

VENEZUELA

CEDAW A/41/45

264. The Committee considered the initial report of Venezuela (CEDAW/C/5/Add.24 and Amend.1) at its 74th and 77th meetings, on 17 and 18 March 1986 (CEDAW/C/SR.74 and 77).

265. During the introduction of the country report by the representative of Venezuela, a document in Spanish was circulated, which contained more data. The representative stated that all the activities undertaken to improve the status of women in the country had been centralized in and coordinated by the National Women's Office run by the Ministry of Youth. Venezuela was trying to overcome its current economic crisis by means of a new strategy, which integrated women as active participants in its development efforts, and that was in keeping with the aims formulated during the United Nations Decade for Women.

266. The representative stressed that the Women's Office at the Ministry of Youth had created a high degree of national awareness through its important multi-disciplinary activities. She quoted a message of the President of the Republic of Venezuela in which he underscored the importance of the family in the society and of women as a work force. She also mentioned a workshop organized by the Women's Office, which had dealt with women workers and strategies to integrate women in the productive process.

267. The representative further enumerated the planned amendments in the Labour Law, the Penal Code and the Civil Code and the provisions referring to the maltreatment of women. She said that all her expectations and proposals were being reinforced by the Government's support of the social policies. The new strategy to achieve the full integration of women in development consisted in the creation of a power network which was strengthened by the motivation of both women and men to work for the common task of development. With that aim in mind, seven commissions had been created to exchange experience and information in order to achieve an improvement of the status of women in Venezuela in the political, legal and educational participation, in their incorporation in the productive process and in their enjoyment of such common goals as health, nutrition and housing.

268. Members of the Committee thanked the representative of Venezuela for having introduced the report which was referred to by some of them as being very short and not in keeping with the general guidelines established by the Committee for the presentation of States parties reports under article 18 of the Convention. Most of them expressed regret at the lack of statistical data and of general demographic information and population profiles and deplored that the Spanish document distributed during the meeting had not been available earlier nor supplied in time to be translated into other languages. However, some members of the Committee congratulated Venezuela for its efforts and, in spite of admitting the persistence of discrimination in many areas, acknowledged the progress made by the country.

269. Some experts, while discussing the brief report of Venezuela, made remarks at the lack of data on the active participation of the Venezuela women in international affairs, which could have been

significant in the preparatory work for the International Women's Year and during the United Nations Decade for Women.

270. Some members wanted more information on the effects of the Convention on the general, social, political and legal framework of the country. They wanted to know whether, after the ratification, the country had instituted specific institutions and authorities for the elimination of discrimination against women and whether the provisions of the Convention could be directly invoked before the Courts or the administrative authorities.

271. One member expressed the hope that the Civil Code adopted in 1982 would be sent to members of the Committee; some others asked which laws had been adopted since 1982 to eliminate discrimination. One member asked about the role of the Catholic Church in the country.

272. Some members inquired about the discriminatory practices against women in the country. Others asked what was being done in the country to eliminate prejudices and sex stereotyping and what measures were being taken to make women aware of their rights.

273. Several experts wondered about the role and number of women's organizations in the country and whether they were supported by the Government.

274. Some questions were raised about the situation in the country concerning prostitution and the white slave trade. One expert asked whether rape was considered to be an offence and whether pornography existed.

275. Several experts commented on the fluctuating figures given in the report on the number of women as senators and deputies. They inquired about the number of female senators and deputies, about the percentage of women voters and women eligible to vote and be elected and the percentage of women at the ministerial level. Other questions referred to the participation of women in the executive and the judiciary. Further information was requested on the role and functions of the National Women's Office. One expert wanted to know whether political parties had women's sections and whether women were allowed to participate in trade unions.

276. Further information was sought on the question of nationality of married women.

277. Many members asked questions about the literacy of women, the percentage of female illiterates in the cities and rural areas and whether and up to which level education was free of charge and up to which level it was compulsory. Some questions referred to the programmes of education and to their impact on changing attitudes, others to the school drop-out rate of girls. One expert inquired about the results of the study of stereotypes in school textbooks mentioned in the report.

278. Many questions referred to the percentage of unemployed women. More details were asked about the labour legislation reform. Information was sought as to whether the right for equal pay for equal work was ensured in the new draft law. One member considered the prohibition for women to work as discriminatory. Another expert asked for further explanation as to what was meant by heavy, dangerous and unhealthy work. Other members asked whether the different

retirement age for women and men was to be considered as positive or negative discrimination and what the minimum ages for retirement were. She also asked why the economic and social value of domestic work was so important in that society. Another expert expressed interest in the text of the new Labour Law.

279. Several questions referred to the conditions of work, the wage level, social security, pension rights, the length and nature of maternity leave and the availability of nurseries. One member asked whether any efforts were being made to make men assume their responsibilities in fully sharing household work. One expert asked whether women had to undergo a pregnancy test before taking on employment. She also wanted to know whether the figure of 27.3 per cent for the female labour force also included underemployed women, such as domestic servants and street vendors. Another expert wanted to know, since the unemployment rate seemed to be higher for women than for men, whether hidden unemployment existed. It was also asked whether the informal sector was important in size and what was the role of women within that sector. Questions were asked about the percentage of women in higher management, in unskilled and low-skilled labour and on the amount of women working as domestic servants as compared to that of men.

280. One expert asked whether women in domestic service were registered.

281. Some experts sought more information on health services available to women and asked whether pregnant women could benefit from free medical care. Several questions referred to the possibility of legal abortion, to family planning and to the number of deaths per annum as a result of illegal abortion. One expert inquired about the protective measures for pregnant women and asked whether self-employed women could take advantage of the maternity benefits. Another member inquired about maternal and child welfare programmes in the country.

282. Several experts wanted to obtain more information on rural women. They were interested in statistical information; they asked about pension rights and property rights, as well as the rates of illiteracy of rural women and health facilities available to them.

283. One expert inquired about the situation of migrant women as regards both internal and foreign migration.

284. More information was sought on the Civil Code and the status of women. One expert asked whether the rule that both husband and wife required the consent of the other spouse in commercial transactions did not constitute a disadvantage.

285. Several experts asked for information on the right to divorce and on the parental authority in case of divorce. Interest was expressed in learning more about the rules governing property relations. Some experts inquired about the percentage of marriages and of unmarried women living with men and also about the property relations of such unions. Others asked about the responsibilities of fathers vis-à-vis their children and about the rights of children born outside wedlock. Some members asked about the number of households headed by women and the availability of additional protective measures for such women. They inquired about the minimum age for marriage and about the rights of women to choose the family name in case of marriage. One expert inquired about the existence of a Family Code and about inheritance rights of women.

286. As regards domestic violence, information was sought on any steps taken in cases of domestic violence and on the availability of crises centres.

287. Some experts expressed appreciation for the participation of the country in the struggle for peace and asked about the activities undertaken by the country within the framework of the International Year of Peace.

288. In answering the questions posed by the experts, the representative of Venezuela informed the Committee that a comprehensive reply had been prepared which would be made available to the secretariat for subsequent reference.

289. The representative of the State party explained that institutional support for the advancement of women consisted of a National Commission, a Minister of State and the National Office for the Status of Women. These were in turn supported by the Municipal Council, universities and non-governmental organizations. The National Office for the Status of Women co-ordinated the overall programme, conducted research and provided advice. The Advisory Commissions of this Office were broken down by sectors such as health, legal, education, employment and participation. Strategies, diagnosis and proposals were then given to all women in influential and decision-making positions in the private and public sector, governmental and non-governmental, for comments and action. A review of the Penal Code and of the Labour Law had been recommended by the Office.

290. Women's non-governmental organizations worked indirectly through political parties, religious groups or trade unions, and were also directly involved in the programmes of the National Office. Through the latter these groups had access to international forums such as the Inter-American Commission for Women. No statistics were available on women's participation in international organizations; however, recently, a national of Venezuela had been appointed to a senior post in the United Nations to co-ordinate the status of women in the Secretariat.

291. Political parties such as the Democratic Action Party had established a 15 per cent quota to ensure the full participation of women. This quota had been reached and surpassed, both at the national and municipal levels.

292. The representative also stated that the implementation of the Convention was hampered by socio-cultural and traditional attitudes. However, the reform of the Civil Code which dealt with family law had opened the way for further improvements in bringing awareness to women's equality to the population. A change had occurred in her country, since at the present time, at the executive level, there were two women Ministers (10 per cent); at the legislative level (16 per cent); at the municipal level there was only a 6.1 per cent of women in 1975 and in 1985 it had increased to 21.48 per cent. The majority of judges were women, she stated, and a marked increase had been noticed in other professional occupations.

293. The representative also explained that efforts were being made through communication means to eliminate stereotypes, sexism and other still prevalent attitudes. These activities have been further strengthened by preparations carried out at the national level in preparation for the United Nations World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace. Television space had been secured and programmes

designed under the Ministry to educate the public. In addition, a multi-disciplinary commission had been established to study the use of women's image by the media. The recommendations of this commission will provide the guidelines for the media and other communication sectors. Venezuela, she stressed, was a pluralistic society where many ideologies, political parties and religions converged; it was through dialogue among all representatives that change would come about.

294. Prostitution existed and had originated because of internal migration patterns and foreign migration. Data had not been collected on time from the Ministry of Social Health and Hygiene but would be included in Venezuela's next report.

295. Concerning nationality, she indicated that Venezuelan women had the same rights as men in this regard.

296. The representative of Venezuela replied to questions raised in regard to article 10 of the Convention. Education was free in her country up to the ninth grade and there were no discriminatory provisions affecting boys and girls. There were also private institutions which charged a fee. Women's registration in universities had surpassed men's in the last 10 years and this trend seemed to continue. Of the 41 per cent women graduates, however, only 13 per cent joined the work force. Resistance to employ women in areas previously considered as men's continued. The Government would be attempting to increase the participation of women from the marginal areas into the educational and cultural formal sector. Vocational training as well as literacy are areas of priority. The representative referred to statistics and additional information material which she would be circulating to the members of the Committee.

297. As she had stated before, sex stereotyping was found also in education and again the Government continued to allocate resources to remedy this anomaly, through teacher's associations which continued to update and evaluate methods within the socio-cultural and economic contexts particular to the specific problems and segments of the population.

298. Only 27.6 per cent out of a labour force of 5 million were women and 51 per cent of them were employed in the service sector. Women constituted 20.5 per cent of the heads of households. There was a 14 per cent unemployment rate at the present time due to the economic crisis. The principle of equal pay for equal work was implemented specially among the professional occupations since they were controlled by different trade unions. The situation, the representative stated, was different in other areas where women were not active in trade union organizations. The Government was trying to correct this and other anomalies with a new labour law, which included also the extension of social security to household workers and articles which brought national legislation into alignment with the Convention.

299. Working women had the same rights to pension and social security benefits as men, and had the same right to establish and carry out business transactions. This was to avoid property disputes in case of subsequent divorce and to eliminate an old practice where husbands sold property without consulting the wife prior to divorce.

300. The National Constitution, through its article 61, forbade any type of discrimination based on race, sex, class or creed. Article 32 of the Labour Law forbade discrimination in employment and

Venezuela had ratified International Labour Organisation conventions in this regard, as for example the convention regulating night work for women. Although Venezuelan law attempted not to be overprotective, certain restrictions were applied to women's work, such as labour considering physically arduous, like lifting heavy weights, or considered dangerous or unhealthy. Also women were prevented by the Labour Law from working in enterprises which might prejudice their morality or good manners; the Law did not, however, specify which enterprises.

301. Several questions had been raised in regard to the situation of rural women. The representative stated that only 25 per cent of the population lived in rural areas, of which 12.5 per cent were women. These women did not work in agriculture nor live alone. Rural population was composed of married couples or unmarried couples with children. Only young women migrated to the cities in search of another type of work or life.

302. The representative of Venezuela stated that there were schools in the rural areas and that ongoing literacy campaigns were carried out by the National Institute of Agrarian-Educational Co-operation. The illiteracy rate was 11.5 per cent, of which 4.9 were men and 6.62 women.

303. Women in the rural areas had the right to own property and within the scope of the agrarian reform had the right to receive the title for their lands, as well as to receive credit and other types of technical advice.

304. Mobile medical units had been created which visited remote areas and which had been very successful in monitoring health aspects particular to women and of women's concern, including early cancer detection.

305. In reply to questions raised regarding health facilities provided to women, the representative informed the Committee that the following programmes were in operation: pre-natal and natal care, including the mother and child, and all health-related aspects, including nutrition and preventive medicine such as vaccination, family planning, and gynaecological supervision for early cancer detection, venereal disease control and prophylaxis.

306. Family planning programmes were in operation since 1962 and since 1974 were an official programme of the Government. One of the main objectives of the programme was to contribute to the reduction of illegal abortions and to diminish maternal and infant mortality, among others. It also sought to promote responsible parenthood and sexual education. Sterilization of both men and women was allowed. For a woman, however, authorization was required from her husband.

307. The representative of the State party submitted quantitative information on the uses, methods and types of birth control used in the country, and provided the Committee with demographic indicators, including maternal and infant mortality rates, as well as data on the national programme of child care.

308. The representative also referred to the Family Code adopted in 1982. This Code stipulated equal rights for husband and wife without distinction or privileges. It regulated property rights, responsibilities in regard to children, and affirmed equal rights in cases where a consensual union and not marriage had been established.

309. The Penal Code, the representative of the State party stated, addressed the anomaly of family violence. It considered that physical abuse was unhealthy and carried a penalty of 1 to 12 months imprisonment. Other articles were more specific and referred to the type, age and sex of the victim, with penalties up to withdrawal of patria potestas. Information campaigns had been launched as a preventive measure and also to elicit public awareness of the problems and damages which this behaviour entailed.

310. Divorce was allowed and equality in treatment had also been established by law. She stated that in the past women had had no grounds for divorce even when the husband was committing adultery.

311. The representative thanked the Committee for the pertinent questions asked and indicated that Venezuela's next report would contain more detailed data as had been suggested by the experts.

312. Many experts expressed their appreciation for the thorough reply delivered by the representative of the State party which had been prepared in 24 hours. Her presence as Minister of her country gave proof of the commitment by the Government of Venezuela to the fulfilment of the aims of the Convention. One expert remarked that perhaps the law requiring a woman who sought sterilization to seek permission from her husband would be abolished in due course.

313. The representative of the State party replied that, as stated in her introduction and replies, discrimination still existed but there was a noted improvement. Women were working very hard and there were many who were dedicated to reaching the desired goals established by the Convention.

CEDAW A/47/38

414. The Committee considered the second periodic report of Venezuela (CEDAW/C/13/Add.21) at its 201st meeting on 29 January 1992.

415. The report complied with the guidelines for the preparation of second and subsequent periodic reports as it focused on the period between the consideration of the initial report and the date of the current report. It gave a summary account of the progress made by Venezuela between 1985 and 1988 with emphasis on policies and programmes developed by the governmental offices/bodies in charge of the advancement of women. Those efforts should be appreciated. The frankness of the report in describing the obstacles women faced was appreciated. However, most important legal reforms (amendments to the Penal Code and the Labour Law) did not seem to have advanced from the initial stage, i.e. from the stage of their submission to the Congress in 1986 and 1987 respectively, in which they had to be discussed in substance by it; their approval was not expected in the near future. The report did not give any particular explanation for such a situation or plans to overcome it. The report stressed however that, although Venezuela had been developing during the last few years a series of policies aimed at guaranteeing equal opportunities for women so that they could both progress fully as human beings and participate at all levels in the country's development, there remained a series of obstacles that prevent a significant improvement in that field, the most important obstacles being the whole system of values, beliefs and models that asserted the inequality between men and women, assigning to the latter a role and status that degraded them as human beings. It further explained that those values were deeply embedded in the bulk of the population, regardless of sex and were institutionalized in the entire social, legal and economic structures of that society. Another obstacle, which was actually related to the above, was the inadequacy of the human and economic resources assigned to the development and promotion of the programmes and projects intended for the status of women.

416. Another general remark that concerned the report was that information was missing on the results of the implementation of the governmental policies and programmes for women and their evaluation, which made it difficult to understand what their real impact was. It seemed that most of the work for change is being done by women on a voluntary basis.

417. Before replying to the list of questions, the representative explained that the second periodic report had covered the progress achieved during the period 1985 - 1988 and had been submitted in 1989. However, at the end of 1988 presidential elections had taken place in the country and the current administration had started its work in 1989. Since the representative had taken office as Minister of State for the Promotion of Women, significant changes had taken place, which she would try to outline in her presentation. She also mentioned an additional report that she had given to the Secretariat during the session, which referred to the period 1989-1991, and an annex entitled "The woman in Venezuela" contained statistical data. Both documents should be made available to all the members of the Committee.

418. She was in agreement with the general observations made by the pre-session working group and hoped that the following answers would fill some of the gaps in information in the report.

Article 2

419. The Committee asked what the Government was planning to do to speed up the process of the adoption by the Parliament of the amendments to the Penal Code, the Labour Law and any other amendments to existing laws that were discriminatory to women.

420. It asked if the Government was receiving sufficient support for its actions in favour of the advancement of women, by political parties, trade unions and the mass media, and what it was planning to do to mobilize and channel their support in favour of its policies and programmes. In particular, it asked how the Government was going to fight against stereotyping of roles of sexes.

421. The representative said that the National Congress had adopted a new Labour Law, which had been promulgated in 1990. Many of its provisions were favourable to the status of women. Under that law discrimination on the grounds of sex was forbidden; however, special provisions to protect maternity and the family were not considered discriminatory. Women were entitled to receive equal pay for work of equal value and paid maternity leave of six weeks before and 12 weeks after giving birth; furthermore they received an indemnization from social security and were protected against dismissal during pregnancy and for one year after delivery. Women could also combine any unused annual leave with maternity leave. Maternity leave was also possible in case of adoption of a baby child. In a company with more than 20 employees, the employer had to provide child-care facilities with qualified personnel. Currently the Government was trying to coordinate through a special commission the availability of child-care facilities with the national network of day-care centres. Under the new law, the employer had to allow for nursing rests for lactating mothers. The new law gave equal treatment to the spouses if they were both working outside the house and provided protection for women who were employed in domestic service. In order to protect women in the execution of all the above rights, the institution of a Prosecutor's Office or Ombudsman for Working Women was foreseen. The Penal Code had not so far been amended, but a bicameral commission for the rights of women within the Congress was trying to deal with the amendment and with a large-scale judicial reform in the near future. A draft law against family violence was on the verge of being presented to Congress through the Minister for the Promotion of Women.

422. In reply to whether the Government was receiving sufficient support for its action in favour of the advancement of women, she said that currently an Advisory Commission for Women to the Presidency of the Republic under the Ministry of State for the Advancement of Women worked out the policies for the promotion of women. In that Commission were representatives of all political parties and other organizations. The progress achieved in the advancement of women was the result of actions of solidarity by several Governments, all political parties, non-governmental organizations, women's groups, trade unions and Venezuelan women at the grass-roots level. With regard to the fight against the stereotyping of gender roles, she said that the Ministry of Education was carrying out programmes to combat stereotyping in the school system and to promote equal opportunities through new schoolbooks, which did away with old forms of discrimination, included gender problems in the curricula and disseminated printed and audiovisual material. Research on gender roles was carried out, and negotiations were held with the media managers in order to allow the Office of the Ministry of State for the Promotion of Women regular broadcasting time for programmes for combatting gender stereotyping.

Articles 3 and 4

423. It was appreciated by the Committee that the Government of Venezuela had in 1974 and 1979 established an important machinery in charge of the advancement of women in a Ministry of State for the Participation of Women in Development. That machinery underwent substantial changes through the years, in 1987 by the establishment of the Machinery for the Family and the General Sectoral Directorate for the Promotion of Women under the Ministry and its six advisory committees (education, labour, legislation, social communication, health and political participation).

424. The Committee asked what the reasons were for such transformation; what the size of the General Directorate for the Promotion of Women was and what its budget was; whether the Minister for the Family have any special rights in the legislative process or in the Cabinet in order to initiate, promote or implement rights for women even if those rights are under the responsibility of other ministers; how the Ministry for the Family cooperated with other government ministries in solving problems of women's rights and interests; whether the same form of machinery for women had been institutionalized at the level of state governments or municipalities; to what extent the various national policy plans as forwarded by the Advisory Committees had been legislated by Parliament and to what extent they had been supported by political parties; if they had not been implemented so far, what the obstacles were; if there had been pressure by women's organizations and by the mass media in that regard; if the various programmes for women had been continued and evaluated; and if women who had been trained in the leadership programmes moving into politics, trade unions etc.

425. Turning to questions raised under articles 3 and 4, the representative said that the changes that the machinery for the advancement of women had undergone were mainly due to conceptual and ideological criteria of the different Governments and to two phenomena, the lack of administrative continuity and of the political will to create a stable and permanent mechanism that would outlive the different administrations. Already in 1974, the first Advisory Committee under the President's Office had been created. Later, a Minister of State for the Incorporation of Women into Development had been nominated. In 1989, the President of the Republic had established an Advisory Commission for Women under the State Minister for the Promotion of Women. Furthermore, the current national development plan contained a chapter that was specifically dedicated to women's problems. And in 1991, the Advisory Commission had presented to the National Congress a draft law for setting up the National Council of Women as a stable and high-level body that would depend directly on the Presidency of the Republic. She emphasized that Venezuela was a new democracy and that women could be found in the first political parties as early as 1936. The progress achieved up to the present had originated from the political force that had been exercised by women since the very beginning. While the personnel and the budget of the General Directorate for the Promotion of Women had been reduced, the Advisory Commission and the Ministry of State for the Promotion of Women had gained importance and political power. However, as long as the Ministry for the Family was not transformed in the way hoped for, the Ministry for Social Development would be maintained in addition to the General Directorate for the Promotion of Women. Currently, the Government was intending to keep those two bodies as coordinators for social policies regarding the promotion of women in all sectors. Over the last two years the State Minister for the Promotion of Women had created focal points in all ministries in order to coordinate all the programmes decided upon by the Advisory Commission. The Ministry of State and the Advisory Commission had their own offices and a budget, which allowed them to create projects and to introduce the women's dimension in all the programmes on a permanent basis.

It was important to decentralize the policies, to involve also the mayors and governors from all regions and to extend them to representatives of all the five political parties. Although the country had been in a different position from all other countries in the region because of its oil resources, structural adjustment policies were having a serious impact on development strategies. The Government took difficult political and economic decisions, and developed far-reaching social policies to reduce the impact of the adjustment on the poorest segments of the population. The projects carried out by the Ministry of State and the Advisory Commission included a programme to fight against sexual discrimination and for equal opportunities in the school system, a programme for women and health, an expanded mother-and-child programme for poor pregnant women and nursing mothers and their children, a programme for community-level education and a programme for day-care centres. The most important programme was one for funding small business loans to benefit women and children. Although the budget of the Ministry of State for the Promotion of Women was not sufficiently large to satisfy all those demands, a firm political will was behind all those programmes.

426. The various national policy plans and programmes had, so far, only been acted upon by the Parliament and various subcommissions that had emerged from the former advisory commissions, which were making comments on draft bills under discussion in the National Congress. She admitted that delays had indeed been experienced in the adoption of the draft law for the creation of the National Council for Women and in the amendments to be made to the Penal Code, especially as the latter was being done within the reform of the entire judiciary, but she expressed the hope that the situation in that respect would improve as there was a special subcommission called “Women and the State”, and as the Minister of State herself was responsible for reforming the administrative structure of the State. In Venezuela, there was great solidarity among all women’s organizations, and the women’s sections in all political parties, non-governmental organizations and women’s groups were constantly exercising pressure regarding the adoption of certain laws or programmes. Women’s programmes had been put on a higher hierarchical level and expanded to include the most vulnerable groups, such as pregnant and nursing mothers. The political evaluation of the programmes was done through a group of five ministries - and the Minister of State for the Promotion of Women was one of them - who discussed, drew up and reformulated projects. The technical evaluation was done by the National System for Coordination and Planning and the Central Statistical Office. Besides that, research work regarding the situation of women was ongoing. Leadership training had existed for a long time in the political parties and, more recently, also in some non-governmental organizations and women’s groups at the grass-roots level. Experience showed that most women who exercised leadership positions in political parties had received such training. However, it had not been done systematically. Therefore, the Advisory Commission and the Ministry of State had initiated and financed a training programme in self-esteem, leadership and women and power. As a result of the convening, in March 1991, of the Second National Congress of Women, which had discussed the topic “women and power” and which had been attended by about 400,000 women, a chapter on women had been introduced for the first time in the eighth national development plan.

Article 5

427. The Minister of Youth, in her statement before the Committee in March 1986, said that of the 41 per cent of university graduates who are women, only 13 per cent took up employment. A

systematic self-exclusion by women from professional activities could be observed, as well as resistance on the part of employers to taking on women in areas traditionally considered to be male preserves. The Committee enquired if anything had been done to change that situation and asked the representative to describe practical measures and their results.

428. The representative replied that women constituted, in 1983, 48 per cent of the persons who had completed higher education: two-thirds of those were graduates from universities, one-quarter was in the teaching profession and over one-tenth were graduates from technical universities. In 1985, women constituted the majority of university graduates. None the less, most women were found in the service sector and received low wages. As Venezuela had been a rich society, most women had been trained for careers involving competition. Almost half of the female labour force had secondary school education and 13 per cent had higher education. More than two-thirds of women under 15 years of age were neither working nor seeking employment; they were mostly involved in household activities. Women with secondary education were mostly found in commerce and manufacturing, whereas women with higher education carried out jobs related to health and education services. The highest unemployment rate was found among office employees. In order to remedy the situation, the Government was trying to attract more women into the technical fields, giving higher responsibilities to women in public administration and assuring that in areas such as financial services and company management more women got involved in the public as well as in the private sector. The Government's current educational system was following the model of income societies but it was under reform. Hidden discrimination was still taking place, but the Government was trying to give women higher posts in public administration. There was definitely a strong political will behind those actions, which was documented by the fact that there were five women ministers, three top posts in public administration were held by women, one woman had a senior post in an oil enterprise and two out of five senior posts in the steel- and aluminium-producing company were occupied by women.

429. In the initial report of Venezuela, it was mentioned that a study was being made of stereotyping and its effects in order to promote changes in the text of schoolbooks, teaching material and the messages conveyed in the media. The Committee asked what the results of such a study had been, its evaluation and implementation of eventual conclusions and recommendations. As the stereotyping of sex roles continued to play a very important role, it was asked what the plans were to deal with it in the future. Also, it was asked whether the programme for family education had been implemented, to what extent and what its effects had been.

430. Two studies had been carried out on sexual stereotypes in school textbooks for pre-school and primary school education and in television programmes. The results showed that there was a clear discrepancy between the role models presented in the textbooks and the social reality of the country. The textbooks reinforced the sexual stereotypes of the former social framework and constituted one of the most serious obstacles to the complete integration of women in development. Similarly, television programmes strengthened prevailing sexual stereotypes and denied much of the progress achieved by Venezuelan women. Several ministries, in collaboration with the Advisory Commission and non-governmental organizations, were developing programmes and carrying out projects to combat sex stereotyping. In addition to that, the Office of the Minister of State managed to broadcast a weekly programme on State television in order to educate the public. The programme for family education had been extremely successful.

Violence (articles 2, 5, 11, 12 and 16)

431. Regarding domestic violence, the Committee asked what the present legal situation was, how protection and assistance could be obtained, and whether in courts or other institutions. It asked if there were any statistics on incidences of violence or its victims; whether the members of a family, and women in particular, were informed of their rights; what size and scope of the programme for the protection of the family against ill-treatment and what power it had, if any, to enforce the protection, prosecution or education of the family members.

432. The representative explained that the biggest problem was the Penal Code, which continued in force. Currently, neither the appropriate legislation nor administrative or service structures were available to deal with the problem. Recently, a draft law had been introduced, which was specifically directed against domestic violence and provided for training of officials who dealt with victims of violence. Currently, there were no clear legal criteria for the offence of domestic violence. Victims could resort to tribunals, the public prosecutor, police stations, hospitals and health units, but often cultural values prevented women from resorting to the authorities. She mentioned the Venezuelan Association for Alternative Sex Education as a non-governmental organization that was very active in that area and was trying to raise women's awareness of the problem. Currently, no reliable statistics were available on the incidence of domestic violence. The most important programmes in that area were carried out by the Ministry of Education and the Family Ministry in collaboration with several other bodies. The media and non-governmental organizations were also launched campaigns.

Article 6

433. The Committee asked the representative to explain how prostitution resulted from migration, and if the proposed reform of the Penal Code been implemented to remove the different in penalty for raping a woman of ill-repute.

434. She said that the country did not have reliable statistics relating to prostitution. Police statistics on detention of prostitutes indicated that a high proportion were migrant women from neighbouring countries. During 1992, the Government would be carrying out its first investigation on the subject.

Article 7

435. The Committee enquired as to the percentage of women elected in the 1989 elections or in any recent local elections and the significance such results had for women's participation in the political life of the country. It asked if the programmes established by government offices to that effect had had any results, and which, if any, political parties had adopted a quota system suggested by women's groups.

436. The representative answered that the percentage of women in the National Congress had been 4.8 per cent in 1984 and had risen to 9.3 per cent after in elections in 1989; in the Legislative Assemblies it had been 7.5 per cent in 1984 and had increased to 11.8 per cent in 1989. In the municipal councils, the percentage of women had dropped from 21.4 per cent in 1984 to 12.8 per cent in 1989 because at the last elections the electoral system had changed. The country now had

an open ballot system, which favoured the support of male candidates by the political parties, and in addition to that only a few female candidates had presented themselves. So far, two political parties had established quotas of 20 and 25 per cent for women, and a draft law was under discussion that would make it mandatory for all political parties to introduce a quota system.

437. For the remaining replies the representative referred the members of the Committee to the written text, which was distributed at the meeting.

438. Referring to article 9, it was stated in the replies that had been provided in writing that the foreign husband of a Venezuelan woman did not acquire Venezuelan nationality. An amendment to that discriminatory provision in the Constitution was currently under review.

439. On article 10, the replies provided indicated that a change in the choice of professions of young women and men was noticeable, and slowly but continuously women were moving into professions that had previously been reserved for men. Currently, the Minister of State was carrying out a pilot project in collaboration with the Ministry of Labour and the International Labour Organisation to stimulate more women into better paid and technically oriented professions.

440. On article 11, the text said that the principle of equal pay for work of equal value had been implemented. At present, 29.8 per cent of the population of 15 years and more were incorporated into the labour process, 80 per cent of the female population declared "inactive" could be found in household occupations and 16 per cent among students. Women job-seekers could not be compelled to undergo a pregnancy test, and in case of violations of their rights, they could resort to the Public Prosecutor or the Ministry of Labour. No legal provision forbade the free choice of profession. Theoretically, women could apply for any government post and currently occupied about 17 per cent of high-level posts in the judiciary and in public administration. The total presence of women in public administration was in the order of 30.5 per cent. In the private sector, only 7.7 per cent of women held a managerial position. Violations of the Labour Law were generally reported through trade unions and were sanctioned under the legal provisions. In the public sector, women as employers could be found in all sectors, whereas in the private sector they were mostly in finance departments. Women were better paid in the public than in the private sector. The possibility of small-scale enterprises applying for loans had opened new perspectives for women with low incomes. However, currently more men than women were applying for such loans, and the Family Ministry was organizing training programmes in order to involve more women in the management and administration of small-scale enterprises. It was said in the text that, thanks to various types of day-care centres and the institution of "day-care mothers", many women had the possibility of availing themselves of training and paid work outside the house.

441. On article 12, the text stated that there was no legal basis for the practice that women needed their husband's authorization for sterilization. HIV/AIDS programmes were directed to persons of both sexes. Marginalized women had also access to programmes, which provided them with food, preventive health care, medical check-ups etc. Currently, the Government was trying to extend the network for school meals to reach also the groups most in need.

442. Regarding article 13, the text stated that under the Constitution women and men had equal social rights and benefits and that special programmes were available for women. The surviving

spouse, irrespective of sex, received old-age pension and sickness benefits.

443. On article 16, it was stated that up to the present there were no plans to change the minimum ages for marriage. A slight increase in the number of single female-headed households could be noticed. About 44 per cent of them had only primary education and 23 per cent were illiterate. Half of the single female heads of households had no occupation. The current reform of the Penal Code dealt with an amendment of the discriminatory provisions relating to adultery and abortion, and the Civil Code introduced for both spouses adultery as a reason for divorce.

444. The members of the Committee were appreciative of the detailed replies and the additional written information provided and commended the enthusiasm with which the presentation had been made. Some of them said that they knew from their own observation through visits to the country that the Government had done a lot for the advancement of women, which had not been reflected in the report. They were surprised that the second periodic report gave a totally different picture and thanked the representative for throwing light on the real situation and for having outlined the existing obstacles in a frank manner. The experts noted that, when the country's initial report had been considered, the oral presentation was also of a much higher level than the report itself and urged the Government to present a third periodic report that would contain as much substantive information as the representative's oral presentation and concentrate on actual progress made. The Government's political will to overcome discrimination against women, the efforts to amend the Penal Code, the importance given by the Government to decentralization, the financial support provided to women's organizations, the electoral system, the efforts to protect women from domestic violence and the attempts to influence the media in order to change discriminatory attitudes were particularly commended. However, the experts emphasized that all those laudable efforts needed to be matched by an effective machinery. To combine regional initiatives with national machinery was a very positive effort. It was asked how important attitudes towards women, as reflected in the presentation, were in society.

445. The representative of the Government expressed her gratitude for the solidarity of the Committee members and said that women's resources in Venezuela were scarce; however the firm will to acquire them existed. The biggest problem was to make public administration officials aware of women's issues. She said that Venezuelan women were trying to influence society through the family, the media and the laws, and that the use of the radio had proved to be the most efficient media in that context. She said that it would be beneficial if the United Nations could establish machinery to facilitate the dialogue between the different aid agencies that provided financial and technical support.

446. In concluding observations, the Chairperson congratulated the representative on behalf of the Committee on her frank and clear description of the situation of women in Venezuela and on the substantive and detailed replies given. However, the subsequent periodic report should paint a fairer picture of the status of women in the country. She said that the programme to change attitudes through the mass media, school textbooks and teaching programmes deserved follow-up and evaluation, the results of which should subsequently be made known to the Committee. She was impressed by Venezuelan women's efforts to participate in political life and asked for an evaluation of those initiatives. The Chairperson praised the many privileges given to women by the new Labour Law and asked for information on measures regarding violence against women. She wished

Venezuelan women success in their endeavours to be given the rights that they were entitled to under the Convention.

CEDAW A/52/38

207. The Committee considered the third periodic report of Venezuela (CEDAW/C/VEN/3) at its 323rd and 324th meetings, on 22 January 1997 (see CEDAW/C/SR.323 and 324).

208. The representative of Venezuela explained that the third periodic report described implementation of the Convention from 1989 to 1995. It had been prepared after the Government was formed in 1994.

209. The representative emphasized that the third periodic report outlined the progress achieved by women in implementing the Convention during the period indicated. However, she stressed that the report did not include the ninth national plan drawn up by the Government. The plan guaranteed equal opportunities for women and men in all areas of public life, as well as the integration of a gender perspective, and sought the full realization of the goal of genuine democracy.

210. The representative stated that the process of preparing the report had provided the Government of Venezuela with the opportunity to assess the progress achieved in the implementation of the Convention. She also acknowledged the role of the Committee in the follow-up to the implementation of the Beijing Platform for Action, and expressed the hope that the critical views expressed by the Committee would improve the Government's work.

211. The representative made clear that Venezuela, as well as the rest of Latin America, was experiencing social, political, economic and cultural transformations that were having a tremendous impact on society, particularly on women, who had seen their incomes and traditional sources of support reduced and their responsibilities expanded. However, she pointed out that the economic and political crisis of the 1980s and part of the 1990s had forced women to demand greater participation in society and the State. It was in that context that demands for "participative representation" were being made by new players, especially women.

212. The representative stressed that Venezuela had one of the highest rates of population growth in Latin America. She said that the country was affected by the end of the revenue-based model, which was causing inflation and affecting the living conditions of the population, especially women heads of household. She said that the "Plan Venezuela" had been put in place to alleviate, in the short term, the impact of structural adjustment programmes on the most vulnerable sectors of the population.

213. The representative provided a review of the major achievements with respect to equality between women and men. She described various legislative amendments, in particular the Sexual and Domestic Violence Bill, the amendments to the Civil Code concerning equality of rights and responsibilities between spouses in marriage, the principle of solidarity and sharing of responsibilities within the family, and the right for teenage mothers to remain in school. In addition, she indicated that the National Women's Council was the machinery that monitored the implementation of the legal reforms and the strategies agreed to in the Beijing Platform for Action.

214. The representative made clear that, in spite of the progress indicated, insufficient emphasis was being given to women's access to training and literacy and to programmes for the empowerment of

women, and that persistent stereotypes, often found in educational texts and cultural attitudes, remained obstacles to the advancement of women. She also informed the Committee that economic inequalities persisted against women, particularly in the labour force, where their position and remuneration had placed them at a lower level than men. In addition, women were still marginalized in terms of resources, and their political participation was quite limited owing to the resistance to quotas of political parties.

215. The representative emphasized actions to be taken in the short term, including amendments to the Equal Opportunities for Women Act, which were expected to lead to the establishment of an independent women's institute.

216. The representative regretted that the Committee's procedures for periodic reports, which allowed only a short time for Governments to respond to written questions, did not enable them to provide deep analysis and appropriate replies. She concluded by emphasizing that a State party should not be subjected to undue pressures as a result of Committee procedures.

Concluding comments of the Committee

Introduction

217. Venezuela presented a report covering the period from 1989 to 1995. The Committee expressed appreciation to the representative of Venezuela for the frankness with which she described the social, economic and political situation of women in her country and the way in which her Government had tried to implement the Convention.

218. The Committee noted that the report had not been prepared according to the Committee's guidelines and had not provided statistics on problems related to each article of the Convention. Nor did it contain a detailed, factual description of the policies and programmes being carried out and their success in meeting the *de facto* needs of Venezuelan women with a view to complying with the Convention.

219. Nevertheless, the report contained a large amount of data on the *de jure* situation of women in Venezuela; that information had been taken up again and, in some cases, expanded upon in the oral presentation. The Committee thanked the representative for answering most of the 74 questions put to the Government and noted with understanding the representative's statement that lack of time had made it difficult to provide the Committee with more detailed answers or with updated statistics.

Factors and difficulties affecting the implementation of the Convention

220. The most serious obstacle to implementing the Convention in Venezuela was clearly the poverty facing a large percentage of the population (77 per cent of the urban population and 75 per cent of the rural population were living in poverty). That problem had been exacerbated by the fact that 83.99 per cent of the population had moved to urban areas, leaving only 16.01 per cent in the countryside. Among the population aged 25 to 44 years, the percentage of women migrants was greater than that of men.

221. Another serious problem was what was referred to as the "exhaustion of the revenue-based development model of the Venezuelan economy", which had forced the Government to take economic measures to control inflation and balance the budget, at the cost of social investment. The severe restrictions placed on social spending had primarily affected the most vulnerable population groups, including women, leading to the so-called feminization of poverty.

222. The country had been unable to revitalize and balance its economy, although it had implemented a plan to combat poverty in an attempt to mitigate the social costs of adjustment. The plan had not been very successful, as the report indicated.

223. The economic situation was exacerbated by the persistence of entrenched patriarchal patterns and of stereotypes and prejudices against women in people's social attitudes. Such patterns and attitudes were reinforced by a set of laws that had thus far resisted amendment (for instance, a proposal for amending the Penal Code had been under consideration since 1985), despite considerable efforts on the part of various governmental bodies and non-governmental organizations.

224. Another obstacle to the implementation of the Convention was the lack of continuity in State policies and programmes for women, which meant that concepts, methods and mechanisms for solving problems and implementing the Convention coherently and systematically kept changing.

225. A further problem was that it was difficult to secure passage, by the legislative branch, of proposals for combating discrimination against women.

226. The national machinery for implementing the Convention, the National Women's Council, did not seem to have the resources, decision-making powers and necessary influence to introduce a gender perspective in the various government bodies.

Positive aspects

227. The Committee welcomed the Penal Code Reform Bill and the Sexual and Domestic Violence Bill.

228. The Committee viewed as very positive the Equal Opportunities for Women Act, under which an independent women's institute and a national office for the defence of women's rights were to be established.

229. The incorporation of a gender perspective in the Eighth National Plan and the preparation of a national programme for women with that perspective were important achievements.

230. The promulgation of legislation guaranteeing that pregnant teenagers could complete their education and could not be withdrawn from school because of their pregnancy was a great success.

231. The cooperation initiated by the National Women's Council with non-governmental organizations and the creation of seven national women's networks were extremely positive steps.

Principal areas of concern

232. In addition to the poverty in which Venezuela's population was living, the Committee was extremely concerned at the absence of any policies and programmes at the grass-roots level for promoting women's interests and at the fact that it was difficult to secure passage of legislative proposals for meeting women's needs.

233. The Committee was also concerned that the country had not made much real progress in implementing the Convention and that, despite its efforts, it had yet to respond effectively to problems such as domestic violence, prostitution, early pregnancy, female illiteracy, discrimination in the workplace in terms of how much women were paid, the high percentage of women receiving less than the minimum wage and the elimination of stereotypes.

234. The Committee was concerned that Venezuela had not made the necessary changes to its legal system and that that continued to reinforce patriarchal patterns of behaviour.

235. The Government had also failed to set up a national programme for implementing the strategies set forth in the Platform for Action adopted at the Fourth World Conference on Women, even strategies in such urgent priority areas as poverty eradication.

236. Another area of concern was the reduction in health budgets, the rise in the maternal mortality rate, the lack of and limited access to family-planning programmes (especially for teenagers), the lack of statistics on acquired immunodeficiency syndrome and women's limited access to public health services. In addition, legislation that criminalized abortion, even in cases of incest or rape, remained in force.

237. The Committee was concerned that employment opportunities for women had been lost as a result of cutbacks in the State employment sector, especially since that was forcing women into the informal economy and into low-paid service jobs.

238. The Committee was also deeply concerned at the fact that the State had not prioritized the allocation of funds to social programmes.

239. The Committee was concerned that a Venezuelan man had the right to confer his nationality on his wife upon marriage, but a Venezuelan woman did not have the right to confer her citizenship on her husband. That constituted a violation of article 9 of the Convention.

Suggestions and recommendations

240. The Committee especially recommended the implementation of effective programmes for combating poverty, which affected women in particular.

241. The Committee said that it would welcome early adoption of the amendments to the Penal Code and of the Sexual and Domestic Violence Bill and the repeal of the article of the Civil Code concerning citizenship rights that conflicted with the Convention.

242. The Committee recommended that Venezuela fulfil the commitments it had made in adopting the Beijing Platform for Action.

243. The Committee suggested that policies and programmes should be undertaken to halt the rise in the maternal mortality rate and that family-planning programmes for teenagers should be developed, in both urban and rural areas.

244. The Committee suggested that the Government should work for early approval of the establishment of the national machinery with sufficient integration into the political system and sufficient human and financial resources.

245. The Committee recommended that the Government undertake broad-based programmes directed at the entire population, through the mass media and other possible channels, to combat gender stereotypes.

246. The Committee also recommended that the Government undertake measures to close the wage gap between women and men under the principle of equal pay for work of equal value.

247. The Committee requested the Government of Venezuela to address the concerns raised in the present comments in its next report, including following the Committee's reporting guidelines. Information on the implementation of the Committee's general recommendations and steps to be taken in regard to the follow-up to the Beijing Platform for Action should also be included. It requested the Government to provide statistical data disaggregated by sex with regard to all areas of the Convention in its next report. Finally, the Committee requested the Government to disseminate these concluding comments widely throughout Venezuela.