginning of the rest of our lives."

Woman B,
interviewed by Amnesty International,
Venezuela, July 2007

APPROPRIATE POLICING

The problems faced by women in Venezuela reflect similar patterns observed by Amnesty International in researching a range of human rights violations in a variety of countries and contexts. Women may have to deal with questioning that is intrusive, judgmental and inappropriate in an environment which feels neither secure nor confidential; processes that are slow to work and do not provide the immediate protection needed; and officials who lack training in how to respond to the needs of survivors in an appropriate manner or who dismiss complaints as something trivial and outside their remit.

Enforcing protection measures is vital to prevent retaliatory or continuing violence against women who report domestic violence. It is also a key building block in giving women confidence that they can come forward and report violence while safeguarding their own and their children's safety. The 2007 law sets out a number of protection measures. However, implementation requires resources, both in terms of police priorities and training. Interviews with officers, survivors of gender-based violence and legal professionals indicated that much still remains to be done in terms of allocating resources to enable police officers to respond appropriately to victims of domestic violence.

PROSECUTORS AND THE COURTS

Some of the prosecutors who spoke to Amnesty International were clearly working very hard to implement the new legislation. They said that the new law had strengthened the protection that they could afford women. However, the protection promised by the law has been slow to find practical implementation. In 2005, the Attorney General's Office announced that 100 public prosecutors' offices specializing in gender-based violence would be created. Although this promise was apparently repeated in July 2007, at the time of writing these specialist public prosecutors' offices had not



been set up. Similarly, according to information received by Amnesty International, the Supreme Court of Justice undertook to create 24 specialist courts to deal with gender-based violence. However, at the time of writing, no specialist courts had been set up.

The 2007 law makes provision for training officials involved in receiving, investigating or judging cases of gender-based violence to ensure that they respond in an appropriate manner. Amnesty International is not aware that an action plan that ensures that prosecutors and judges know the law and implement it appropriately has been implemented. Yet, as the women who spoke to Amnesty International made clear, the way in which they are treated when they file a complaint is one of the factors that determine whether they feel able to pursue the case and seek justice.

IN HER OWN WORDS

“I made a statement. I spent three days giving a statement in the [Scientific, Penal and Criminal Investigations Unit] CICPC. And I can say that some of it was quite shocking. You have to repeat what happened to you a thousand times, five thousand times, I don’t even know how many times I had to say it... At that time I didn’t know whether I was the victim or the accused.”

Woman C,
interviewed by Amnesty International, Venezuela, July 2007

IN HER OWN WORDS

“[I]nformation should be more widely available, there ought to be talks and workshops in colleges and secondary schools. And people should be told about the 0800Mujeres number, that it really does exist, that shelters are not a figment of the imagination and nor is the law concerning violence against women, in other words, they should inform people... There should be more publicity about the law, more publicity about the 0800 number so they can get help, that it’s there, on the street corner and it works, it really does work.”

Woman B,
interviewed by Amnesty International, Venezuela, July 2007

IN HER OWN WORDS

“What would I ask the authorities? First of all, I think that they should be trained. All of them, not just the officials at the State Prosecution Service, but the bodies where you file complaints. Because a case is allocated to them and, by the time they deal with it, the victim has died, or is disabled or incapacitated... So they should train them, starting with the police where you file the reports, to the prosecutors of the State Prosecution Service, supervisory judges, and judges in the criminal courts. What I mean is that I think there should be a sort of common experience between them all in that they are trained and made aware of this new law. I have great faith in this new law...”

Woman A,
interviewed by Amnesty International, Venezuela, July 2007

CONCLUSION

Amnesty International found that much determination and hard work by individuals and professionals have resulted in significant advances in the access which Venezuelan women victims of domestic violence have to their fundamental rights. The 2007 law addresses many of those crucial elements for ending violence against women which are highlighted in international standards and summarized in Amnesty International's 14-point Programme for the Prevention of Domestic Violence (Index: ACT 77/01/2006). Full implementation of the law would undoubtedly set a benchmark for ending this pervasive human rights abuse.

However, there are still large obstacles to ensuring that women can fully exercise their right to live free of violence. Again and again, the women who spoke to Amnesty International expressed the same demand: "the law is there, let's use it". Amnesty International calls on the Venezuelan authorities to provide the resources needed to fully implement the 2007 law without delay.

For more information, including Amnesty International's recommendations to the Venezuelan government on eradicating domestic violence, see "*The law is there, let's use it*" – *Ending domestic violence in Venezuela* (Index: AMR 53/001/2008) on which this summary is based.

RECOMMENDATIONS

Amnesty International calls on the authorities to:

- Condemn domestic violence
- Raise public awareness of domestic violence
- Use the education system to challenge prejudice
- Ensure that domestic violence constitutes a crime
- Investigate and prosecute complaints of domestic violence
- Remove obstacles to prosecutions for domestic violence
- Provide compulsory training on domestic violence for officials
- Provide adequate funding
- Provide places of safety for women fleeing violence
- Provide support services for women
- Collect and publish data on domestic violence
- Let women know what they are entitled to

Amnesty International
International Secretariat, Peter Benenson House
1 Easton Street, London WC1X 0DW
United Kingdom
www.amnesty.org

Index: AMR 53/002/2008
July 2008

STOP VIOLENCE
AGAINST WOMEN

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