

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

Second periodic report

405. The Committee considered the second periodic report of Venezuela (CEDAW/C/13/Add.21) at its 201st meeting, on 29 January 1992.
406. 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, the 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.
407. 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 was being done by women on a voluntary basis.
408. Before replying to the list of questions, the representative explained that the second periodic report had covered the progress achieved during the period from 1985 to 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 from 1989 to 1991, and an annex entitled "The woman in Venezuela" containing statistical data. Both documents should be made available to all the members of the Committee.
409. 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

410. 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.

411. 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 sex roles.

412. 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 the 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.

413. In reply to whether the Government was receiving sufficient support for its actions 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, and through the inclusion of gender problems in the curricula and the dissemination of printed and audio-visual

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 combating gender stereotyping.

Articles 3 and 4

414. It was appreciated by the Committee that the Government of Venezuela had in 1974 and 1979 established 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, and in 1987 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) were established.

415. The Committee asked what the reasons were for such transformations; what the size of the General Directorate for the Promotion of Women was and what its budget was; whether the Minister for the Family had 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 were 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 were moving into politics, trade unions, etc.

416. 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 the conceptual and ideological criteria of the different Governments and to two phenomena: the lack of administrative continuity and the lack of 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. 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 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 programmes on a permanent basis. It was important to decentralize the policies and to involve the mayors and governors from all regions as well as 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.

417. 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 in 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

418. 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 inquired if anything had been done to change that situation and asked the representative to describe practical measures and their results.

419. The representative replied that in 1983 women constituted 48 per cent of the persons who had completed higher education: two thirds of those were graduates from universities, one quarter were 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 followed 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.

420. 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 texts of schoolbooks, teaching materials 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.

421. 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)

422. 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 the size and scope was 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.

423. 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 launching campaigns.

Article 6

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

425. 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

426. 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.

427. 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 the 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.

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

429. 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.

430. 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.

431. 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 the high-level posts in the judiciary and in public administration. The total presence of women in public administration was on the order of 30.5 per cent. In the private sector, only 7.7 per cent of women held managerial positions. 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.

432. 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 also had access to programmes that 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.

433. 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.

434. 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.

435. 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.

436. 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 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.

437. 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.