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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Written statement submitted by the Andean Commission of Jurists,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement,
which is circulated in accordance with Economic and Social Council
resolution 1996/31.

[11 January 1999]

* Translation supplied by the submitting organization.

1. Even though sustained advances have been attained in the Andean Region within the struggle for women's rights, it is obvious that there is still much to be done in order to achieve a real gender equality.

2. Together with the cultural stereotypes that relegate women and subordinate them to men, economic barriers force women to work from when they are very young, which prevents women from using an adequate part of their time and resources for their education. These factors translate into abuse and violence against women that the States and the international community are obliged to sanction and eradicate.

3. Despite the fact that women account for around 50 per cent of the Andean population, their participation in public life is not proportionally fair. Although some women have recently achieved political positions of great relevance, this must not lead us - despite its positive significance - to make a generalization about the role of women in decision-making spheres.

4. In Bolivia, Ana Maria Romero was appointed as the first Ombudsman (Defensor del Pueblo), while Teresa Rivero and Martha Villazón were appointed as two of the four members of the Judicature Council. In Chile, only two women participate in the Senate and 13 in the House of Representatives. Colombian women show an important but insufficient presence: in the House of Representatives, 19 of the 167 representatives are women; in the Senate only 14 of the 102 senators. At the municipal level, women only lead 5 per cent of the 1,072 municipalities in the country.

5. At the presidential level in Colombia, Noemi Sanín achieved an interesting 26.89 per cent of the votes, a figure that despite leaving her aside for the second round seems to have consolidated her as an interesting politician. On the other hand, being the first time that two women ran for the Presidency in the Republic of Ecuador, neither Rosalía Arteaga nor María Eugenia Lima received a majority support. Each of them achieved a meagre 2.02 per cent of the national votes, a figure which coincides with the elections for the Congress where, of the 20 national representatives elected in 1998, only three women achieved a seat. In Venezuela, Irene Sáez, who had initially had an important support in the polls, only obtained less than 4 per cent in the December elections.

6. Although the regional scenario shows, at a first glance, an increase in the political presence of women, it is necessary to acknowledge that there is not a generalized phenomenon of women's participation in the political decision-making spheres. One of the "affirmative actions" favouring the increase in women's participation could be the system of the so-called electoral quotas applied in 1998 during the political processes in Peru and Venezuela.

7. Although the electoral results have not been the most favourable - in the Peruvian case, for instance, only 3 per cent of the district mayors at national level are women - the experience with a legal provision about women's quotas can be considered positive since it promotes the presence of women in public life giving them the possibility to have access to decision-making positions. Nevertheless, it is necessary to carry out corrective measures in order to guarantee that such positions will be actually accessed by women. Such measures include an adequate interpretation of the legal provisions on

quotas and an explicit statement about the location of women within the lists, in order to avoid the risk that women will be included in the lists only in order to formally comply with the law but locating them in the lower part of the lists without any real possibility of being elected.

8. As for gender-based violence, this is a form of abuse that keeps preventing women from enjoying their rights in equal terms. It tints the experiences of women within the family, the community and the society not as an isolated event but as an answer to the set of social relations and cultural values that put women in a situation of subordination to and dependence on the male, which are reproduced through the socialization and the daily learning of the roles assigned to men and women.

9. In January 1999, the Law on Violence against Women and the Family was put in force in Venezuela. Thus, all the countries in the Andean region have now explicit laws about the issue of violence against women. Nevertheless, just the existence of such provisions is not enough to fight against this situation. The first steps in this struggle include overcoming problems such as the underfiling of claims due to the lack of knowledge or the fear of the affected party, and the persistent belief that domestic abuse is a private family issue.

10. Therefore, besides the legislative measures on violence against women, practical actions must be carried out in order to make a real diagnosis and to design a comprehensive strategy against violence that may revert the situation in all its aspects based on an education policy that does not transmit messages of violence and subordination against women. It is necessary to carry out complementary measures, such as the establishment of police stations for women's claims, shelters and multidisciplinary teams working on family violence. The subsequent material and psychological support for women that are victims of violence is also critical.

11. As for sexual violence, one of the most repulsive forms of violence against women, some legal amendments are being put forward in the Andean region in relation to the criminal procedure. Specifically, in Bolivia and Peru, an amendment is being discussed so that rape against adults will stop being a private criminal proceeding and will become a public criminal proceeding. Should these amendments be made, it would be achieved, for instance, that rape events will stop being considered an offence possible to be settled and will be recognized as an attack against sexual freedom that can be prosecuted by the State rather than exclusively by the affected party.

12. This proposal, together with the elimination of the participation of the victim in the reconstruction of the facts and the obligatory confrontation with the aggressors during the criminal proceedings, especially in the cases of rape of minors, would be appropriate legislative measures to achieve that criminal proceedings may fulfill the objective of administering justice in an adequate manner, without generating impunity for the aggressor or a double victimization of women.

13. As for sexual harassment, in Ecuador this was not considered a crime despite the fact that it is one of the most frequent attacks on women. In 1998, the Congress amended the Criminal Code in order to include this crime. Meanwhile, in Peru, this issue is being discussed based on a bill that

prevents and sanctions sexual harassment in working places, enabling the harassed person to denounce the facts before the employer, the labour authority and the Judiciary.

14. The Andean societies have shown advances in the situation of women but the slow pace to make these achievements and the persistent needs and expectations of women determine that the aspirations to a gender equality must maintain their priority in the political agendas of the region's governments and in international cooperation.

15. One of the greatest challenges is that all government officers must know the national and international provisions on human rights and must be able to apply them in their daily actions from a gender perspective. This is especially important in the case of justice operators, who have the responsibility of applying the Law without being influenced by cultural stereotypes or discriminatory points of view against women.

16. The situation of disadvantage in which Andean women are living has its origins in cultural patterns that must be reverted. Without a strong investment in education and health services by the governments with the support of international cooperation, women will not have real possibilities to compete on equal terms with men for access to the labour market. Being a woman must not be an obstacle for the personal development of a human being in any respect.
