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Supplementary Report for the Universal Periodic Review of the Bolivarian Republic of Venezuela to the United Nations Human Rights Council

HUMAN RIGHTS OF WOMEN

Venezuela – 2021

1. Fundación Género con Clase is a feminist organization that fights for women's human rights. It was founded in August 2008, and was structured as a Foundation in December 2012. Its objective is to contribute to the defense and full exercise of women's human rights in all their diversity, with emphasis on the empowerment and physical, economic and political autonomy of women. Our work is carried out with emphasis on an ethical, inclusive, comprehensive, participatory, humanitarian, impartial and independent approach, guaranteeing the principle of equality and non-discrimination, and contributing to building a culture of peace. Areas of work: accompaniment and legal advice to victims of gender-based violence; monitoring and dissemination of content on women's rights; training and research; advocacy and strengthening of institutional capacities in the area of women's human rights throughout the life cycle.
2. The main issues to be addressed respond to areas of particular concern in the 2016-2021 evaluation period: poverty, health and violence against women in a context marked by the imposition of Unilateral Coercive Measures. The methodology of the report includes: follow-up on UPR recommendations, review of official sources, documentation of cases, desk research, and surveys conducted by the Foundation through national public consultation processes.

NATIONAL CONTEXT

3. In Venezuela, women's human rights have made important advances since the 1999 Constitution. However, the full exercise of these rights has been especially impacted in the period 2016-2021 by an economic context in crisis, exacerbated by a set of Unilateral Coercive Measures imposed on the Republic, which according to the CEDAW 2021¹ Report have resulted in "*national income has decreased by 99%*", in addition to the cut of external financing lines as a result of the economic and financial blockade and the increase in "*import costs due to the effects of logistics and trade restrictions*"², producing a notable deterioration in the conditions and quality of life of the Venezuelan civilian population, limiting the exercise of fundamental human rights, also evidencing "*the differentiated negative effects on women and girls*"³, exacerbating the vulnerabilities and multiple pre-existing discriminations.

4. In this sense, the economic blockade generates discrimination and a particular form of violence against Venezuelan women and girls with massive effects on the population, by violating and restricting the enjoyment and exercise of the rights enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Among the greatest effects are the following:
 - a) An increase in the feminization of poverty, taking into account the effect of the precariousness of the population's material living conditions, imposing deprivation of access to food, medicines and other basic necessities and services⁴. Although social policies for the redistribution of wealth had achieved higher levels of social inclusion, these have been drastically impacted in this period, diminishing

¹ CEDAW/C/VEN/9. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=29

² Venezuela el Cifras 2020. Available at: <http://www.mppp.gob.ve/wp-content/uploads/2021/01/Venezuela-en-cifras-2021-26-enero-1.pdf>

³ CEDAW/C/VEN/9.

⁴ Report "Impacto de las Medidas Coercitivas Unilaterales en el goce y ejercicio de los derechos humanos de las mujeres", 2021 (unpublished). Fundación Género con Clase. (Survey of 909 women participants from 23 states of the country).

institutional capacities and opening new inequality gaps. In the case of women, there is an increase in time poverty due to the increase in care and reproductive work at home and outside the home, which generates discrimination because it restricts women's equal participation in political, economic and social life.

- b) The restriction of access to comprehensive health care and, particularly, the impairment of the enjoyment and exercise of sexual and reproductive rights and, therefore, of women's physical autonomy. In the case of women and girls with chronic diseases, the limitations to access to supplies and medicines have represented a barrier that violates their right to life.
 - c) The increase in structural and gender-based violence, which generates great feelings of frustration in the population with a continued psychological effect affecting the civilian population, which is exacerbated by directly threatening the right to peace in all areas, leading to higher rates of structural violence and gender-based violence. In addition to these elements, economic conditions have induced high levels of human mobility, increasing the risk of women and children to suffer crimes such as human trafficking and smuggling of migrants.
5. The patriarchal culture continues to have a fundamental weight in society due to the persistence of sexist roles and stereotypes, and consequently, it is one of the main challenges to overcome.

WOMEN AND POVERTY

6. In Venezuela, the wealth redistribution process contributed to the development of social initiatives that managed to significantly close inequality gaps, especially through the Missions and Great Missions. However, the effects of the Unilateral Coercive Measures that have impacted the country's economy have disrupted social indicators, particularly affecting the most vulnerable women.

7. The Ninth Country Report on CEDAW⁵ states that the Great Mission Homes of the Homeland "*by 2020 registers 5.466.758 beneficiary families nationwide. Of the total number of registered heads of households, women represent 78% (4.272.194) of the beneficiaries*". However, this mechanism of monetary transfer, which in the past allowed overcoming the material conditions of poverty, currently, due to the economic context, contributes scarcely to alleviate some needs.
8. Other areas for measuring multidimensional poverty, such as access to housing, show a sustained effort, with 80.46% of the housing units of the Gran Misión Vivienda Venezuela being awarded to women heads of household, equivalent to 3.178.000 housing units (CEDAW, 2021⁶).
9. Regarding access to credit and public and private mechanisms to promote the economic empowerment of women, the figures of the amount of credits granted between 2016 and 2020 stand out, evidencing the weakening of the financial support that had been granted as a result of the economic difficulties that have limited such policies: A) In Private Banking in 2016, 19.785.134 credits, of which 8.894.010 were to women, which represented 44.95%; while in 2020 it reached 1.688.505 out of 3.488.935 which represents 48.39%; Public Banking in 2016 out of a total of 6.863.254, granted 3.744,679 to women, equivalent to 54.56%, passing in 2020 to grant 4.672.465 of which 1.790.473 were granted to women, representing 38.31%. B) Regarding financing granted to women in Small and Medium Industry in the period: A) in the case of Private Banking, it went from 53.598 out of a total of 122.127 in 2016, equivalent to 43.88% for women, to 212 out of a total of 755 in 2020, representing 28.07%; B) while Public Banking went from 12.915 credits out of a total of 22.429 in 2016, representing 57.58%, to 4.845 out of a total of 7.504, equivalent to 58.43% by 2020, (CEDAW, 2021⁷). From the figures analyzed, it is evident that by 2016 the trend was towards an equitable distribution in the amount of credits granted to women, while by 2020 it decreased

⁶ CEDAW/C/VEN/9.

⁷ CEDAW/C/VEN/9.

substantially, reaching in some cases the delivery of credits to less than 30%, evidencing a significant decrease in public and private investment with a differentiated impact on women that accentuates gender gaps, and consequently generates greater limitations to achieve economic autonomy.

10. Regarding time poverty and the forms of expression of the care crisis, according to the Ninth CEDAW⁸ Report, between 2015 and 2020, 12% of the work entities complied with the requirement to *"maintain in each work entity an Early Education Center that has a Breastfeeding Room or the payment of tuition and monthly fees in an early education center for the education of the children of workers from three months to six years of age"*, established in the Organic Labor Law, Workers, distributed as follows: *"17% have their own Early Education Centers, 10% contracted with Early Education Centers to care for the children of their workers and 73% granted this benefit through the payment of the corresponding invoices to the Early Education Centers where the children are receiving care"*, which shows that the care tasks continue to have a "private" character, falling mainly on women.
11. In this order, it is a priority challenge of the Venezuelan State to reduce the care crisis that has been exacerbated since the COVID-19 pandemic, generating greater imbalances and a disproportionate gap in the work of reproduction of life, accentuating sexist stereotypes. The creation of a comprehensive National Care System with a gender focus, which does not romanticize the exploitation of women, and which contributes to their emancipation through the recognition of the economic value of these domestic tasks, as well as the implementation of public policies that guarantee the economic autonomy of women, cannot be postponed.

WOMEN AND HEALTH

12. Although social protection policies have been sustained to mitigate the effects and impact of the current context on the civilian population, in the area of health the violations are particularly serious. In the case of women with cancer, the limitations

⁸ CEDAW/C/VEN/9.

imposed by the Unilateral Coercive Measures prevented the purchase of reagents and supplies for cytology reducing *"70% of the cytology testing goal during the period 2018-2019, thus increasing the risk of cervical cancer detection and decreasing the life expectancy that had been achieved with this pathology. In 2020, 1.550 deaths from cervical cancer were recorded and only 5% of the cytological goal of 100.000 tests in the first half of the year could be achieved"* (CEDAW, 2021⁹). These alarming data show that the Unilateral Coercive Measures dramatically affect the capacities of the State, having massive and generalized impacts on the civilian population. Only in the policy of high-cost medicines promoted by the Ministry of Health, *"it fell to 370.928 in 2016, 243.250 in 2017 and 72.413 in 2018, presenting a slight rebound in 2019, to then fall to a minimum in the second decade XXI century with 64.078 medicines delivered"*¹⁰.

13. The CEDAW¹¹ Report (2021) refers that *"in the RBV 78.5% of HIV cases correspond to the population aged 20 to 49 years, and of this, women represent 32.3%"*. In this area, the Unilateral Coercive Measures have differentially impacted this vulnerable population, since *"the capacity to perform HIV diagnostics has been significantly affected since 2016 due to the unilateral coercive measures adopted against the country, which have hindered the systematic and sufficient purchase of the reagents necessary for the tests"*, and to graph the impact, *"during 2019, no national laboratory of the public health system, including the National Institute of Hygiene, was able to perform viral load tests"*.
14. This context of deterioration of the quality of life also affects psychological health, since the climate of uncertainty has serious effects on Venezuelan families, especially for women.
15. In the case of Sexual and Reproductive Rights, the lack of availability in the pharmaceutical market and in health centers for the free distribution of oral contraceptives, condoms, intrauterine devices or other family planning methods essential for the development of a full sexuality, violate the rights of people of reproductive age.

⁹ CEDAW/C/VEN/9.

¹¹ CEDAW/C/VEN/9.

This context increases the risk of unplanned pregnancies, and thus of deaths from clandestine and unsafe abortions¹².

16. Regarding comprehensive care for pregnant women, the National Plan for Humanized Childbirth was implemented in 2017 and the Law for the Promotion and Protection of Humanized Childbirth and Birth was enacted, contributing to the reduction of maternal mortality, which went from 781 maternal deaths in 2016 to 319 by 2020, highlighting from 2018, the adoption of the *"Concerted Strategy for the Reduction of Maternal and Neonatal Mortality"* (CEDAW, 2021)¹³. The maintenance of an articulated policy in this area is essential to eradicate preventable deaths and rates of obstetric violence, guaranteeing the humanization of labor and birth, and thus the lives of women and their reproductive rights.

VARIOUS FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS

17. The Organic Law on the Right of Women to a Life Free of Violence (LOSDMVLV) typifies 21 forms of violence, contemplating an important institutional framework that has managed to reach 100% of its territory with the Special Jurisdiction on crimes of violence against women, through the constitution of 22 specialized Judicial Circuits in 19 states with 106 specialized Courts (75%), and the delegation of exceptional competence in crimes of violence against women to the Municipal Criminal Courts (25%); while in the case of the Directorate for the Defense of Women of the Public Prosecutor's Office it reaches, 72 Prosecutor's Offices throughout the territory, with specialized prosecutor's offices in: femicides, crimes against sexual freedom and trafficking of women; and by February 2021 the Ministry of Interior, Justice and Peace issued the *"Norms of action of police and criminal investigation officers for early and timely attention to victims of gender violence, the reception of the corresponding*

¹² CEDAW/C/VEN/9.

¹³ CEDAW/C/VEN/9.

*complaints and police action in the investigation processes*¹⁴ with the objective of guaranteeing the correct application of the LOSDMVLV, (Ninth CEDAW Report, June 2021)¹⁵.

18. However, violence against women and girls has been on the rise, propitiated by the particular contexts that the country is going through: on the one hand, the Unilateral Coercive Measures and the economic and social impact generated in the civilian population; and on the other hand, the global health crisis generated by the COVID-19 pandemic. Particularly the most alarming forms of violence against women and girls are also the most extreme, namely: femicides, human trafficking and various forms of sexual violence.
19. It is essential to place greater emphasis and focus the efforts of the State on the critical issues that guarantee the prevention of these crimes. Important challenges persist for the effective implementation of the LOSDMVLV and the achievement of women's access to justice, playing a fundamental role the maintenance of patriarchal gender stereotypes in society, and particularly in the officials linked to the route of access to justice, generating processes of naturalization that reproduce inequalities, doubly victimize the survivors and perpetuate the continuum of violence.

RECOMMENDATIONS

20. We welcome the efforts and commitments to make progress on recommendations 133.9, 133.10, 133.21, 133.22, 133.23, 133.52, 133.57, 133.67, 133.102, 133.103, 133.105, 133.107; and urge greater efforts and allocation of resources to accelerate the materialization of recommendations 133.106, 133.139, 133.140, 133.141, 133.142, 133.143, 133.144, 133.145, 133.146, 133.152 and 133.153 of the UPR 2016¹⁶, with emphasis on guaranteeing the applicability of the Organic Law on the right of women to

¹⁴ Fundación Género con Clase (2019). Efectos del bloqueo contra Venezuela en el ejercicio de los derechos sexuales y los derechos reproductivos de las mujeres: Consecuencias y Desafíos. Available at: https://www.generoconclase.org.ve/wp-content/uploads/2019/libros/EFFECTOS_DEL_BLOQUEO_CONTRA_VENEZUELA_EN_EL_EJERCICIO_DE_LOS_DERECHOS_SEXUALES_Y_DERECHOS_REPRODUCTIVOS_DE_LAS_MUJERES.pdf

¹⁵ CEDAW/C/VEN/9.

¹⁶ Resolución N° 0026. Gaceta Oficial de la RBV N° 42.076 del 26 de febrero de 2021.

a life free of violence by adopting effective measures of prevention, justice and reparation, especially in matters of trafficking of women, girls and boys; overcoming patriarchal stereotypes that favor discrimination; guaranteeing parity in all social, economic and political-public spaces; and mainstreaming the gender approach in public policies, for which we demand and recommend to the States involved and the Venezuelan State:

- a) Immediate cessation of the Unilateral Coercive Measures because they violate human rights, especially of women, with emphasis on guaranteeing access to medicines, treatments for chronic diseases, HIV, vaccines, contraceptives and medical supplies.
- b) Approve the reform of the Organic Law on the right of women to a life free of violence that typifies new forms of violence, expands protection mechanisms, punishes revictimization, eradicates conciliation practices, guarantees the allocation of budgets and publication of statistics.
- c) To regulate the Organic Law on the right of women to a life free of violence.
- d) To create the National Defender of Rights as an Autonomous Institute, as a specialized technical instance for the defense of the rights of women and girls and their timely access to justice.
- e) Activate shelters for women victims of violence in all states.
- f) To sanction the Law of Integral Attention to Victims of Human Trafficking.
- g) Strengthen the technical and criminal investigation capacities of the professionals of the access to justice route in the gender, feminist, human rights and intersectional approach, and in the dismantling of gender stereotypes.
- h) To declare as essential services, protection services for women and girls who are victims of violence, as well as sexual and reproductive health services, in order to prioritize their operation and maintenance in the national budget.

- i) To legislate on a new Penal Code that decriminalizes the voluntary interruption of pregnancy in the three basic grounds; a new Civil Code, and on the Organic Law on Gender Equality and Equity.
- j) To create a national system of gender indicators that guarantees the mainstreaming of the gender perspective in State policies.
- k) Design and implement a new Plan for Gender Equality that allocates budget, responsibilities and creates a follow-up mechanism.
- l) To build a State policy for the care of life through an Integral National Care System.
- m) Operationalize the necessary strategies to increase women's economic empowerment, guaranteeing equitable access to credit and land.
- n) Strengthen public policies with an intersectional approach aimed at girls, indigenous women, women of African descent, rural women, elderly women, migrant women, women of sexual diversity, young women, women with disabilities, and women with HIV/AIDS.
- o) Allocate a special budget for the implementation of the Sustainable Development Goals (SDGs), especially Goals 1, 5, and 16, and ensure their follow-up.