

GLOBAL INFORMATION SOCIETY WATCH 2013

Women's rights, gender and ICTs



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Lori Nordstrom

Publication production

Mallory Knodel

Proofreading

Valerie Dee
Lori Nordstrom

Graphic design

Monocromo
info@monocromo.com.uy
Phone: +598 2400 1685

Cover illustration

Matías Bervejillo

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Sandra Lisdee Benítez Uzcátegui
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Introduction

The following report analyses the current state of the Venezuelan government's public policies regarding the rights of women and the use of information and communications technologies (ICTs), and legal instruments that enable empowerment and gender equality in Venezuela. It also discusses the discrimination against women in public institutions and considers some incidents where the use of the internet and ICTs promoted gender violence – but likewise has created opportunities for citizen participation and women's protest. Particular incidents are analysed, including citizens and public officials who were exposed to persecution for political reasons and layoffs in various public agencies between 2004 and 2013. It identifies cases of "mobbing"¹ in the period 2006-2010, and looks at the impact of ICTs on these incidents. Finally, we determine some action steps towards recognising women's rights using ICTs and the internet, and list a series of recommendations to do with employment discrimination against women in Venezuela.

Legal framework

In Venezuela the state guarantees equality and equity for women and men in the exercise of the right to work. For instance, this is recognised in Article 88 of the Constitution of the Bolivarian Republic of Venezuela, where fundamental human rights for women are enshrined, such as freedom, equality, life, safety and non-discrimination. Among the laws passed impacting on women are the Organic Law on the Right of Women to a Life Free of Violence,² the Law on Violence Against Women and the Family,³ the Law on Equal Opportunities for Women,⁴ the Political

Participation Law,⁵ the Social Security Law,⁶ the Organic Law on Labour and Workers (LOTTT),⁷ and the Organic Law on Work Conditions (LOPCYMAT),⁸ among others. The Ministry of Popular Power for Women and Gender Equality⁹ and the Ministry of Labour and Social Security (MPPTSS)¹⁰ have also created institutions to ensure the safety and protection of women: the National Women's Institute (INAMUJER),¹¹ the National Office for the Defence of Women's Rights,¹² the Women's Development Bank,¹³ and the National Institute for Workplace Health and Safety (INPSASEL).¹⁴ In 2013 new legislative developments are expected.¹⁵ Meanwhile, Venezuela recognises the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹⁶ the Convention on the Prevention, Punishment and Eradication of Violence against Women, and the Beijing Declaration, and has also signed numerous other international conventions, such as those introduced by the International Labour Organization (ILO).¹⁷

Analysis

In Venezuela, public policies related to ICTs do not include a gender perspective, but there are tools that facilitate the inclusion of women in the work of the country, seen in the "visibility"¹⁸ of women's rights in the legal framework and institutions presented above. However, the creation of laws and institutions alone is not enough to ensure that women exercise their rights

5 www.tsj.gov.ve/legislacion/LOSPP.htm

6 www.inpsasel.gob.ve/moo_doc/ley_org_sis_seg_soc.pdf

7 www.lottt.gob.ve/

8 www.lottt.gob.ve/wp-content/uploads/2012/05/LOTTT-Gaceta-6.076.pdf

9 www.minmujer.gob.ve/

10 www.ine.gov.ve/index.php?option=com_content&id=176&Itemid=20

11 www.minmujer.gob.ve/inamujer

12 www.minmujer.gob.ve/inamujer/index.php?option=com_content&view=article&id=2&Itemid=6

13 www.minmujer.gob.ve/banmujer/index.php?option=com_content&view=article&id=1&Itemid=2

14 www.inpsasel.gob.ve

15 generoconclase.blogspot.com/2013/05/fiscalia-solicita-antereforma-parcial.html

16 www.cedaw2010.org

17 www.actualidadlaboral.com.ve/documentos-legales/convenios-oit and www.ilo.org/global/about-the-ilo/lang-es/index.htm

18 www.razonypalabra.org.mx/anteriores/n55/mgonzalo.html

1 es.wikipedia.org/wiki/Acoso_laboral

2 www.defensoria.gob.ve/dp/index.php/leyes-mujer-y-familia/1341

3 www.ventanalegal.com/leyes/ley_sobre_violencia_contra_mujer_familia.html

4 www.defensoria.gob.ve/dp/index.php/leyes-mujer-y-familia/1345

– it is necessary that the laws are enforced for all women to gain access to a life free of violence.

The most significant public policies designed to improve and expand connectivity and the use of ICTs in the country in order to promote the participation of women on the internet, encourage a technological culture and facilitate the conditions for the exercise of women's rights include:

- Establishing the use of the internet as a policy priority for the country's development, in order to provide universal access, as established in Decree 825.¹⁹
- The creation of projects, plans and programmes that promote the use of technology and knowledge and integrate these into the Simon Bolívar National Project,²⁰ which marks the strategic lines of development for the country, such as the National Plan for Technological Literacy (PNAT),²¹ the Science Mission,²² Infocentros,²³ the Bolivarian Centre for Informatics and Telematics,²⁴ and the Virtual Libraries programme, among others. Currently over a million and a half Venezuelans have been trained under the PNAT.²⁵
- The promotion of gender equality and empowerment through the following plans: the National Plan of Equality for Women, the Plan for the Prevention and Treatment of Violence against Women, and the Plan for Strengthening the Socio-Political Participation of Women.²⁶

With regard to the participation of women in the defence of their rights, in recent years opportunities have been created. In particular, a number of civil society groups have used the internet²⁷ to establish mechanisms to defend women's rights, inform, educate and denounce gender violence. These include PROVEA,²⁸ the Forum for Life,²⁹ the Venezuelan Observatory on Women's Human Rights (OVDHM),³⁰

Gender with Class,³¹ Venezuela Now,³² the Ana Soto Women's Movement,³³ Women in Black,³⁴ the Councils for the Defence of Human Rights,³⁵ and the Reflections of Venezuela Foundation.³⁶ Initiatives by individuals have also emerged, such as those by Martha Colmenares,³⁷ who made allegations of violations against women in cases which became symbolic of the struggle for equal rights. There are also civil society organisations such as Aliados en Cadena³⁸ that promote the integral development of women through ICTs. This is an indication of the importance of the participation of women in online spaces and the importance of ICTs in the diffusion, promotion and dissemination of information that seeks to open spaces for the defence of their rights.

According to a study by Digital Trends,³⁹ internet penetration in Venezuela is currently 40%, which means 11.6 million people are online, of whom 46% are women and 54% are men. The study also reveals that 9.7 million Venezuelans are connected to Facebook. This suggests a 33% penetration of the social network. It also suggests the importance of establishing channels of communication using social networks.

Given the political and social dynamics, Venezuelan women have developed – or supported the development of – legal instruments to dignify their working conditions, defend their rights and freedoms, and actively participate through ICTs. However, in practice the delays in handling complaints, lack of evidence, lack of legal advice for victims, little public data on violence against women, and bureaucracy, among other factors, make gender-rights processes ineffective. Most gender violence remains unpunished.

Between 2006 and 2010, INPSASEL⁴⁰ recognised six complaints of mobbing from a total of 1,855 complaints – a significantly low number. These six complaints of mobbing came from reports by civil servants over 30 years of age assigned to public institutions such as the Venezuelan state-owned oil

19 www.cecalc.ula.ve/internetprioritaria/decreto825.html

20 www.cendit.gob.ve/uploaded/pdf/Proyecto_Nacional_Simon_Bolivar.pdf

21 www.fundacite-anz.gob.ve/documentos/Plan_Nacional_de_Alphabetizacion_Tecnologica.pdf

22 gobiernoenlinea.gob.ve/home/misiones_detalle.dot

23 www.infocentro.gob.ve/index.php?id=91

24 fundabit.me.gob.ve

25 pnat.infocentro.gob.ve/vistas/docs/ReporteAlfabetizacionPNAFT_010113_300413.pdf

26 www.pnud.org.ve/content/view/176

27 Including websites, blogs, and social networking platforms such as Twitter.

28 Programa Venezolano de Educación-Acción en Derechos Humanos. www.derechos.org.ve/informe-anual-2012

29 foroporlvida.blogspot.com/2013_04_01_archive.html

30 observatoriomujeres2006.blogspot.com

31 generoconclase.blogspot.com/2013/02/venezuela-colectivos-denunciaron.html

32 venezuelaahora.blogspot.com/2011/09/fiscalia-crea-direccion-para-la-defensa.html

33 movimientodemujeresanasoto.blogspot.com

34 venezuela-mujeresdenegro.blogspot.com

35 consejosparaladefensa.blogspot.com/2013/05/el-morral-de-los-derechos.html

36 www.fundacionreflejosdevenezuela.com/index.php

37 www.marthacolmenares.com/2010/04/22/cifra-de-violencia-contra-la-mujer-se-estima-en-100-mil-casos-en-un-ano

38 www.rsevenezuela.com/index.php?option=com_content&view=article&id=2365&Itemid=24

39 www.tendenciasdigitales.com/1433/la-penetration-de-internet-en-venezuela-alcanza-40-de-la-poblacion

40 www.aporrea.org/ddhh/m153835.html

company PDVSA⁴¹ (2), the National Land Institute (2), the University of Zulia (1) and the public water utility Aguas de Yaracuy (1).

In the case of PDVSA, a female employee suffered from an excessive work load, forced overtime, harassment, high levels of abuse, rigid supervision and performance pressure, which led to occupational diseases.⁴² She had to undergo intensive psychiatric tests at four institutions⁴³ during 2009 and 2010. INPSASEL concluded that the worker was subjected to mobbing and a certificate was issued because the harassment caused temporary disability. Meanwhile the company was under an obligation not only to correct and prevent it from happening again but to pay the worker compensation of between 26 UT (USD 442) and 75 UT (USD 1,275).

In some public sector cases, the participation of women through ICTs in the workplace represents a risk that promotes more threats, harassment and workplace violence. In recent years public employees have highlighted cases that involve social networks. This creates a hostile working environment and levels of helplessness that lead potential victims to withdraw complaints for fear of being fired or being accused of exaggerating episodes which are not really “serious”.⁴⁴ Below are some incidents:

- In 2004, Venezuela witnessed a number of incidents of gender violence against women participating in peaceful pro-democracy protests organised by the opposition against the government. A shadow report by Venezuela’s OVDHM⁴⁵ details the cases of four women who suffered the consequences of excessive violence.⁴⁶ Two were killed and the others were beaten, without any prosecution of the aggressors. In the case of Maritza Ron, she died during the demonstration and the three individuals involved in the crime (sentenced to 11 years in prison each) are now on parole. There are moves to take the case to the international courts.⁴⁷

- Other landmark cases occurred in April 2013 following a series of social and political events after the presidential elections. Six teachers and one secretary from schools in the state of Zulia were dismissed on suspicion that they harboured anti-government views, according to the president of the Single Union of Teachers of Zulia, Gualberto Masyrubi.⁴⁸ Deputy Delsa Solórzano⁴⁹ also said the government implemented a “political cleansing operation” and indicated that teachers from around the country would be reported and dismissed if they did not sign a document swearing loyalty to the president.⁵⁰ A team of lawyers have defended 64 cases and have drafted documents for submission to INPSASEL.⁵¹ The General Confederation of Workers of Venezuela (CGT)⁵² will also present cases before the ILO.⁵³

These cases were reported on blogs⁵⁴ which pointed out that the internet was a key instrument in the “political cleansing operation”. A Facebook account was created under the name “Removing the traitors of the fatherland” which published names and photos of civil servants (men and women) who supposedly voted for the opposition candidate.⁵⁵ It was accompanied by threatening messages from government supporters. A Twitter account⁵⁶ also published photographs of public employees in demonstrations supporting opposition candidates and calling for the “cleansing” of state agencies. The director of the Centre for Human Rights reports that many public employees had their mobile phones seized, after which they were checked for “suspicious signals” – an act which is nevertheless a crime according to Articles 6, 9, 11, 20 and 22 of the Computer Crimes Act.⁵⁷

These cases reflect the levels of helplessness that Venezuelan women feel regarding the enforcement of their labour rights and citizen participation.

41 www.aporrea.org/ddhh/n153835.html

42 www.medicinalaboraldevenezuela.com.ve/archivo/Anteproyectos%20Normas%20Técnicas%20INPSASEL/listado_de_enfermedades_2009.pdf

43 Unidad de Psiquiatría Ocupacional de Pdvsa, Unidad Nacional de Psiquiatría del Instituto Venezolano de Seguridad Social (IVSS), Dirección Regional de Salud de los Trabajadores (Diresat Caracas/Vargas) and Unidad de Medicina y Psicología Ocupacional de INPSASEL.

44 www.aporrea.org/actualidad/a98375.html

45 www.iwraw-ap.org/resources/pdf/Venezuela2005%281%29.pdf

46 Evangelina Carrizo, leader of Acción Democrática (killed), Maritza Ron, homemaker (killed), Elba de Diamante, member of the NGO Women for Freedom (beaten) and Elionor Montes, lawyer (beaten).

47 www.marthacolmenares.com/2009/08/14/cuando-asesinaron-a-maritza-ron-galeria-fotografica-y-resenas and www.hableconmigo.com/2010/09/03/a-seis-anos-del-asesinato-de-maritza-ron

48 www.el-nacional.com/politica/Destituidos-docentes-politica_o_178182479.html

49 Coordinadora de la comisión de derechos humanos de la Mesa de La Unidad Democrática (MUD) de Venezuela and www.ntn24.com/noticias/denuncian-en-venezuela-acoso-87553

50 President Nicolás Maduro

51 www.ultimasnoticias.com.ve/noticias/actualidad/economia/hay-pruebas-de-64-casos-de-acoso-laboral-tras-elec.aspx

52 www.espectador.com/noticias/263933/venezuela-denunciaran-persecucion-ante-oit

53 www.ilo.org/global/about-the-ilo/lang-es/index.htm

54 venezuela-mujeresdenegro.blogspot.com/2013/05/la-razon-caza-de-brujas-chavista-en-las.html

55 Opposition candidate Henrique Capriles

56 www.notitweets.com/opinion/65-todo/91500-chavismo-despidio-a-5000-empleados-publicos-por-opositores.html

57 www.tsj.gov.ve/legislacion/ledi.htm

Even when the state has made efforts to strengthen laws and institutions, implement policies to democratise the use of the internet and defend against gender violence, the weaknesses of the responsible agencies and political conflicts hinder the enforcement of laws in the workplace, and impunity remains the norm.

Conclusions

The use of ICTs in Venezuela has opened a window on the rights of women and expanded participation in various spheres of society. However, these spaces are also being threatened and used to damage the integrity of women who hold various social and political positions in the country. Similarly, women are exposed to employers who unduly violate the privacy of information, disclose information without authorisation on social networks, and engage in harassment, threats and dismissals.

Public policies regarding technology have been designed to democratise the use of ICTs and the internet and develop literacy plans and programmes in the use of software and hardware. But beyond that, women have not yet appropriated technologies in a way that is socially meaningful and relevant. That is why it is important to incorporate ICTs into the daily work of women, making them a useful tool to improve their quality of life and that of their community. Networking and information dissemination, literacy programmes in the use of content, website management and training in collaborative tools (such as blogs, wikis, etc.) are important. Policies that defend against gender violence and encourage gender perspectives in the activities of both society and government, among others, are needed to facilitate the participation of women online.

However, to achieve effective actions using ICTs, the government should create mechanisms to enable citizens to access data online as well as accurate and timely information on safety and security measures that have been implemented, records of domestic violence cases (reported and managed by

the appropriate authorities), and gender statistics, among others. In this way, citizens, women's groups and NGOs can be vigilant in the battle against gender violence and raise their voices to encourage the responsible agencies to take action.

Action steps

- Government measures that are necessary include: a) Implement new policies and establish plans and training programmes in the use of ICT tools and content geared toward women. These should facilitate the appropriation of technology, encourage participation and defend the rights of women; b) Evaluate and improve the administrative procedures used by agencies such as INPSASEL and prosecutors in the prosecution of allegations of domestic violence in the interest of making these processes more efficient; c) Take appropriate measures in relation to cases of violations of the law that emerged in 2004 and 2013; d) Design and implement training plans for employees and officials of the justice system, where they learn about existing laws on violence against women, gender issues and psychological and social aspects that influence the problem of gender violence; e) Allocate sufficient budgets for the proper functioning of government institutions and NGOs working to support victims of violence, and f) Reform and improve legislative instruments to ensure greater safety and security for women.

Citizens, civil society groups and NGOs need to: a) Join forces to raise complaints of gender violations before the competent national and international courts, and push for sanctions against those responsible; b) Require public bodies to be accountable to plans and policies for preventing and dealing with cases of violence against women; c) Demand that the government create online mechanisms for the promotion and dissemination of plans and programmes for the safety and protection of women. ■