

'THE LAW IS THERE, LET'S USE IT'

ENDING DOMESTIC
VIOLENCE IN VENEZUELA

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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

Cover photo: A street market in Caracas, February 2007.

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A NOTE ON TERMINOLOGY

Amnesty International bases its work on violence against women on the definition set out in the UN Declaration on the Elimination of Violence against Women. Article 2 of the Declaration states:

“Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

Throughout this report a variety of terms are used to describe violence against women in the context of intimate relationships, including domestic violence, violence in the family and intimate partner violence. No single term is universally accepted in all contexts to describe acts or conduct by an individual that a woman considers to be, or to have been, intimately connected to her – regardless of sex, marital status or residence – which results in death, physical, sexual or psychological harm or suffering to the woman. The decisions on terminology in this report have been guided by a number of factors, including the need to ensure that the report is as accessible as possible to diverse audiences.

LIST OF TERMS

Casas de la mujer	centres where womens' rights are studied and promoted and where women can discuss and exchange experiences
CICPC	Scientific, Penal and Criminal Investigations Unit (Cuerpo de Investigaciones Científicas, Penales y Criminalísticas), the Technical Police who carry out criminal investigations under the supervision of the Attorney General's Office. It replaced the Judicial Police in 2001 and is attached to the Ministry of the Interior and Justice.
INAMUJER	National Institute of Women's Affairs (Instituto Nacional de la Mujer)
INE	National Institute for Statistics (Instituto Nacional de Estadísticas)
LOPNA	Organic Law for the Protection of the Child and Adolescent (Ley Orgánica para la Protección del Niño y del Adolescente)
Misiones	a series of social and welfare programmes implemented under the current administration

METHODOLOGY

This report is based on research carried out during two visits to Venezuela by Amnesty International in 2006 and 2007. Amnesty International carried out interviews with 19 women survivors of violence in the family; the names of the women have been withheld in order to protect their privacy and ensure that their security is not compromised. Seventeen of the women interviewed were either current or former residents of the two shelters run by the national government. These interviews were facilitated by the National Institute of Women's Affairs (INAMUJER). Research also included interviews with organizations and activists working to defend women's human rights and those supporting survivors in various locations in Venezuela; with representatives from INAMUJER, the National Institute of Statistics (INE) and the Ministry of Health; with staff working in the two women's shelters; with the Office of the National Human Rights Ombudsman; and with lawyers, judges, police officials and academics.

TESTIMONY

"I thought that, when we formalized our engagement by marrying, he would change... but I was completely wrong and I learned that over the years. 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 and don't talk about it to anyone. So, that is the first reason, and the second reason is that the victim of violence is isolated by their aggressor. They isolate you from your friends, from your family, from any contact where they think you could be talking about what is happening to you...

And, finally, the third reason, which is no less significant and, for me, is the most important, is that you are paralyzed with fear. Fear that that person knows that you are reacting by defending yourself, and that fear just gets worse because obviously as time goes by the violence gets worse as well. So, it's like all these things converging and it means that it is more difficult for some people to react and defend themselves than others...

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.'

I say that if I am alive it is because, sadly, my son was at home because he was sick... he was only 11 years old. I was unconscious on the floor, and his father carried on hitting me, so he went to get a baseball bat and said to his father if he didn't stop hitting me he would lay him out with the bat. I found out about all of this later when the Prosecutor's Office showed me my son's statement. I didn't know that that had happened. I say sadly, because often we women who are victims of violence don't realize that we are not the only ones who suffer violence, our loved ones that are in 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...

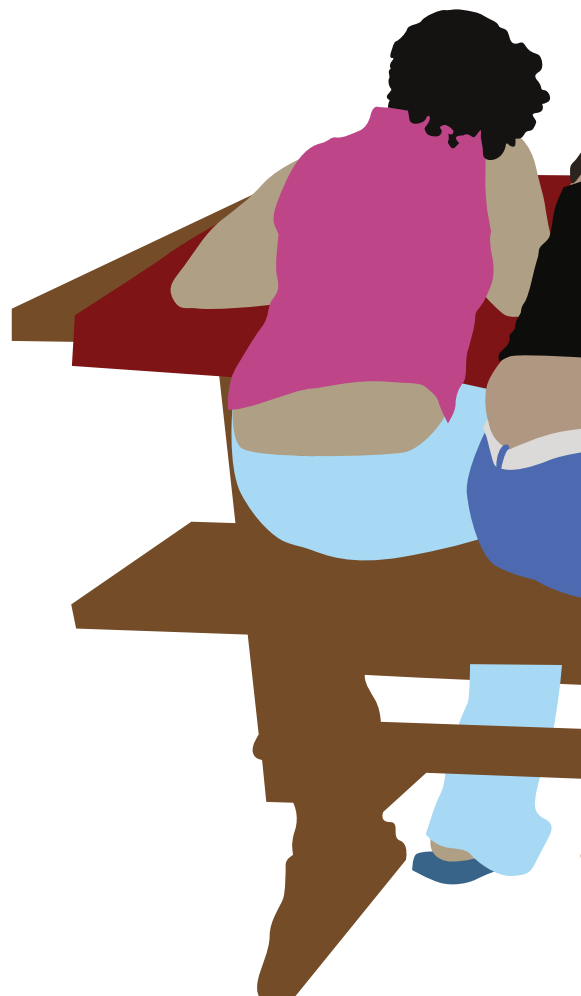
...I was still afraid. But I was even more afraid that if that person did kill me, who was going to look after my children?

It was that fear that made me act. If I'm not here, who is going to look after them – him!

What I actually did was go to the Internet, which was the only thing I had access to at home at a time when he was out, and I was looking for someone to help me and I came across Amnesty International... I telephoned them...

I saw [an expert] I can't remember, two, three, four times, and she was more or less guiding me... that's how I found out about the formalities of making a complaint... how to defend myself and protect both myself and my children...

We – I say we because I'm always referring to the people who accompanied me in this case, for instance the State Prosecution Service's prosecutor and the lawyers who



are helping me – what we obtained from the supervisory courts were very strict preventive measures. He is not allowed to come near me or my children... Nowadays, [under the new law]... the process of issuing victim protection measures is much quicker. Now they can be issued by the first body which receives your complaint...

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... or a child dies while a case is being heard. 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... there should be multidisciplinary teams to help all these victims, so that once the legal part is over, one way or another they have help and support, therapy, reintegration. Because, as I said, we victims of violence are isolated and many... don't feel capable of going out into the world again and working or earning a living.

And the other thing I would ask them for is publicity campaigns, plenty of publicity, such as how to stand up for your rights... And they should publicize the new law with campaigns, raising awareness, broadcasting, etc, and not sporadically but constantly, for longer periods of time."

Woman A interviewed by Amnesty International, July 2007



1/INTRODUCTION

“... 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, take it seriously, because at times we feel rejected, we feel that if we go and talk to an official they are going to blame us, for allowing it to happen, for having put up with it. 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, July 2007

Violence against women is a worldwide phenomenon. It is pervasive and severe and its consequences are profound, for the women themselves, for their families and for their communities.

“An extremely serious problem, which women throughout the entire world are currently battling against, is the violence exercised against them due to the simple fact of being women. Gender violence is deeply rooted in the patriarchal nature of today's societies, in which structures for women's subordination and discrimination are prevalent.”

Preamble to the Organic law on the right of women to a life free of violence

Violence in the family¹ remains the most common form of violence against women worldwide. On average, at least one in three women is subjected to intimate partner violence in their lifetime.²

Venezuela is no exception. In 2005, 36,777 women reported abuse by partners or former partners to non-governmental organizations (NGOs) and Casas de la Mujer³ – an average of one woman every 15 minutes.

Venezuela has made some significant steps towards eradicating violence against women. Two laws introduced by the current administration in particular have played a part in strengthening women's access to their human rights: the 1999 law on violence against women and the family, and the Organic law on the right of women to a life free of violence⁴ which was approved in 2007 and replaces the earlier law.

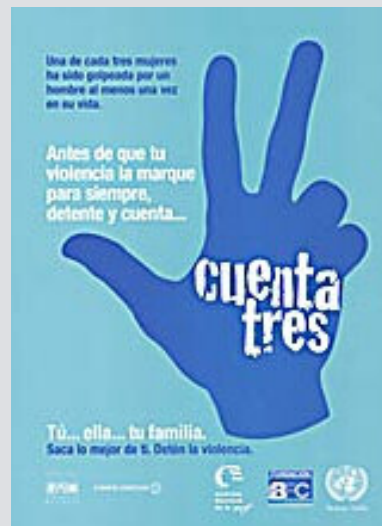
The 2007 law defines violence against women as a human rights violation and reaffirms the responsibility of the state and its officials to eradicate it. It sets out measures to prevent violence against women, to protect women at risk and to punish those responsible.

"The public authorities cannot be oblivious to gender violence, as it forms one of the most flagrant attacks on women's fundamental human rights, such as freedom, equality, life, safety and non-discrimination, as enshrined in our Constitution."

Preamble to the Organic law on the right of women to a life free of violence

The 2007 law also requires the authorities to implement a far-reaching programme to raise awareness and challenge public attitudes which condone or conceal this under-reported crime. For example, it calls on the Ministry of Infrastructure and the National Commission for Telecommunications to ensure that programming includes broadcasts aimed at preventing and ending violence against women (Article 28).

"Before you scar her for life...
Count one, two, three...
you, her, your family.
Bring out the best in you.
Stop the violence"⁵



© From Cuenta Tres Campaign

This powerful campaign appeared on television, radio and in sports newspapers and magazines between September and November 2007. Produced by a coalition of NGOs, the National Institute for Women's Affairs (INAMUJER), the UN Population Fund and Fondo Común (a private bank).

"The question used to be, 'Why does she put up with it?' instead of 'Why does he hit her?' Now we want to get men on our side, so that they stop hitting and insulting women."

Ofelia Álvarez, Director General of Fundamujer, an NGO working to prevent domestic violence.⁵



Amnesty International prepares for the launch of its worldwide campaign to Stop Violence against Women, Mexico, August 2003.

However, there has been a gap between what the law has promised and its implementation in practice. This report focuses on the 2007 law. Although the law covers many different aspects and manifestations of violence against women, this report concentrates on the specific issue of violence against women in the family.

For far too long, women who experience domestic violence have been denied the right to access to justice, to receive reparation and to see the perpetrator punished. The 2007 law holds out great promise that this legacy of injustice can be rolled back. However, as this report shows, obstacles to its successful implementation remain. These obstacles include: lack of public awareness, information and education about the issue; inadequate data collection; insufficient shelters for victims; and a poorly resourced police and judicial infrastructure.

This report draws on Amnesty International's work to combat violence against women in countries in every region of the world. In bringing the voices of the survivors to a wider audience, Amnesty International hopes to contribute to the initiatives already undertaken by the women's movement, NGOs, state agencies and survivors themselves to end domestic violence in Venezuela.

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. The report ends with recommendations to the authorities on the measures which they should take to fulfil their obligations under international law and to ensure that the protections promised by the 2007 law are made a reality in practice for women and their families throughout Venezuela.

TESTIMONY

"The contact for getting into the shelter was the 0800 number [0800Mujeres helpline]. Someone from the Metropolitan District Council contacted them and then they called me and asked me if they could give my telephone number to the people at 0800, and I said yes. Within five minutes I was in touch with the person at 0800Mujeres and she started to ask me some questions... how did I feel, why the conflict had arisen, whether I had been physically assaulted.

I started to tell her what had happened to me... That day it was my son's birthday... We were waiting for [my husband] for a family get-together, but he didn't come. He appeared the next day... he was drunk, under the influence of drugs. He swore at us, then threw us out again...

He threw us out into the street. He didn't just throw me out, he took the children from me and threw all of us out, that is the babies and me... I was not asking to leave home then, because I had nowhere to go. She asked me if I could get in touch with a member of my family, where I could spend the night until the situation had changed. I told her

that I had done this repeatedly for five years, and I had nowhere to stay. And, anyway, wherever I went he would come to find me.

He never assaulted me in front of anyone but later he would insult us using very bad language and this was like a circle. I mean, the honeymoon, then afterwards the aggressive stage and then everything would repeat itself again. And she said to me, "OK, let's see if we can calm you down a little and then set out what you want to do from now on" and I told her I want to leave home for good. And she asked me why? And I told her because I couldn't bear to carry on living with a drug addict who shouted at us. Who subjected us to psychological torture every day...

Early in my second pregnancy... I began to notice strange behaviour in him... he started staying out late and sleeping on the streets, I didn't know, I had never seen anyone under the influence of drugs... he would become paranoid, would close the windows, you know, turn on all the lights, lock the doors... I was seven months pregnant when I discovered him [my husband] in a place where they were taking drugs.



From then on he started to shout at me, he pushed me – I was pregnant – he pushed me, tore the clothes I was wearing, a maternity smock...

...one day I was in the square near where I live and I saw [someone wearing] a pink shirt with a blue collar with the words INAMUJER... She started to tell me a lot about our rights, our laws and everything. I asked her whether I could tell her about a problem I had and I explained that my husband had a drug problem and that he abused us psychologically and verbally and, sometimes, physically. And she said, 'I can tell you that you have all the help there is, but you have to play your part. Forget anything you might have heard that women who put up with emotional, psychological and physical beatings have asked for it. That's not true.'

... A few days later, we met again. She gave me some more advice. She told me that I had to make a complaint. I told her that I had already made complaints at the Child Protection Agency... because he used to throw me out, with the children, every time he was drunk or under the influence of drugs...

They called him to the Prefecture. The Prefect in charge at the time offered family guidance. To go to family guidance centres to help us, because he said that we were a solid couple, but with violence in the home we couldn't continue, things would just get worse. [My husband] didn't want to go to therapy. He didn't want to go to family guidance, either. The only person looking for help was me. I started going to a psychologist from the Prefecture...

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...

I'm a beautician and hairdresser. In terms of where I am now, I'm building up a list of new customers. And the father of my children... he has changed... I think he must have understood how much I suffered. He feels that we are more his family than before...

The same person who arranged for me to go into the Shelter later told me in a phone call that she had accompanied him to an appointment with a psychologist, to give him support and as a friend...

...information 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, July 2007



2/DOMESTIC VIOLENCE AS A HUMAN RIGHTS ABUSE

Violence in the home, in the family, in the context of intimate personal relationships is an affront to some of our most deeply held beliefs and aspirations. The reasons why such violence often remains hidden and a source of shame for the victim are complex. But whatever the reasons for society's reluctance to face the reality of domestic violence, the result is a social climate in which it is often tolerated, dismissed or excused.

"Women and children are often in great danger in the place where they should be safest: within their families. For many, 'home' is where they face a regime of terror and violence at the hands of somebody close to them – somebody they should be able to trust. Those victimized suffer physically and psychologically. They are unable to make their own decisions, voice their own opinions or protect themselves and their children for fear of further repercussions. Their human rights are denied and their lives are stolen from them by the ever-present threat of violence."

Domestic Violence against Women and Girls, UNICEF, Innocenti Digest, June 2000

Domestic violence is unusual in that, unlike most other forms of violence, the majority of the victims are women. For example, according to statistics compiled by the Home Office, the majority of victims of domestic violence in the UK in 2006/2007 were women (77 per cent); most victims of stranger violence were men (76 per cent)⁷. Figures for those experiencing four or more incidents of domestic violence were even more startling – 89 per cent were women.⁸

Approximately one in three women in Latin America and the Caribbean has been a victim of sexual, physical, or psychological violence at the hands of intimate partners, according to survey data collected by the Pan American Health Organization in November 2006. Studies show that in Bolivia, for example, 53 per cent of women say they have experienced physical violence, and 12 per cent have been victims of sexual violence. Other countries report similar figures:

- Peru (2004): 42 per cent physical violence, 10 per cent sexual violence
- Colombia (2005): 39 per cent physical violence, 12 per cent sexual violence
- Ecuador (2004): 31 per cent physical violence, 12 per cent sexual violence
- Haiti (2000): 29 per cent physical violence, 17 per cent sexual violence.⁹

Domestic violence has often devastating consequences for women. For example, in Colombia, one woman is reportedly killed by her partner or former partner every six days.¹⁰ There is little data on lethal outcomes of violence against women, such as the proportion of maternal deaths or AIDS-related deaths directly attributable to the different forms of violence women suffer. A few studies based in health facilities indicate a relationship between intimate partner violence and death during pregnancy. For example, a study of 400 villages and seven hospitals in rural western India found that 16 per cent of all deaths during pregnancy were the result of partner violence.¹¹ A similar trend has been found in Bangladesh.¹² A Nicaraguan study found that the children of women who were physically abused by a partner were six times more likely than other children to die before the age of five.¹³

The longer term health consequences, physical and psychological, can also be debilitating and seriously impair women's ability to enjoy a whole range of human rights, including the right to participate in public life.

The repercussions on families of violence against women can reach down through generations and disfigure the political and cultural life of communities. The cost of human pain and suffering is in many respects incalculable. However, domestic violence also has serious economic and social consequences. Some of these are more easily quantifiable, loss of working days, loss of income and the cost of health care. The longer term cost may be even greater. If women are unable to take an active role in their communities, their energy and creativity are denied to society as a whole. This is an incalculable loss.

Amnesty International has researched and reported on violence in the family in a wide variety of countries around the world.¹⁴ Amnesty International believes that all human beings are entitled to the full enjoyment of their human rights. A person's gender or marital or relationship status do not change their right to have his or her human rights respected, protected and fulfilled.

Venezuela has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women which condemns discrimination against women in all its forms and in which states "agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women" (Article 2).

Venezuela has also ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, (Convention of Belém do Pará). This states that every woman has the right to be free from violence in both the public and private spheres (Article 3). States parties have committed themselves to prevent, punish and eradicate such violence (Article 7).

The rights to life, to physical integrity, to freedom of movement and expression, and to freedom from discrimination; the rights to the highest attainable standard of physical and

mental health; the right to equality before the law and to take part in public life – all are human rights which are denied day after day to those women who are living under the shadow of violence in the family. They are also rights which governments have pledged to defend and promote through a series of international treaties. The 2007 law sets out clearly the Venezuelan authorities' obligation to guarantee these rights.

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

Domestic violence in Venezuela is a serious problem. In the first six months of 2007, 490 investigations were opened into reports of violence against women, according to statistics from the Division of Research and Protection in the field of Child, Youth, Women and the Family of the Scientific, Penal and Criminal Investigations Unit (CICPC).¹⁵

International law obliges governments to use their power to respect, protect and fulfil human rights.¹⁶ This includes not only ensuring that their own officials comply with human rights standards, but also acting with “due diligence” to address abuses committed by private individuals (non-state actors).

The concept of due diligence describes the degree of effort which a state must undertake to implement rights in practice. States are required to make sure that the rights recognized under international human rights law are made a reality in practice. In addition, if a right is violated, the state must restore the right violated as far as is possible and provide appropriate compensation. This must include the investigation and punishment of those responsible for violating these rights including, where relevant, state officials. The standard of due diligence is applied in order to assess whether states have carried out these obligations.

When states know, or ought to know, about violations of human rights and fail to take appropriate steps to prevent them, they, as well as the perpetrators, bear responsibility. The principle of due diligence includes obligations to prevent human rights violations, investigate and punish them when they occur, and provide compensation and support services for victims.¹⁷

It is important to emphasize that state responsibility to exercise due diligence does not in any way lessen the criminal responsibility of those who carry out acts of violence. However, the state also bears a responsibility if it fails to prevent or investigate and address the crime appropriately. In addition, when a state fails to act with sufficient diligence in responding to violence against women – by using the criminal justice system and providing reparation – this often violates women's right to equality before the law.

Three examples suffice: every 10 days a woman dies through gender violence in Caracas. The Scientific, Penal and Criminal Investigations Team reports approximately 3,000 cases of sexual violence every year, a figure that in reality represents only a small proportion when one considers that complaints are made in only 10% of cases.

Preamble to the Organic law on the right of women to a life free of violence

Studies from all parts of the world have shown that violence against women is grossly under-reported. Local NGOs in Venezuela have estimated that only one in nine cases is reported.¹⁸ 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. Statistics from the CICPC 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.¹⁹

The fact that the number of reported cases is just the tip of the iceberg makes the statistics which are available even more shocking. Information from INAMUJER, relating to the period between January and December 2007 states that, "Of women who are affected by some kind of violence, in the majority of cases this violence is perpetrated by their current husband or partner (31.95% and 36.57%, respectively) and to a lesser extent by their ex-partners or other family members".²⁰ According to the latest statistics for the same period, more than 87 per cent of reported cases of violence involved violence in the family.

In 1999 INAMUJER set up a national confidential emergency hotline – 0800Mujeres – which gives free advice to women experiencing gender-based violence. Between 1999 and December 2007 the hotline received 29,168 calls throughout the country, 4, 484 of those were received in 2007 alone.

TESTIMONY

"I got married very young, at 18... he began to get money, he began to move up the ranks in the armed forces. Money, power meant that the physical, verbal and psychological abuse towards me got worse. I was totally isolated from my family. I had no friends, male or female. I had no life. All I was doing was surviving..."

On 4 April 2004 I got [my divorce]... We were no longer married. We had been living apart for three years... My life was very sad, very empty, full of fear. I lived in fear, manipulated by terror... I wasn't bothered about possessions, a car, a home, nothing mattered to me. In fact in my divorce our assets were not divided up. At that moment, what I wanted was to be separated, in other words to have a paper like the one saying we were married so that I could tell him he no longer had any rights over me.

I wasn't left in peace because he used to lie in wait for me wherever I went. He went to the house, to where I worked... I thought that it was going to be like when other couples

got divorced, the father spends the weekend with the children, the mother works and the following weekend it's her turn to have the children, that's what I thought at that moment.

I never imagined what did actually happen... my kidnapping, my being raped by six, seven people, I don't even know how many of them raped me because I was raped repeatedly and there was a moment when neither my soul nor my body could take anymore... they made me kneel on the carpet in the van. And one guy grabbed me by the hair and penetrated me directly from behind and I moved forward and he grabbed me by the hair and dragged me back and after he had had his fill that way, he grabbed me, he grabbed me... and he put it in my mouth. In other words, all the disgusting things that I don't think even animals do... Loads of disgusting things, urinating in my mouth, making me swallow his urine. They bit me... they beat me with a belt across the buttocks. My knees were a mess. You can recover physically but the scars on the soul do not heal. And what I said to you a moment ago,



the victims of rape who are dead no longer feel anything but those of us who are still alive, we carry on feeling it. And again as I said just now, that is the cancer of the raped woman.

Yes, [my former husband] was there because I saw him... [The judge] finding sufficient convincing evidence linking him to [my abduction and rape]... ordered him to be taken into preventive custody. He was detained for four months. On 22 April [the judge] granted him provisional release... without requiring any kind of bail... There is an arrest warrant out for him...

Speaking selfishly as a human being in my own case, I would ask the [authorities] to get on with capturing him. I think that would be an example that would encourage other women to file complaints... let's have a trial... I have parents who have helped me. But there are thousands of women who have to work in order to eat. Because they don't have anyone to help them or their children. So they have to give up their cases. There should be special courts specifically to deal with rape cases. In every parish and municipality in the country, there should be a psychologist and a psychiatrist working on such cases because rape is an offence the magnitude and scale of which cannot be imagined...

[At the offices of] the forensic psychiatrist... there's no sign there telling you 'call so and so if you need help', there's nothing. And in Venezuela, I don't know about other countries, a psychiatrist costs money, a lot of money. So the State should pay a social worker, a psychiatrist, a psychologist... Through the NGO, [Casa de la Mujer] Juana Ramírez 'La Avanzadora', and COFAVIC [Committee of the Relatives of the Victims of 27 February] recently, I have received psychological therapy. That has helped me, and the NGOs that have joined... all my efforts.

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. It took me a long time to understand it. I am not to blame if someone uses me, I am not to blame if someone rapes me. I am not. And since I am not, I have nothing to be ashamed of. 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, I am saying it here, I will say it tomorrow and always.

And one of the things that stopped me filing a complaint was... [the police] did not want to accept it. [They said] It was a problem between husband and wife. No! 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 that is not going to be eradicated overnight. It's a problem of State awareness, a public health problem. It's a problem which, if the authorities do not respond in time, will get out of hand, as it is at this moment... we have to get together, that we have to do something for [the generations] who are coming, I'm going to contribute my small grain of sand whenever it is necessary."

Woman C interviewed by Amnesty International, July 2007

3/THE REALITY OF INTIMATE PARTNER VIOLENCE

“So that morning when we got back from school, he hit me across the jaw. I said to him, if you’re going to carry on hitting me like this, I’d rather you killed me. I laid face down on the bed and he took advantage, he climbed onto me, he kicked me with his shoes on, he kicked me, he beat me and, seeing that I was not reacting to the beating, not crying, he took a spanner and hit me all over my back, on my legs, he broke my heels. I put my hands on my head and he hit my hands. My whole body was bruised and swollen. And that day he carried on and abused me, he said I’m your husband, you’re my wife, you’re mine and he pulled down my trousers and abused me.”

Woman F interviewed by Amnesty International, July 2007

There are many different types of violence against women. However, in the context of intimate partner violence, some forms of violence are more common than others. Physical violence, because it leaves the most visible injuries, is the most easily recognized. Many women try to cover up the signs of violence, too ashamed to admit that this is happening to them, even when injuries are so severe that they are forced to seek medical help. Physical abuse is often combined with other forms of abuse and invariably causes psychological damage.

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, that if I hadn’t got pregnant I wouldn’t have lost my job and we wouldn’t have financial problems. What’s more, he felt that I wasn’t supportive of him; he didn’t feel I was supporting him and this was making it difficult to find work. [...] 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; that he didn’t know what would become of me if he wasn’t around to keep me in order and carry me. [...]. Every word remained imprinted on my mind, on my heart.”

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

For most women who experience intimate partner violence, physical abuse and psychological abuse are closely linked. However, some women experience intense psychological violence but are not physically attacked. Although less visible and sometimes more difficult to define, psychological abuse can and does have devastating consequences and has been identified in international law as a form of violence against women.²¹ Many of the women interviewed by Amnesty International described the fear that paralyzed them and made them a prisoner of their abuser. Again and again they spoke of isolation and loneliness and of being undermined, leaving them with deep feelings of inadequacy and failure. Years of such treatment can be debilitating, causing profound psychological damage requiring professional help which is often difficult to access.

Many of the women who spoke to Amnesty International reported that during the time that they were abused they were separated from any contact or support from others. In most cases, women were isolated from family, friends, and society in general. In more extreme cases the isolation took the form of actual imprisonment in the home.

Marital rape is often the hardest form of domestic violence to confront, for the survivors and for society at large. And yet, the testimonies of survivors bear witness to its pervasiveness.

“They isolate you from your friends, from your family, from any contact where they think you could be talking about what is happening to you”.

Woman A interviewed by Amnesty International, July 2007

IN HER OWN WORDS

“The children were playing in the yard. I turned to the door to come out of the toilet, but he didn't give me time to do so. [...] He threw himself at me, grabbed me fiercely, turned me round and threw me to the floor with an indescribable force. First I fell to my knees, then my face, which hit the floor. My ear was hurting me a lot. I tried to get up but I felt the heavy weight of his body on mine. His hands were pulling relentlessly on my hair and he was pressing my face hard against the floor. [...] I couldn't shout because the children were in the house, nearby. They might realise what was going on. The thought of this made me even more terrified. I kept quiet, but tears were streaming from my eyes like an overflowing river. My crying became stronger, along with his movements inside me. My knees were scraped, my ear bloodied, my neck hurt from his forceful pulling on my hair. My face was rubbing from being squeezed against the floor. With every movement, I experienced an intense physical pain that I had never felt before. [...]

‘Oh, please!’ he said bad humouredly ‘don't exaggerate! how could I rape a woman who isn't a virgin, has three children and, what's more, is my partner. That's not rape.... don't make me laugh!’”

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

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 relationship 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.

Violent carnal knowledge: this is a form of sexual violence by which a man, through violence or threats, forces his wife, common-law wife or person with whom he is cohabiting or in a stable relationship, into a carnal act of vaginal, anal or oral penetration, or introduces objects of whatever kind into one of these passages.

Organic law on the right of women to a life free of violence, Article 15

Whoever forces a woman, through violence or threats, to give in to undesired sexual contact... will be punished with prison...

If the perpetrator of the crime is the husband, common-law husband, ex-husband, former common-law husband or person with whom [the victim] currently has or has had an emotional relationship, even if not cohabiting, the punishment shall be increased by one-third.

Organic law on the right of women to a life free of violence, Article 42

Rape within marriage, is rape. Social attitudes which seek to excuse, condone or dismiss it need to be challenged and changed.

CONSEQUENCES OF DOMESTIC VIOLENCE

“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, July 2007

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 by several of those interviewed by Amnesty International, including state officials. However, all the evidence shows that this is deeply mistaken.

There have been many studies on how domestic violence affects children. 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.²²

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 – the children. This pattern is true both for physical and sexual violence in the home. 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.²³

Venezuela's Organic Law for the Protection of the Child and Adolescent, which came into effect in 2000, is very clear about the conditions that should be available to all children in their homes: "in all cases the family should provide an atmosphere of affection and security to allow the integral development of children and adolescents".²⁴ This is not the case in families where women are suffering domestic violence.

"I was seven months pregnant... From then on he started to shout at me, he pushed me – I was pregnant – he pushed me, tore the clothes I was wearing, a maternity smock".

Woman B interviewed by Amnesty International, July 2007

Violence in the family takes an enormous toll on women's health. Health problems linked to violence against women listed by the World Health Organization include gynaecological problems, injuries (cuts, fractures, broken bones) and increased risk of HIV infection.²⁵

Several women told Amnesty International that they had suffered miscarriages as a result of physical abuse suffered during their pregnancies. Pregnancy generally does not end or even reduce domestic violence, but it can make the consequences even graver. Recent research has focused on the relationship between violence in pregnancy and low birth weight, a leading cause of infant deaths in the world. Although research is still emerging, findings of six different studies performed in the USA, Mexico, and Nicaragua suggest that violence during pregnancy can contribute to low birth weight, pre-term delivery, and to foetal growth retardation.²⁶

Violence against women also has a wider social impact in that it inhibits women's ability to take an active part in their community. The scale of the economic impact on businesses, the state and the community makes it clear that it is a public concern not a private issue. Violence in the family has a social cost in terms of the services which have to deal with the immediate consequences of the violence and the costs in terms of lost employment and productivity. The immediate costs are largely dealt with by the state or public sector – facilities and services to treat and support survivors and to bring perpetrators to justice. The wider costs, often overlooked, include women's absence or reduced productivity at work because of injury, trauma or stress. Women experiencing violence may lose earnings, while employers may face not only reduced output but also the additional costs of sick leave and of recruiting and training new staff. Some studies include the lost tax revenue as a consequence of lost employment and output.²⁷

TESTIMONY

"...14 years of constant threats... I had nowhere to go, no family member supporting me, no friend supporting me, I was afraid to face reality. Knowing what was happening to me and that other people knew, I think that was like feeling that I was right at the very bottom of the pile... in the end the despair was so great seeing me under threat of death, death threats against my daughter, death threats against my family, I said that's it, I'm going to put those 14 years behind me, I've had enough..."

This violence started as a result of a small argument. [He was] trying to hit my daughter. I couldn't accept that, and that's... how the violence started, when I refused to let my daughter be beaten, but accepted it myself... and that's how it started... and afterwards I didn't know how to stop it. Every day there was something different and every day it got worse. Now it wasn't [only] physical abuse, it was also psychological, there was verbal abuse, shouting 'you're useless'... [he would] pick up any blunt instrument and beat me, almost to death... The beatings were very bad, but they were always preceded by a threat. 'If you resist, your daughter will get it' and I would always rather he did it to me.

...I began to watch a Stop Violence against Women campaign on television. After it had been on the screen a few seconds or so, it said that there are laws that protect women, and people who can help you. But I had a feeling that that was not going to happen with me. I always made a note of the telephone number, I never called because I used to say, that doesn't exist, that's it and I kept it, hid it, but never used it. Then I saw in that campaign that yes, it was going to happen, but when that person – my assailant – watched those images with me, he said it was no use, those people didn't help..."

I was still afraid, really, really afraid of what he could do if he found out about the complaint, what he would do, whether the law really would protect me, whether I really would be protected by those people who say they are on our side... that day there was a very violent quarrel and, as soon as I could, I left, I fled from my house and hid at a neighbour's house, they supported me, they said report him, talk, we already know about your case, all that's needed now is for you to make your complaint and we'll support you. And there really are people who will help you. Seek help.



...I was very frightened, but I trusted them. Then they took me to a place where a woman was going into the Casa de la Mujer. It was the first time I'd been to that place and I was in a panic, afraid that I was going to make a complaint and that my partner, when he heard about the complaint, was capable of killing me. I turned round, went back down the steps, I didn't want to talk. Then I felt the support, they were saying yes, yes you can. There are people who are going to help you. There are shelters that will protect you. So that's where I went and made my complaint, when they questioned me, they saw that I had not been beaten at that time. They just asked me, why are you reporting him? I said, I'm reporting him because of 14 years of aggression, not because I am being beaten at the moment. I am reporting him because I do not want to go on being ill-treated or putting up with all this violence against me. That's when they took my case on...

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. When you are there, you don't feel afraid, there are

other women there, too, you can really trust those shelters, they are houses that only the victims know about when they arrive, because as far as everyone else is concerned, they are just ordinary houses... 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.

...I made my complaint around 20 March, 21 March, my daughter's birthday. She was turning 18 and I was making my complaint. And that's when the law had been promulgated on 19 March. That's when the President approved the law. I benefited from it a lot because the law... that law protected me in terms of my home, my life, many things.

...the case was passed to the prosecutor. At the Prosecutor's Office the case was referred to the police and that is where they dictate – what's it called – the authorization so that if he assaults me again or interferes with me or my family, they take action under the law. At the moment, the case is still with the Prosecutor's Office, it hasn't been necessary to take [action] again because he hasn't bothered me again.

...what we experienced was not a game, our lives were in danger all the time and justice has to be done because we deserve it, we deserve to move on from this. They [the men], too, need help, psychological help... because they, too, maybe in some way, since they were small, have been subjected to violence and maybe this is what they create, violence... They have to pay, pay for everything they did to us, for all those moments of agony that we suffered and they deserve to be punished. And the authorities, well they are the ones responsible for seeing that all this is put into effect."

Woman D interviewed by Amnesty International, July 2007



4/BARRIERS TO ESCAPE

"I was still afraid, really, really afraid of what he could do if he found out about the complaint, what he would do, whether the law really would protect me, whether I really would be protected by those people who say they are on our side".

Woman D interviewed by Amnesty International, July 2007

Domestic violence remains a largely hidden crime with only a fraction of cases reported. The reasons why women are often reluctant to report violence are complex. The combination of fear of reprisals from the aggressor and the complete breakdown of self-esteem as a result of abuse are barriers that prevent many women from seeking help and protection.

The women who spoke to Amnesty International identified a number of key reasons that discouraged them from reporting:

- protection measures that were either not enforced or ineffective;
- officials' lack of understanding of the problem or procedures;
- the lack of privacy and added psychological trauma when reporting a crime;
- being made to feel that they, not the abuser, were being judged.

SOCIAL BARRIERS

"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, July 2007

"I was afraid to face reality. Knowing what was happening to me and that other people knew".

Woman D interviewed by Amnesty International, July 2007

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, part of her life.

Many women find it extremely difficult to make an official complaint against a member of their family, someone to whom they are bound by ties of family and intimacy. Fear of losing custody of their children can also be a powerful disincentive. Entrenched gender inequality means that many women do not have equal access to economic and social resources which means it can be difficult for women to get the legal advice and representation they need.²⁸

Many women also share the belief that marriage is for life and that what happens within the home is a private matter. The degeneration of a relationship into violence and abuse is felt as a personal failure and a number of women told Amnesty International how for a long time they felt it was their fault that they were abused. This perception is reinforced by society at large, for example by the way women's roles in the home are portrayed in television programmes or the way violence against women is reported in the press. In some cases it is compounded by the response of the very institutions that are supposed to protect women.

POLICE, PROSECUTORS AND THE COURTS

Research also shows that the attitudes and behaviour of officials are important factors in a woman's decision to report violence. If women's experience tells them that those who receive their reports will blame them, accuse them of inciting the violence, or of behaving in ways that provoke violence, then women are unlikely to turn to them again for help in overcoming an abusive situation.

"Experts and magistrates from the region have described the problem of gender-based discrimination in court proceedings as follows:

Most representatives of the governments of the region, the NGOs and regional and country-specific studies agree... that the great majority of the problems with enforcement of domestic violence laws and with prosecution of the most serious cases can be traced to the patriarchal beliefs and values of the responsible authorities: beliefs and values – recognized or not, conscious or not – such as: domestic violence is a private matter; the family should always stay together, if a woman is mistreated or abused, she asked for it, and so on."

Best Practices for Eradicating Domestic Violence in Latin America and the Caribbean, Luz Rioseco Ortega ²⁹

"The obvious trend toward enacting laws intended to eliminate discrimination and protect the basic rights of all persons is not matched by a similar trend in the judiciary".

*Access to Justice for Women Victims of Violence in the Americas, Inter-American Commission on Human Rights, Organization of American States, January 2007, para.152.*³⁰

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, a problem that the individuals involved need to come to terms with and resolve. It is not. It is a violation of human rights which is committed behind thousands of doors in apparently ordinary homes. 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.

In interviews with police officers and prosecutors, women are sometimes treated in ways that discourage reporting.

IN HER OWN WORDS

"I made a statement. I spent three days giving a statement in the 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 had no control over my sphincter; I couldn't even go to the toilet, I had to be accompanied by a [female] CICPC official. At that time I didn't know whether I was the victim or the accused. Because I felt I had nothing, I felt suffocated, overcome by everything that had happened to me as well as all the questions, the same questions over and over again."

Woman C interviewed by Amnesty International, July 2007

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.³¹ 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; officials who do not have 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; and health service providers who do not fully appreciate their key role both in providing the medical services needed and in documenting the consequences of violence. Few cases are reported, fewer adequately investigated and even fewer prosecuted – entrenching victims' distrust and doubt in the system's ability to address their situation.

IN HER OWN WORDS

"...because there was no lawyer there, [the police officers] couldn't deal with me. So they left me at the hospital. They discharged me at around 2 in the morning. I said to the doctor, where was I going to go, if I had no money, and nowhere to go. The doctor said 'I'm sorry but you have to leave; you can't stay here... I don't know what you can do', said the doctor. So I left the hospital in tears..."

Woman F interviewed by Amnesty International, July 2007

Various studies have highlighted the dangers of referring domestic violence for resolution through conciliation rather than dealing with the crime through the normal judicial process.

Conciliation presupposes that both parties to the negotiation are starting from a point of equality. However, this equality is almost never present between the victim of violence in



Women promoting the “Count to three” campaign, 2007. The campaign was the result of a collaboration between UN agencies, the private sector, INAMUJER and various civil society organizations.

the home and the abuser, so that conciliation becomes not merely a flawed approach, but a dangerous one for the victim. The Inter-American Commission on Human Rights has noted that in a number of countries it has become clear that given the unequal power relationship between the victim and assailant, agreements reached in the framework of mediation compound the physical and emotional risks for women. The Commission also notes that as a rule, the assailant does not abide by the agreement which, in any case, does not address the causes and consequences of the violence.³²

SHORTAGE OF SHELTERS

There is a shortage of shelters throughout the country, so many women do not receive the immediate support and protection they need. 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. However, at present there are only two shelters run by the national authorities and one state-run shelter in the whole of Venezuela. These were highly praised by survivors, but there are clearly not enough of them. The 2007 law acknowledges the need for shelters in every state in Venezuela and shelters were also set out as a priority in the earlier 1999 law. However, despite this, nowhere near enough shelters have been opened.

HOUSING AND WORK

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.

“In most countries... domestic violence is a key cause of women's homelessness and presents a real threat to women's security of person and security of tenure. Many women continue to live in violent situations because they face homelessness if they resist domestic violence.”

UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, 2003.³³

Women repeatedly told Amnesty International about the problems they faced after leaving an abusive partner on whom they had become financially dependent – often because he refused to let them work. Above all they feared the impact this would have on their children. Many women feel that they have no choice but to stay with their abuser if the alternative is to be homeless and unable to support themselves or their children.

The 2007 law addresses the key issues outlined in this chapter and provides the framework to resolve them. It calls for shelters in each province and provides for assistance for women and their families leaving abusive situations (see Chapter 5). With a firm commitment to ensure implementation from the authorities, the 2007 law could result in a major step forward in the protection of women from violence in Venezuela.

■ *The State will develop public policies aimed at women victims of violence who are without work, placing them on programmes, missions and employment training projects, depending on their physical and psychological condition. If the victim has an officially recognised disability preventing or hindering her from accessing employment, she will receive special care enabling her to integrate into the labour market and receive training. For this, programmes, projects and missions will be established. 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.*

■ *Women victims of gender violence will have priority in accessing housing, land, credit and technical assistance offered within government plans.*

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

TESTIMONY

"I've been in shelters twice because of domestic violence. I've been married 11, nearly 12, years... on a number of occasions he has mistreated me... the time came when I couldn't take any more, I realized I was in danger, because the ill-treatment was awful. He left the house and I took the opportunity to leave with the children. I went to the police and made a complaint... they recommended that we go to a shelter, for the same reason, because the ill-treatment was constant, he mistreated the children, he swore at them, cursed them... he would cover my mouth and, along with my mouth, he'd cover my nose; several times I thought I was going to die because he was suffocating me, especially when he grabbed me round the neck and squeezed... He told me I was good for nothing.

I was in this shelter; they protected me, they treated me very well. They helped me and my children psychologically. I stayed there almost six months and when I left I had nowhere to go. I went to my mum's for a while, he turned up there too, threatening, always threatening.

There came a time when I decided to go back to him and give him another chance, through fear and many things and out of a desire for change, that he would change. But things were just the same or even worse... The bad treatment continued the same, the threats, the suffocation, pushing me and hitting me in the stomach and so on... I think one of his ways of grabbing me round the neck or grabbing me and trying to suffocate me was a way of torturing me because it left no marks. I spoke to a friend who had... been in the shelter too, and I told her that I couldn't bear it any more, I couldn't cope, and she called 0800Mujeres again. They asked me if I wanted to go back to the shelter and I said yes. I went back to them

because of the same bad treatment. They continued with the psychological help and in fact I was there almost seven months.

They helped me and my children. I am glad that there are such houses. But I also think that once we leave these places we should get protection from the mistreatment. The law should be more than just words, it should be put into practice, implemented 100 per cent so that we have protection. So that when we leave here with no home to go to, we have a home, we have help from the government so that we can put an end to all this... I'm really tired of running away, because I am not, as we say here in Venezuela, I am not a crook... I think that everyone should make men realize that we women are not mere animals...

...the first time he was arrested the judge told him not to come near me but he didn't bother about that. He went to the house to find me, to my mum's house... this was when they took me to this shelter, to protect me. The second time I went to the shelter I asked them please not to summons him or to take him to court or anything because he wouldn't take any notice and that. What I wanted was protection for me and my children and that once I left there to go to a place that was not... near him because I knew that he would keep on looking for me.

...for me to live without fear I would like him to change but, the truth is, I can see he's not going to... I am on a housing waiting list and there are a lot of other women on that list and they tell me that there are women who have been waiting years and they take priority. And I don't know if I can wait that long."

Woman E interviewed by Amnesty International, July 2008



5/OVERCOMING THE BARRIERS

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 now would provide immediate protection and begin to put an end to the pain and suffering experienced here and now in homes throughout the country.

RAISING AWARENESS AND CHALLENGING PREJUDICE

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.

If the 2007 law is to be truly effective, then those charged with implementing it must be fully aware of its provisions and understand how the law can assist them in stopping violence against women. In some instances, this also involves raising awareness of violence against women and challenging some of the entrenched beliefs which threaten to undermine the potential efficacy of the new law.

INFORMATION AND EDUCATION

Many of the women told Amnesty International that they had seen advertisements for the 0800Mujeres helpline and had seen or heard campaigns talking about violence against women. In addition, the Centro de Estudios de la Mujer at the Central University of Venezuela and INAMUJER, among others, have produced their own leaflets and posters publicizing the problem of violence in the family and the new law designed to end it. At various times this has been picked up by television channels and local radio in some areas.

The continuing challenges facing Venezuela are reflected in other countries in the region seeking to eradicate violence against women and grappling with long-established discriminatory attitudes against women in institutions, among judges and law enforcement officers and in society at large.

"In cases where domestic violence has been incorporated into the Criminal Code, there is resistance towards applying the regulations because of the changes they imply for criminal systems that presume the innocence of the defendant and demand antithetical proof with victimology.

The use and abuse of mediation to maintain the "family unit", without considering the risk this implies in a relationship of unequal power and its ineffectiveness as a mechanism for resolving conflicts in this regard.

The granting of precautionary or protective measures does not take account of the dangers of each case, through ignorance of the risks that domestic violence implies and a lack of elements with which to assess this risk...

Lack of training of all officials involved in applying the law...

Lack of organisation and coordination between the different institutions involved. In this regard, deeply entrenched legal practices of failing to coordinate with other sectors, of undertaking their work in isolation, can be observed.

Overloading of the judges, of the special police units that have been created in some countries and, thus, uncertain and inefficient handling of cases."

Economic Commission for Latin American and the Caribbean, *Good practice in the eradication of domestic violence in Latin America and the Caribbean*, September 2005, p.29

Overcoming gender stereotypes is one of the most effective ways of combating domestic violence. It is also a challenging endeavour with far-reaching consequences not only for the people directly affected by domestic violence, but for society as a whole. Amnesty International delegates found evidence of widespread preconceived notions of the role that women should play within the family.

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. Improved information gathering is needed to enable measures to be assessed in order to ensure those which are effective are expanded and those which are less so are revised. In its concluding comments in February 2006, the UN Committee on the Elimination of Discrimination against Women commended Venezuela's efforts to collect statistics disaggregated by sex. However, it urged the authorities to establish a centralized system to gather data on the incidence of violence against women and to include such data and information about the impact of measures taken in its next periodic report, due in June 2008.³⁴ (For a summary of the Committee's findings see Appendix 2.)

In 2007 the authorities adopted several initiatives to improve the collection of information and the collation of statistics. For example, Amnesty International learned of a pilot project by the INE, INAMUJER, and other organizations responsible for women's affairs, which aims to establish a centralized registry of complaints. According to information received, the project will start during 2008. Amnesty International was also informed that the INE is preparing a demographic survey/census which will include a section on violence against women in the family; the results were due to be published in 2008.

This information, together with statistics that INAMUJER has been collecting from the 0800Mujeres telephone line and shelters, should provide statistics which will allow the authorities to better understand and deal with the problem of domestic violence. This should provide a more sound basis for finding effective solutions and assessing and targeting the resources needed.

MEDICAL PROTOCOL

The Health Ministry has drafted a proposed new medical protocol for the treatment of survivors of gender-based violence. The protocol includes guidelines on how to identify, record and treat women who have experienced violence. The protocol stresses the importance of appropriate and continuing professional training for health professionals on dealing with the victims of gender-based violence. Although it was not clear at the time of writing whether this draft protocol had been approved, the protocol is an important and potentially extremely useful advance which could help ensure that women who experience gender-based violence receive appropriate treatment. It also has the potential to make an important contribution to enabling the authorities to fulfil their obligation to investigate reports of violence by ensuring the collection of evidence in a manner which supports and facilitates the successful prosecution of abusers.

The stated aim of the draft medical protocol is to invite all those working in the health sector to initiate and/or promote a process of raising awareness of the fact that interpersonal violence is a public health issue.³⁵

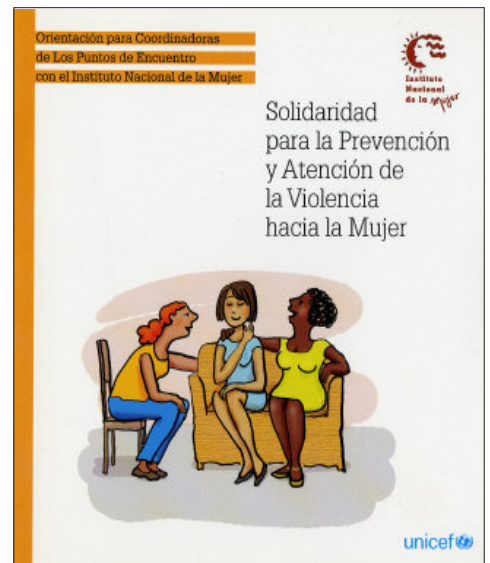
SHELTERS

"As soon as I entered the Shelter, I felt my life return to me. The kindness and selflessness of the people working there was overwhelming. The other women living there, all victims of violence, were expecting us. They welcomed us warmly. They helped us get our bags from the car. That night I found out who my real mates, friends, sisters, were. [...] That night, Belkis T was on duty, and she welcomed us cordially. She showed me my room. Candelaria gave me milk and helped me prepare Sebastián's bottles. I felt so calm, the night was peaceful and silent. [...] Finally, after a long time, I fell asleep, a full night's sleep. Safe, without fear, without threats, without terror."

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

Many of the women Amnesty International interviewed were either living in one of the two shelters run by the national government, or had stayed there previously. The overwhelming response of the women was appreciation and gratitude for the protection and support as well as the warmth and friendship that these refuges had given them.

Shelters provide vital front-line protection and it is clear that the women who spoke to Amnesty International felt that the two which have been set up are responding well to their needs. This key role is recognized in the 2007 law which calls on national, state and municipal authorities to set up shelters for women fleeing violent relationships (Article 32). 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. The government's stated commitment to providing more shelters needs to be turned into practical plans for implementation. And that in turn means allocating appropriate resources and prioritizing the creation of and funding for shelters for women.



© INAMUJER/illustration by Loreana Padron

APPROPRIATE POLICING

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. Enforcing protection orders can be costly in terms of police time and effort and all too often it is not seen as a priority by law enforcement officials. Several women expressed their distress at the failure of the authorities to enforce protection measures.

The 2007 law sets out a number of protection measures including, in certain circumstances, allowing the police to temporarily remove the alleged attacker from the home where a woman is believed to be at imminent and grave risk (Article 86), pending further legal proceedings. The law also provides for protection orders banning an abusive partner from approaching the victim and for short-term detention on the order of a judge. While the 2007 law clearly acknowledges the importance of such measures for women's safety, implementation requires resources, both in terms of police priorities and training.

Amnesty International delegates visited a metropolitan police station in Caracas, a local police station in an area of Maracay and the central seat of the CICPC in Caracas. 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. Resources and dedicated budget allocations are needed for computers and filing systems, for partitions to create private spaces in which to conduct interviews, for training to educate officers in the new law and in gender issues, and for the creation of multi-disciplinary teams that include psychologists and professionals with medical and forensic expertise.

A leaflet produced by INAMUJER to raise awareness about the problem of violence against women. The leaflet was designed to be used by facilitators working with social networks addressing the prevention of violence against women. This leaflet specifically focuses on domestic violence.

© FUNDAMUJER



Awareness-raising poster produced by Fundamujer, an NGO working on the prevention of domestic violence against women. The poster reads: "Women – Don't put up with abuse from your partner".

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. In particular, they welcomed the fact that the law clearly dealt with violence against women as a public matter not a private one. This enables them to initiate prosecutions – even in cases where the woman withdraws her complaint or where the complaint is lodged by a third party – where a public offence has been committed and therefore the state has the responsibility to investigate, protect and administer justice.

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 such an action plan that ensures that prosecutors and judges know the law and implement it appropriately has been put into practice. 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.

SUPPORT IN SOCIETY

Since August 2007, a number of initiatives have been put in place to ensure that women who have experienced gender-based violence have priority in accessing social services. One such initiative is that of the Madres del Barrio Misión³⁶ set up in 2006 by presidential decree.³⁷ One of the Misión's aims is to ensure mothers living in extreme poverty receive between 60 and 80 per cent of the minimum wage. It also provides access to a range of services including health care and education and allows some women to access small loans through the Misión. While these provisions are not directed specifically at women who have experienced domestic violence, survivors of violence in the family can have priority access to this aid.

Despite the provisions of the 2007 law and help being offered through the Misiones, there is an urgent need for greater efforts to ensure that women who experience domestic violence have timely and appropriate access to medical care, education for them and their children, housing, training and assistance to re-enter the workforce.

6/CONCLUSIONS

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. This includes, among other things, the framework of rights provided by the 2007 Organic law on the right of women to a life free of violence, building on the earlier 1999 law; two shelters; and the 0800Mujeres telephone service.

However, there are still large obstacles to ensuring that women can fully exercise their right to live free of violence. These, as detailed in Chapter 5, include lack of awareness and education about domestic violence; limited access to information about protection and redress for victims; inadequate data collection; insufficient shelters for victims; and a poorly resourced police and judicial infrastructure. These are not new problems; they existed before the 1999 law and persist to this day.

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.³⁸ Full implementation of the law would undoubtedly set a benchmark for ending this pervasive human rights abuse.

It is worth emphasizing that the 2007 law provides for a series of transitional measures (see Appendix 1) which were due to be implemented over the course of the first year following its approval. These should, therefore, have been in place at the time of writing. However, to Amnesty International's knowledge, these transitional measures have not been implemented.

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. The women whose voices are at the heart of this report have courageously shared their experiences, fears and hopes. The Venezuelan authorities now need to show the political will and determination to provide a fitting response.

Women taking part in a workshop on preventing violence against women, Caracas, 2006. The workshop, which was run by Fundamujer, was specifically designed for women on low incomes.



TESTIMONY

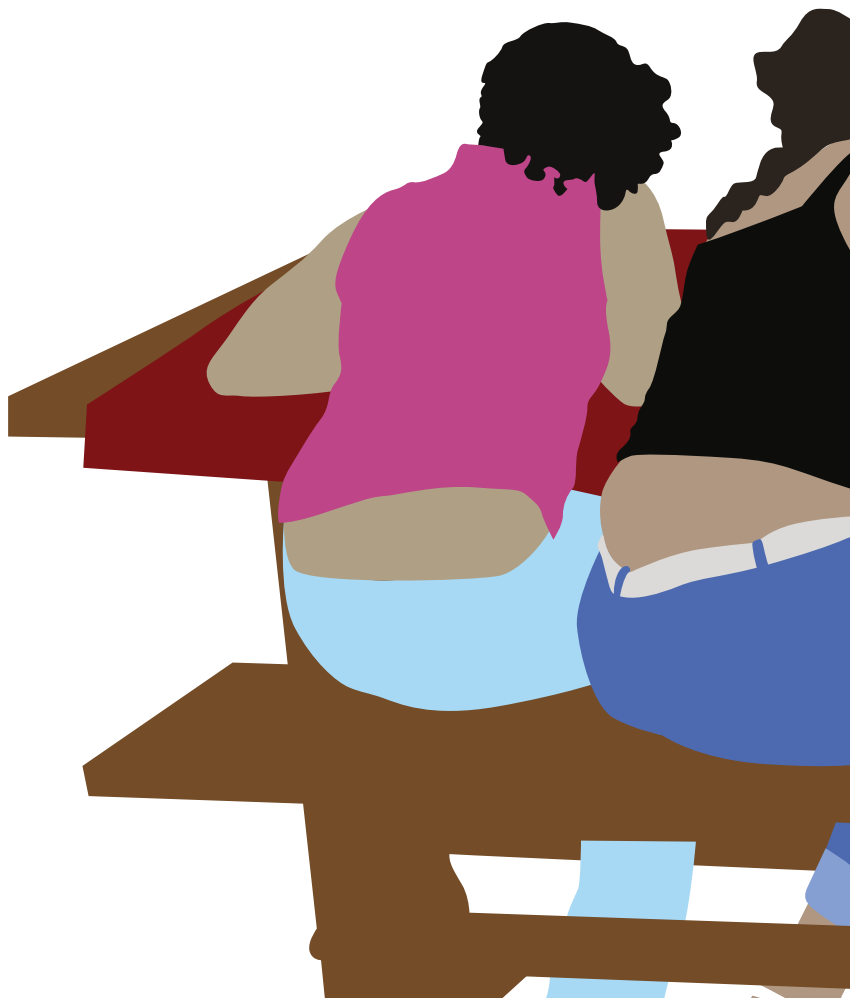
"I am, or rather I was, abused by my partner... He's a very jealous man and when he'd been drinking hard he liked to humiliate and insult me... Whenever he went out, I was always shut in the room with his five-year-old granddaughter... he said he was padlocking the room because he didn't want to be burgled... He hit me several times, my face was all swollen, he split my top lip, broke my jaw...

I was afraid of leaving the house to report him and in any case I had no keys, I didn't have the keys to the apartment. He wouldn't let me go out to work. He started to put a stop to my daughters' phone calls. I didn't call them and they didn't call me and if they did call me, we had to say that we weren't going to be at home, that we were going out for a walk or going somewhere so that they wouldn't come... I did nothing because I was afraid to leave and be on my own in a city where I have nowhere to go or nobody to go to.

...he hit me across the jaw. I said to him, 'if you're going to carry on hitting me like this, I'd rather you killed me.' I lay face down on the bed and he took advantage, he climbed onto me, he kicked me with his shoes on, he kicked me, he beat me and, seeing that I was not reacting to the beating, not crying, he took a spanner and hit me all over my back, on my legs, he broke my heels. I put my hands on my head and he hit my hands. My whole body was bruised and swollen... For three days I couldn't move my left leg. He didn't let his granddaughter see me. He said 'the child can't see you like this because it's not right', even though he used to hit her, too, and whenever he hit her he used to tell her to put ice on it so that she wouldn't bruise and they wouldn't see it at school.

...I opened the front door and ran a few storeys down... into an apartment where the door was open... I explained everything that was happening to me and [the woman and her daughter] said... this wasn't the first time. Then they called the person who was in charge of the building and when she came she said the same thing and told me, I can help you by opening the door into the street so that you can go and report him, but be careful, if you leave here, don't ever come back again. Nowadays there's a lot of help available for abused women, she told me. You go to the prosecutor's office and report him.

...I went down, she took me down in the lift, and I left the building and made my way, I ran barefoot, about two blocks, with my injured and broken feet. I came to a police station, and I made an official complaint... they took me to hospital... They discharged me at around 2 in the morning. I asked the doctor, where was I going to go, if I had no money, and nowhere to go. The doctor said 'I'm sorry but you have to leave; you can't stay here'... So I left the hospital in tears and went to talk to the hospital watchman to see if he could get me a lift with the police to go to the prosecutor's office... The watchman said there was no need for me to go out at that hour, because it was very dangerous. He gave me a chair and told me to sit there and wait. He gave me a gown, one of those that surgeons wear, I put it on and I stayed there until six in the morning. He gave me 2000 bolivars [for the bus fare]... I got the bus, it dropped me off outside the prosecutor's office... they treated me really well. I was seen by a social worker who gave me the number for 0800-Mujeres and... 600 bolivars for the fare... to the National Institute for Women and they were wonderful to me there.



...they took me to the National Institute for Women's shelter, where I spent three months... I received lots of help from the facilitator and the co-ordinator and they helped me to find work, which is very important...

...a month and a half after I made the complaint, the prosecutor's office arranged a meeting with him... he begged me not to send him to prison... If he went to prison again, he would think nothing of coming out and killing the person who had denounced him... I really believe that. He says that he lives in Táchira and that there are plenty of places around there where you could take a body and bury it and no-one would know, that's what he says... There's no way I'm going to seek him out. Thank God I've got a job. And I hope he'll never turn up. I hope he's happy, so that he never comes to find me.

...the most important thing is to make people aware, both men and women, but you have to start when they are children. They have to be taught not to be violent... [we need] workshops in schools... in workplaces...

Workshops on violence, for women so that we don't get trapped by violence... When I came out of hospital, I said, why would somebody escape from a place where they are living and eating and having to put up with being beaten, if somebody is going to go onto the streets, and remain on the streets, and do nothing, or beg on the streets because [they] have nowhere to go at that moment? But thank God there is the National Institute for Women, which has helped lots of women."

Woman F interviewed by Amnesty International, July 2007



7/RECOMMENDATIONS

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE VENEZUELAN AUTHORITIES

These recommendations are based on Amnesty International's 14-point Programme for the Prevention of Domestic Violence.

Condemn domestic violence

State officials and political leaders at every level, national, district and local, should publicly and consistently condemn domestic violence, highlighting its gravity. They should acknowledge that domestic violence is a human rights violation, and therefore a public concern, not a private matter. Officials may not invoke customs, traditions or religion to evade their responsibility to eliminate violence against women.

Raise public awareness of domestic violence

Widespread public awareness campaigns should be launched in schools, colleges, citizens' forums and workplaces to denounce domestic violence, to remove the stigma from women targeted for violence, and to encourage survivors to seek redress. All available media should be used, including the press, the internet, lectures and debates, and the campaigns should involve community leaders, politicians, journalists and civil society. All information should be easily accessible and available in local languages.

Use the education system to challenge prejudice

Educational materials should be developed and incorporated into curriculums at all levels of the education system, aimed at preventing domestic violence and challenging ideas that regard domestic violence as acceptable. Teachers, lecturers and other education workers should be part of the effort to overcome prejudices and stereotypes that confine women and girls to subordinate roles and contribute to domestic violence.

Ensure that domestic violence constitutes a crime

All laws, including criminal, civil, family and housing laws, should be reviewed to ensure that they comply with human rights principles. Any laws, regulations, or procedures that discriminate against women or that allow such discrimination to persist should be reformed, as well as any laws that facilitate or perpetuate violence against women. New legislation should be adopted as appropriate with the aim of ensuring equality for women.

Investigate and prosecute complaints of domestic violence

Ensure that the police provide a safe and confidential environment for women to report domestic violence, that there is mandatory registration of all complaints of domestic violence, and that all such complaints are promptly, impartially and effectively investigated. When there is sufficient admissible evidence, suspects should be prosecuted in accordance with international standards for fair trial and without recourse to the death penalty or corporal punishment, while ensuring that sentences are commensurate with the gravity of the crime. If a case is dropped, the reasons should be made public.

Remove obstacles to prosecutions for domestic violence

Investigate why reporting, prosecution and conviction rates for domestic violence are so low, and tackle obstacles and shortcomings identified by these investigations. Court procedures and rules of evidence should be reformed so that they do not discourage women from pursuing complaints. Complainants, witnesses and others at risk during investigations and prosecutions should be protected from intimidation, coercion and reprisals. There should be close co-operation between the police, the prosecution authorities and other authorities and services at the local level.

Provide compulsory training on domestic violence for officials

Fund and implement compulsory training programmes for officials – including police, lawyers, judges, forensic and medical personnel, social workers, immigration officials and teachers – in how to identify cases of domestic violence, how to ensure the safety of survivors and how to collect, safeguard, consider and present evidence.

Provide adequate funding

Allocate adequate funding to programmes to address domestic violence in all sectors including the criminal justice system, education, social services, health and housing, for example through a National Action Plan to ensure that assistance is equally available and of comparable quality throughout the country. Funding should be sufficient to allow the

implementation of legislation protecting women from domestic violence, and to provide necessary support and rehabilitation measures for survivors.

Provide places of safety for women fleeing violence

Fund and establish sufficient temporary shelters or other places of safety for women, without compromising their privacy, personal autonomy and freedom of movement. Such places should support and assist women's physical and mental recovery, and help them to access suitable, safe housing in the longer term.

Provide support services for women

Fund and create services for women who have suffered domestic violence, in co-operation with civil society organizations as appropriate, so that they can access the criminal and civil justice systems, including free legal advice when necessary on divorce, child custody and inheritance. Ensure that they have access to adequately funded health-care and support services, including counselling. Services should be linguistically and culturally accessible to all women requiring them.

Collect and publish data on domestic violence

Ensure that domestic violence is fully reflected in official reports and statistics, that the collection of qualitative and quantitative data is standardized and disaggregated according to gender and other relevant factors, and that it is open to verification. Ensure that all relevant government departments collect and publish data and statistics on domestic violence, that they share data, and that the data is used by policy-makers in devising effective policies and programmes to address domestic violence.

Let women know what they are entitled to

Ensure that women suffering violence have access to information about their rights and the services and support they are entitled to. Police stations, health facilities and other state agencies should be required to publicize information about victims' rights, including the range of protection measures available. All relevant agencies should be required to draw up, implement and monitor guidelines and procedures covering every stage of their response to cases of domestic violence, specifying what action is to be taken if these standards are not met.

APPENDICES

APPENDIX 1/TRANSITIONAL MEASURES OF THE ORGANIC LAW ON THE RIGHT OF WOMEN TO A LIFE FREE OF VIOLENCE

Creation of Violence against Women Courts

Article 123. Until the Special Courts for Violence against Women are created, the Supreme Court of Justice shall do whatever necessary to ensure that these functions are fulfilled by the jurisdictional bodies responsible for Child and Adolescent Protection and the Criminal Courts responsible for control, which will be conferred with exclusive responsibility for cases of violence against women by means of a Resolution of the Executive Directorate of the Judiciary (Dirección Ejecutiva de la Magistratura), from the moment this Law enters into force.

In terms of the creation of these specialist Courts, the Supreme Court of Justice will do everything necessary to ensure these are in place within one year from the entry into force of this Law. During this time, judges and officials involved in Violence Against Women, such as justice administrators, will be trained by professionals attached to the National Women's Institute (Instituto Nacional de la Mujer), the Women's Rights Ombudsman (Defensoría de los Derechos de la Mujer), the General Ombudsman, Universities, International Organisations, non-governmental organisations, and any other body specialising in gender justice.

Creation of Care and Treatment Units

Article 124. Until the Care and Treatment Units for acts of Violence against Women are created, judges may consider reports produced by any public or private health body when passing sentence.

The States and Municipalities will do whatever necessary to create and ensure the functioning of the Care and Treatment Units, within one year of the entry into force of this Law. During this time, the officials who are going to staff them will be trained.

Place where sentence will be served

Article 125. Until places have been established where those responsible for acts of Violence against Women can serve their sentences, the relevant Ministry will take measures to adapt detention centres to facilitate the rehabilitation of aggressors.

The creation of these centres will need to take place within a maximum period of one (1) year following the entry into force of the Law. During this time, the training of officials and all people involved in dealing with those convicted of the crimes covered by this Law will take place.

Bodies and regulations

Article 126. Within a period of no more than one year as from publication of this Law, the Nation, the States and Municipalities must provide whatever necessary means for the creation and adaptation of the units, entities and bodies herein anticipated. Within the same period, the necessary regulations for implementing these provisions must be passed within each jurisdiction.

Cases underway

Article 127. In accordance with Article 24 of the Constitution of the Bolivarian Republic of Venezuela, the procedural provisions provided in this Law shall apply from the moment of entry into force of the Law, even to cases already underway, without detriment to the principle of non-retroactivity or insofar as they may favour the accused, charged or condemned.

Appeals already lodged, the examination of proof already admitted, along with periods or lapses that may already have commenced, will be governed by the previous provisions.

Budget allocation

Article 128. The National Executive will include the necessary resources for the functioning of the bodies, entities and programmes herein anticipated within the Annual Budgetary Laws as from the year immediately following approval of this Law.

APPENDIX 2/UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Concluding comments of the Committee on the Elimination of Discrimination against Women: Bolivarian Republic of Venezuela

Thirty-fourth session - CEDAW/C/VEN/CO/6
16 January-3 February 2006

26. The Committee urges the State party to take immediate effective measures to eliminate any obstacles that may be encountered by women victims of violence in obtaining precautionary measures against perpetrators of violence and to ensure that such measures remain easily accessible to them.

The Committee underscores the need for the State party to place high priority on the comprehensive implementation and evaluation of the Violence against Women and the Family Law and to make it widely known to public officials and society at large.

The Committee calls upon the State party to ensure that perpetrators of violence against women are prosecuted and adequately punished.

It encourages the State party to enhance effective access to legal aid for women from all regions, including indigenous women and women of African descent.

It also calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, sensitized to all forms of violence against women and trained to adequately respond to them.

The Committee urges the State party to establish a centralized system to gather data on the incidence of violence against women and to include such data and information about the impact of measures taken in its next periodic report.

40. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in June 2008.

ENDNOTES

- 1** Throughout this report a variety of terms are used to describe violence against women in the context of intimate relationships. Please see "A note on terminology" for more details.
- 2** UN Secretary-General's *In-depth study on violence against women*, October 2006, <http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-consequenceE-use.pdf>, visited 6 February 2008.
- 3** *Boletín En Cifras: Violencia contra las Mujeres 2005*, Noviembre del 2006, AVESA / Centro de Estudios de la Mujer de la UCV / FUNDAMUJER.
- 4** Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia.
- 5** http://www.pnud.org.ve/index.php?option=com_docman&task=cat_view&gid=77&Itemid=81, visited 21 April 2008.
- 6** Humberto Márquez, "Anti-Domestic Violence Campaign Targets Men", IPS, 21 September 2007.
- 7** *Home Office Statistical Bulletin, Crime in England and Wales 2006/7*, Table 3.03, <http://www.homeoffice.gov.uk/rds/pdfs07/hosb1107.pdf>, visited 6 February 2008.
- 8** <http://www.crimereduction.homeoffice.gov.uk/dv/dv01.htm>, visited 6 February 2008.
- 9** <http://www.paho.org/English/DD/PIN/pr061121.htm>, visited 20 February 2008.
- 10** <http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-consequenceE-use.pdf>, visited 6 February 2008.
- 11** B. Ganatra, K. Coyaji and V. Rao, "Too far, too little, too late: a community-based case control study of maternal mortality in rural west Maharashtra, India", *Bulletin of the World Health Organization*, vol. 76, No. 6 (1998), quoted in the *In-depth study on all forms of violence against women*, Report of the Secretary-General, UN General Assembly, 6 July 2006.
- 12** V. Fauveau et al., "Causes of maternal mortality in rural Bangladesh, 1976-85", *Bulletin of the World Health Organization*, vol. 66, No. 5 (March-April 1988), quoted in the *In-depth study on all forms of violence against women*, Report of the Secretary-General, UN General Assembly, 6 July 2006.
- 13** K. Asling-Monemi et al., "Violence against women increases the risk of infant and child mortality: a case-referent study from Nicaragua", *Bulletin of the World Health Organization*, vol. 81, No. 1 (2003), quoted in the *In-depth study on all forms of violence against women*, Report of the Secretary-General, UN General Assembly, 6 July 2006.
- 14** *Spain: More than words – Making protection and justice a reality for women who suffer gender-based violence in the home* (Index: EUR 41/005/2005); *Albania: Violence against Women in the Family: "It's not her shame"* (Index: EUR 11/002/2006); *Belarus: Domestic violence – more than a private scandal* (Index: EUR 49/014/2006); *Sexual violence against women and girls in Jamaica: "just a little sex"* (Index: AMR 38/002/2006); *Nigeria: AI statement for the public hearing on the domestic violence and related matters bill* (Index: AFR 44/010/2006); *Ukraine: Domestic Violence – Blaming the Victim* (Index: EUR 50/005/2006); *Hungary: Cries unheard – The failure to protect women from rape and sexual violence in the home* (Index: EUR 27/002/2007); and *Maze of injustice: the failure to protect Indigenous women from sexual violence in the USA* (Index: AMR 51/035/2007).
- 15** Statistics given to the Amnesty International delegation in July 2007.
- 16** See, for example, Article 2 of the International Covenant on Civil and Political Rights.
- 17** See, for example, General Comment 31 of the Human Rights Committee, the UN expert committee that monitors states' implementation of the International Covenant on Civil and Political Rights. See also, UN Committee on the Elimination of Discrimination against Women, General Comment 19.
- 18** Humberto Márquez, "Anti-Domestic Violence Campaign Targets Men", IPS, 21 September 2007.
- 19** Statistics given to the Amnesty International delegation in July 2007.
- 20** See http://www.inamujer.gob.ve/index.php?option=com_content&task=view&id=60&Itemid=82, visited 25 April 2008.
- 21** The UN Declaration on the Elimination of Violence against Women (Article 2) and the Belém do Pará Convention (Article 2) include psychological violence in their definition of violence against women.
- 22** In October 2007, in paragraph 9 of its concluding observations on Venezuela, the Committee on the Rights of the Child recommended that "all children victims and or witnesses of crimes, e.g. children

victims of abuse, domestic violence [...] and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crimes (annexed to Economic and Social Council resolutions 2005/20 of 22 July 2005)."

23 *In-depth study on all forms of violence against women*, Report of the Secretary-General, UN General Assembly, 6 July 2006, A/61/122/Add. 1, paras.168-9.

24 "En cualquier caso, la familia debe ofrecer un ambiente de afecto y seguridad, que permita el desarrollo integral de los niños y adolescentes." Ley Orgánica para la protección del Niño y del Adolescente (LOPNA), Article 26, para.2.

25 *In-depth study on all forms of violence against women*, Report of the Secretary-General, UN General Assembly, 6 July 2006, A/61/122/Add. 1, paras.173-7, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>, visited 11 February 2008.

26 *Researching Violence Against Women – WHO, PATH 2005* – http://www.path.org/files/GBV_rvaw_complete.pdf. See also *Violence against Women, WHO consultation, 1996*, http://whqlibdoc.who.int/hq/1996/FRH_WHD_96.27.pdf, visited 20 February 2008.

27 *In-depth study on all forms of violence against women*, Report of the Secretary-General, UN General Assembly, 6 July 2006, A/61/122/Add. 1, paras.173-7, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>, visited 11 February 2008.

28 http://www.unfpa.org/swp/2005/presskit/factsheets/facts_gender.htm, visited 21 April 2008.

29 Inter-American Commission on Human Rights quoting Luz Rioseco Ortega, Consultant, Economic Commission for Latin America and the Caribbean, *Buenas Prácticas para la Erradicación de la Violencia Doméstica en la Región de América Latina y el Caribe* [Best Practices for Eradicating Domestic Violence in Latin America and the Caribbean], Luz Rioseco Ortega Santiago de Chile, September 2005.

30 <http://www.cidh.org/women/Access07/tocaccess.htm>, visited 10 February 2008.

31 See, for example, Amnesty International, *Maze of injustice – The failure to protect Indigenous women from sexual violence in the USA* (Index: AMR 51/035/2007).

32 *Access to Justice for Women Victims of Violence in the Americas*, Inter-American Commission on Human Rights, Organization of American States, January 2007, para.161.

33 UN Doc. E/CN.4/2003/55, paras.20-34.

34 Concluding comments of the UN Committee on the Elimination of Discrimination against Women: Bolivarian Republic of Venezuela, 16 January-3 February 2006, para.26; <http://daccessdds.un.org/doc/UNDOC/GEN/N06/238/44/PDF/N0623844.pdf?OpenElement>, visited 20 February 2008.

35 Draft medical protocol, p.8, Provided to Amnesty International delegates in July 2007.

36 See "List of terms".

37 Presidential Decree N° 4.342, 23 March 2006.

38 For more information about Amnesty International's 14-Point Programme for the Prevention of Domestic Violence (Index: ACT 77/012/2006), visit www.amnesty.org/actforwomen.



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'THE LAW IS THERE, LET'S USE IT' **ENDING DOMESTIC VIOLENCE IN VENEZUELA**

Violence in the family remains the most common form of violence against women worldwide. Venezuela is no exception. However, a new law, approved in 2007, sets out many of the measures that are most urgently needed to overcome the barriers preventing women from living a life free from violence. Implementation of the law now would provide immediate protection and begin to put an end to the pain and suffering experienced here and now in homes throughout the country.

This report highlights both the promise held out by the law and the measures that the Venezuelan authorities need to take to ensure that the law's potential to protect women is realized.

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