



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Thirty-fourth session

16 January-3 February 2006

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

1. The Committee considered the combined fourth, fifth and sixth periodic report of Venezuela (Bolivarian Republic of) (CEDAW/C/VEN/4-6) at its 715th and 716th meetings, on 26 January 2006 (see CEDAW/C/SR.715 and 716). The Committee's list of issues and questions is contained in CEDAW/C/VEN/Q/4-6, and the country's responses are contained in CEDAW/C/VEN/4-6/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined fourth, fifth and sixth periodic report, which followed the Committee's guidelines for the preparation of periodic reports, while regretting that it was overdue. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee, while regretting that some of those questions were not answered.

3. The Committee commends the State party for its delegation, headed by the President of the National Women's Institute, which included representatives from the ministries of health and social development, education and foreign affairs, the judiciary and specialized institutions. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

4. The Committee commends the State party for ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in May 2002.

### **Positive aspects**

5. The Committee welcomes the adoption of the new Constitution, approved by referendum in 1999, which establishes equality of rights between women and men in all spheres of life, includes specific provisions that protect the human rights of women and uses non-sexist language.

6. The Committee welcomes the efforts of the State party to strengthen the national machinery for the advancement of women, as reflected in the increase in human and financial resources provided for the establishment of institutes, councils, meeting points and shelters at the regional and municipal levels.

7. The Committee appreciates the various measures in the areas of law, policy and institutions aimed at the advancement of women to a position of equality with men, including the adoption of the Violence against Women and the Family Law, the Land and Development Law, which includes preferential provisions for women heads of households, the National Plan for Prevention of Violence against Women and Care of its Victims, the National Plan for Women's Equality and the establishment of the National Office for the Defense of Women's Rights and the Women's Development Bank.

8. The Committee commends the State party for the nationwide implementation of education, literacy, health and economic programmes, which will have a positive impact on the status of women, particularly indigenous women and women of African descent.

9. The Committee commends the State party's efforts to collect statistics disaggregated by sex.

### **Principal areas of concern and recommendations**

**10. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to Parliament and to all relevant ministries so as to ensure their full implementation.**

11. The Committee is concerned that not all the relevant government entities may have been fully involved in the process of elaboration of the report. It is also concerned that not all relevant non-governmental organizations have been engaged in a process of consultation regarding the report.

**12. The Committee calls on the State party to consider the establishment of a coordinating body composed of all relevant government entities as a means to strengthen inter-ministerial collaboration in the implementation of the provisions of the Convention, in preparation of periodic reports under article 18 of the Convention and, in particular, in the follow-up to the concluding comments of the Committee. The Committee also recommends that regular channels of cooperation with relevant civil society organizations be ensured, in regard to a process of consultation in the preparation of the report.**

13. While welcoming the fact that the Constitution establishes equality between men and women in all spheres of life and that article 88 of the Constitution recognizes the economic and social value of domestic work and gives housewives the right to social security, the Committee is concerned that the necessary reforms to bring the relevant codes into compliance with the principles embodied in the Convention and the Constitution, such as the Penal and Civil Codes dating from 1937 and 1982, respectively, have not yet been completed.

**14. The Committee urges the State party to speedily complete the revision of its Penal and Civil Codes to bring them into full compliance with the principles of the Constitution and the provisions of the Convention and to adopt legislation on social security for housewives. The Committee urges the State party to adopt all other necessary legislative measures to ensure the realization in practice of all the Constitutional provisions related to women's human rights.**

15. While noting that article 21 of the Constitution allows for the adoption of positive measures in favour of persons or groups who may suffer discrimination or are marginalized or vulnerable, the Committee is concerned that the purpose of temporary special measures, as called for under article 4, paragraph 1, of the Convention, may not be properly understood in the State party, leading to a lack of use of such measures.

**16. The Committee recommends that the State party, in its policies and programmes, clearly distinguish between general social and economic policies and programmes, which also benefit women, and temporary special measures under article 4, paragraph 1, of the Convention, which are necessary to accelerate the achievement of de facto equality for women in various areas, as clarified by the Committee in general recommendation No. 25. It also encourages the State party to strengthen the application of temporary special measures to accelerate de facto equality between women and men. The Committee urges the State party, in particular, to take such measures to accelerate the achievement of de facto equality of indigenous women and women of African descent in the fields of education, employment, health and public and political life.**

17. While welcoming the adoption of the national plan for women's equality and related sectoral policies, strategies and programmes, the Committee is concerned about the lack of effective monitoring mechanisms to assess the impact of these measures. In particular it is concerned about the lack of mechanisms to monitor implementation of gender equality policies in regions of the country where the National Women's Institute has no presence. Furthermore, it is not clear to the Committee whether gender perspectives have been fully integrated in all sectoral national plans, including the 2001-2007 economic and social development plan and the various national socio-economic programmes.

**18. The Committee urges the State party to establish effective monitoring mechanisms, through inter-institutional involvement at all levels, in order to systematically assess the implementation and impact on the status of women of gender equality policies and national programmes in all regions and to strengthen the interaction with non-governmental organizations in this process. Based on such assessments, the Committee invites the State party to undertake corrective measures whenever necessary. The Committee recommends that the**

**State party develop, adopt and implement, at the national level, a comprehensive and coordinated plan of action to ensure gender mainstreaming at all levels and in all areas. The Committee requests that the State party provide, in its next report, statistical data and analysis, disaggregated by sex, on the impact of its programmes and policies on women and men in urban and rural areas and on indigenous groups and groups of African descent.**

19. The Committee is concerned that the requirement of double registration with civil and institutional entities, by sector, might constitute an obstacle for non-governmental organizations to monitor and contribute to the implementation of the Convention. It is especially concerned that these requirements may restrict, in particular, the participation of those non-governmental organizations that work in the field of women's human rights as well as in other related areas.

**20. The Committee recommends that the State party take measures to facilitate the active and effective contribution of non-governmental organizations to the continuing implementation of the Convention. It recommends that the State party conduct a comprehensive assessment of the scope of the double registration and to consider revising this requirement to facilitate the interaction between government entities and non-governmental organizations in ensuring to women the enjoyment of their human rights.**

21. The Committee notes with concern that, while the Convention refers to the concept of equality, the terms "equality" and "equity" are used in the State party's plans and programmes in such a way that could be interpreted as synonymous.

**22. The Committee urges the State party to take note that, as the terms, "equity" and "equality" are not synonymous or interchangeable, they must be clearly distinguished when used to avoid conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party expand the dialogue among public entities, academia and civil society in order to clarify the definition of equality in accordance with the provisions of the Convention.**

23. While noting the adoption of the Law on Social Responsibility in Radio and Television and other measures aimed at combating gender-role stereotypes, the Committee is concerned about the persistence of stereotypical attitudes and patriarchal patterns of behaviour in respect of the roles and responsibilities of women and men in family and in society that undermine women's human rights.

**24. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; and awareness-raising campaigns directed at both women and men, designed, whenever possible, with the involvement of the media and civil society, including non-governmental organizations, to address stereotypes regarding the roles of women and men with a view to combating discrimination against women, in particular against indigenous women and women of African descent. The Committee also calls upon the State party to periodically review the measures taken, especially their impact, to identify shortcomings, to adjust**

**and improve those measures accordingly and to report thereon to the Committee in its next report.**

25. The Committee is deeply concerned that in 2003 the Government Attorney's Office lodged an appeal contravening the provision of precautionary measures against perpetrators of domestic violence, provided for in the Violence against Women and the Family Law. The Committee is concerned that the appeal aims to prevent administrative bodies acting as officers of the court from receiving complaints from women victims of violence. The Committee is further concerned about the lack of a centralized system to collect data on violence against women.

**26. The Committee urges the State party to take immediate effective measures to eliminate any obstacles that may be encountered by women victims of violence in obtaining precautionary measures against perpetrators of violence and to ensure that such measures remain easily accessible to them. The Committee underscores the need for the State party to place high priority on the comprehensive implementation and evaluation of the Violence against Women and the Family Law and to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that perpetrators of violence against women are prosecuted and adequately punished. It encourages the State party to enhance effective access to legal aid for women from all regions, including indigenous women and women of African descent. It also calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions, sensitized to all forms of violence against women and trained to adequately respond to them. The Committee urges the State party to establish a centralized system to gather data on the incidence of violence against women and to include such data and information about the impact of measures taken in its next periodic report.**

27. While noting that socio-economic measures, as well as other preventive efforts, are in place aimed at addressing the root causes of prostitution, the Committee is concerned that insufficient steps have been taken to curtail the exploitation of prostitution, discourage demand and put rehabilitation measures in place. It is further concerned about the lack of information on the causes and extent of prostitution, as well as the trafficking of women and girls, in particular the incidence of these phenomena in border areas.

**28. The Committee urges the State party to take all appropriate measures, including the adoption and implementation of a comprehensive plan to suppress the exploitation of prostitution of women through, inter alia, the strengthening of prevention measures, discouraging the demand for prostitution and taking measures to rehabilitate victims of exploitation. The Committee requests the State party to include in its next periodic report a comprehensive assessment based on appropriate studies about the causes and extent of prostitution, as well as the trafficking of women and girls. Such information should be disaggregated by age and geographical areas, and give details about the results achieved.**

29. While noting that article 91 of the Constitution recognizes equal pay for equal work, the Committee is concerned about the persistent wage differential between women and men and about the insufficient understanding of the principle of equal pay for work of equal value in accordance with article 11 (d) of the Convention. The

Committee regrets the lack of data about the participation of women in the labour market, both in the informal and formal sectors, disaggregated by occupational group and occupational level.

**30. The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25. The Committee calls on the State party to undertake a comprehensive study to determine whether the principle of equal pay for work of equal value is respected and, based on this assessment, to implement appropriate measures to ensure that women indeed receive equal pay for work of equal value. The Committee requests that detailed data on the formal and informal labour markets disaggregated by sex, sector, occupational groups and levels, be included in the next periodic report.**

31. While acknowledging the national plan of action on sexual and reproductive health and increased efforts to provide family planning services, the Committee notes with concern the persistent high prevalence of teenage pregnancy. Furthermore, the Committee regrets the lack of detailed information about the causes and consequences of abortion, which is the third leading cause of maternal death in the State party.

**32. The Committee recommends that the State party pay special attention to the effective implementation and monitoring of the national plan of action on sexual and reproductive health. The State party should place higher priority on the provision of family planning services, including information on contraceptives and their wide and easy availability in all regions of the country, as well as the provision of sex education, addressing both young women and men. The Committee urges the State party to ensure effective access of women to such information and to sexual and reproductive health services, particularly to young women, women from rural areas, indigenous women and women of African descent. The Committee requests the State party to undertake a survey on the reasons for the high rate of maternal deaths due to abortion and to adopt measures, including legislative and public policy measures, to reduce and eliminate related risks. It invites the State party to include detailed information and data on the incidence, causes and consequences of abortion as well as on the impact of measures taken, disaggregated by age group, in its next periodic report.**

33. The Committee notes with concern that the minimum legal age of marriage is set at 14 for girls and 16 for boys.

**34. The Committee urges the State party to take measures to raise the minimum legal age of marriage for girls in order to bring it into line with article 1 of the Convention on the Rights of the Child, which defines a child as anyone under the age of 18 years, and with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women.**

35. The Committee encourages the State party to accept, as soon as possible, the amendment of article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

36. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform

for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

37. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the MDGs and requests the State party to include information thereon in its next periodic report.

38. The Committee notes that adherence by States to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Venezuela (Bolivarian Republic of) to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

39. The Committee requests the wide dissemination of the present concluding comments in Venezuela (Bolivarian Republic of) in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests that the State party continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

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

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.