



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

Distr.: General
24 June 2014
English
Original: Spanish

**Committee on the Elimination of Discrimination
against Women**

**List of issues and questions in relation to the combined
seventh and eighth periodic reports of the Bolivarian
Republic of Venezuela**

Addendum

Replies from the Bolivarian Republic of Venezuela*

[Date received: 23 June 2014]

* The present document is being issued without formal editing.



Legislative and institutional framework

Question No. 1: The bill on the rights of women to gender equality and equity, the definition of discrimination against women and the comprehensive review of the Criminal Code

1. The bill on the rights of women to gender equality and equity was introduced for discussion in 2008 by the National Assembly's Standing Committee on the Family, Women and Youth in order to strengthen the institutional framework protecting women's rights, together with the new political, democratic, participatory and protagonistic process for women in our society, which will help build a new culture of effective gender equality between men and women.

2. Also in the context of recent advances in the legislative and judicial framework, and in order to comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the constitutional mandate of recasting the Republic to embody a society that ensures equality without any discrimination or subordination whatsoever, thereby consolidating the universal and indivisible protection of human rights, the National Assembly incorporated into its 2014 agenda a discussion on a comprehensive reform of the Criminal Code, including, in particular, debates on criminal provisions that might constitute discrimination against women.

3. This discussion is the result of a participatory and inclusive collaboration between People's Power organizations, women's and feminist movements and various public institutions, once again demonstrating the Venezuelan State's full commitment to the protection and guarantee of the right to equality.

4. The Ministry of People's Power for Women and Gender Equality (MPPMIG) prepared a road map for promoting the Act on the Partial Reform of the Criminal Code for consideration by the National Assembly, which includes the derogation of discriminatory and unconstitutional provisions against women; certain provisions have also been re-written in non-sexist and non-discriminatory language.

Question No. 2: The Juana Ramírez La Avanzadora (The Advancer) Equality Plan, the "Mamá Rosa" Gender Equality and Equity Plan and the work of the Subcommittee on Gender Statistics and its gender indicators

5. **The Juana Ramírez la Avanzadora Equality Plan 2009-2013** has the following four strategic pillars, developed by the Ministry for Women in its capacity as monitor and evaluator of policies for women: a) inclusion of women in the social production sector; b) active and political participation of women in all areas of national public life; c) health and quality of life, overall health of women, and education and research on equality; and d) raising awareness of gender, class and ethnic perspectives.

6. With the aim of including women in the social production and socio-economic sector through the implementation of the Juana Ramírez La Avanzadora Equality Plan for Women 2009-2013, an average of 182,179 financial allocations and 22,811 microcredits were granted in 2012-2013 as part of the challenge represented by the maintenance and improvement of the national public policy described in the Venezuelan national report.

7. Other types of organizations relating to the participation of women in the economic and financial spheres have also been created, including 220 Women's

Development Bank user networks formed in 2013 as a result of the rehabilitation policies implemented by the Government, and 4,610 Neighbourhood Mothers' Committees and 254 Family and Gender Equality Committees established in 2012 and 2013.¹

8. As for political and protagonistic participation in 2014, three of the five government branches are headed by women (judicial, electoral and civic), indicating a trend towards parity in women's participation in decision-making. Moreover, in the communes and communal councils, which are grassroots public management organizations, 70 per cent of the representatives are women.

9. As historical evidence of the advancement of women, it should be noted that Carmen Meléndez was promoted to the rank of Admiral, being the first woman to hold such a position in the military. She was later appointed Minister of Defence and Admiral-in-Chief of the Bolivarian National Armed Forces (FANB). This appointment will contribute to the Government's efforts to ultimately eradicate all forms of discrimination against women in the Armed Forces. Both appointments are historic, in that she is the first woman to attain the highest rank in the FANB.

10. Since 2013, the Government of the Bolivarian Republic of Venezuela, through MPPMIG, has reconfigured the Meeting Points initially set up by women's movements, promoting the Movement of Women for Peace and Life and changing the Family Committees into Committees on Gender Equality and Equity, thereby helping to expand women's political and social participation in their communities, performing social oversight in areas such as prevention of violence against women, defence of the economy and promotion of equality and gender parity between women and men, among others. Since the end of 2013, 841 Committees for Women in Defence of the Economy and 205 Committees for Women and Gender Equality and Equity have been formed.

11. With the aim of improving comprehensive health care for women, the Project on Family and Community Support for Early Pregnancy Prevention, Care and Responsibility was implemented under the Juana Ramírez la Avanzadora Equality Plan. From 2012 to 2013, 45,930 girls and female adolescents and 41,448 boys and male adolescents, aged from 10 to 19 years, received birth-control training at 499 educational centres in 20 federal entities.² In addition, workshops and talks in learning communities and in the People's Power centres to promote healthful, pleasurable and responsible sexuality were offered to a total of 6,120 women in 2013.

12. In order to raise awareness of gender, class and ethnic perspectives, public policies for women were developed on the basis of gender training for women in local communities; these were designed to empower them at the grassroots level and to promote gender equality and equity.³ Thus, from 2012 to 2013, 42,953 women received socio-political training, and 1,285 women were given gender training.

13. Moreover, in order to improve the quality of care for women in situations of violence, the Government has promoted the dissemination of the content of the Act

¹ Report and Accounts, Ministry of People's Power for Women and Gender Equality (Minmujer), 2006-2013.

² Statistics from Project on Family and Community Support for Early Pregnancy Prevention, Care and Responsibility. National Institute for Women, 2011-2012.

³ Management report. Minmujer/Strategic Office for Public Policy Review and Evaluation, 2013.

on Women's Right to a Life Free from Violence, which has raised awareness among public servants involved in the areas of care, prevention, receipt of complaints and judicial proceedings related to violence against women. Following the extension of these awareness campaigns to the communities, 5,606 women were trained in 2013.⁴

14. From 2012 to 2013, as part of the mechanisms for psychological, juridical and psycho-social care, the Venezuelan State has assisted 23,441 female victims of violence, through the participation of a number of judicial and State security bodies.

15. As for the Committee's question on the formulation of the new plan for the equality of women, it should be noted that, as a result of the implementation of the Juana Ramírez La Avanzadora Equality Plan for Women, the Government prepared a document for public consultation, which produced the **"Mamá Rosa" Gender Equality and Equity Plan (2013-2019)**, which governs the formulation and planning of gender-sensitive public policies, under the principle of social justice, in order to claim and reclaim the rights of Venezuelan women and men.

16. This Plan upholds the historic objective of the eradication of patriarchy as being an expression of the system of capitalist oppression, and the building of feminist socialism, with the following strategic objectives:

(a) Political and ideological dimension: to achieve protagonistic and balanced participation in conditions of 50-50 equality between women and men;

(b) Economic dimension: to deepen women's participation in the building and consolidation of the new socialist productive economic development model;

(c) Social dimension: to ensure the inclusion of all women in the national territory in all social programmes. Elimination of gender violence in all its forms;

(d) Cultural dimension: to raise awareness of the gender perspective in all national sectors and actors in political organizations, movements, social groups and other organized expressions of the People's Power;

(e) Environmental dimension: to ensure the preservation of Pachamama (Mother Earth) in all areas of women's and men's lives.

17. Aware that assistance policies are inadequate to ensure the eradication of violence against women, the Government launched a pilot programme in 2013, Comprehensive Care and Training Centres for Women. This programme is designed to have a decisive impact not only on the provision of spaces for socio-cultural services, psychological assistance and health care, but also on the strengthening of gender training in women's and feminist organizations; the aim is to empower women and give them autonomy in all their diversity, in terms of social group and life cycle, and to form networks between women's and feminist movements, communal councils, emerging communes and any other form of existing organizations in the country.

18. The programme was launched with the opening of two Comprehensive Care and Training Centres for Women in the state of Zulia and the Capital District, with the capacity to care for 1,000 women a month.

19. Lastly, in reply to the question on the **Subcommittee on Gender Statistics**, we note that it continues to be a standing body of the Coordinating Committee on

⁴ Management report. Minmujer/Strategic Office for Public Policy Review and Evaluation, 2013.

Social and Environmental Statistics. Among the advances made as a result of its working group discussions are the creation of the Round Table on Administrative Registers in 2013 and the design of the information-gathering tool “Registry of persons with disabilities certified by the National Council for Persons with Disabilities (CONAPDIS)”, in cooperation with the National Institute for Women (INAMUJER) and the National Institute of Statistics (INE).

20. For its part, the Education Round Table of this subcommittee prepared the instructional design for the workshop “Generation of Gender Statistics”, in collaboration with the Centre for Women’s Studies (CEM), the Public Prosecution Service, the Ministry of Planning, INAMUJER and INE. A workshop was later held for staff members of the Subcommittee on Gender Statistics.

21. In 2011 and 2012 INE also issued a bulletin of gender indicators, containing information on education, income, employment and health. This material is available in both print form and electronically on the Institute’s website.⁵ The availability of indicators such as literacy and illiteracy, male-female ratio for literacy and illiteracy, average number of years of education, female-male earnings ratio, key labour market indicators and the female poverty index, among others, has made it possible to assess fundamental conditions for achieving gender equity and hence social justice.

Access to justice

Question No. 3: National Gender Justice Commission

22. The judicial branch is independent, and the Supreme Court of Justice has functional, financial and administrative autonomy under the Constitution.⁶ Note that that the judicial circuits are functionally autonomous and are competent, with respect to crimes of violence against women, to administer justice in human rights and gender-related cases.

23. The function of the **National Gender Justice Commission** (CNJGPJ) is to guarantee women’s equality and ensure non-discrimination against them on the basis of gender, in compliance with the international treaties signed by the Republic and the Act on Women’s Right to a Life Free from Violence. Its powers are as follows: (1) To develop and design judicial policies aimed at optimizing the gender justice system; (2) To coordinate the courts having competence with respect to crimes of violence against women; (3) To create courts having competence with regard to violence against women;⁷ (4) To administer the circuit court system dealing with gender violence, including the supervision of court functions, and the appointment and removal of judges and other court personnel.

24. In the area of dissemination and training, CNJGPJ has taken the following actions:

⁵ http://www.ine.gob.ve/documentos/Boletines_Electronicos/Estadisticas_Sociales_y_Ambientales/Indicadores_de_Genero/pdf/201312.pdf

⁶ Article 254 of the Constitution of the Bolivarian Republic of Venezuela.

⁷ There are 56 courts of first instance in the whole country, in addition to the appeals courts; there is one in the Metropolitan Area of Caracas in the special jurisdiction on violence against women, and one appeals court on violence against women, shared with the Penal System on Responsibility for Adolescents and located in the state of Zulia.

(a) Implementation of the *Information and Awareness-Raising Programme*, whose purpose is to provide gender-sensitive human rights training in respect of the administration of the Act on Women's Right to a Life Free from Violence; it is obligatory for all technical staff members, lawyers and Commission support personnel;

(b) Development of the web page *Red Justicia Mujer* (Network on Justice for Women), using information and communications technologies (ITCs) as a way of disseminating information on the policies implemented through social networks;

(c) The practice of discussions with male and female judges as a way of disseminating, evaluating and monitoring the binding judgements of the Constitutional Chamber and the Criminal Appellate Chamber with respect to special cases under the Act on Women's Right to a Life Free from Violence, in order to ensure a swift judicial process and avoid impunity. Since 2013, five discussions have been held: three prior to 2013 and two national discussions (in March and May 2014).

(d) Approval of the *Eumelia Hernández* Order, in recognition of the efforts of this trade union worker and feminist to encourage the participation of persons from all areas in the fight to eliminate all forms of discrimination and violence against women.

(e) Suggestion box, to collect information about the quality of services provided in the courts at the national level with respect to violence against women (since the fourth quarter of 2013).

(f) Forums, workshops and discussions with communities, including the following activities: Three discussions with women's organizations, two in the state of Vargas and one in the state of Zulia, promoting conditions for citizen oversight by the gender committees established in communal councils; one workshop on awareness-raising among graduates of the National Experimental University on Security (UNES) with regard to human rights with a gender perspective; one workshop for staff members of the Scientific, Criminal and Forensic Investigation Unit (CICPC); and participation in a number of conferences organized by the bodies of the national system of jurisdiction over crimes of violence against women, such as the Ombudsman's Office, the Public Prosecution Service, the National Assembly and the Public Defender's Office.

(g) Implementation of civic oversight: Since 2014, the names of applicants for posts in the courts dealing with violent crimes against women have been posted;

(h) There is also a training programme, run by the National School of the Judiciary (ENM), in which participation is obligatory for all judges appointed to the courts of special jurisdiction over cases involving gender and violence. In addition, in order to make the best use of the ancillary service provided by the interdisciplinary teams of the specialized courts in cases of violence against women, the Supreme Court, in plenary session, approved the care protocols of the International Development Strategy (IDS) submitted by CNJGPJ in April 2014.

25. In order to unify approaches, a coordinated effort has been made, through the Equity and Gender Equality Council of the Vice-Ministry of Police in the Ministry of People's Power for Internal Affairs, Justice and Peace, to validate the medical and

psychological reports issued by multidisciplinary teams of the agencies authorized to receive complaints.

26. In 2014, by resolution of the Supreme Court Plenary, an enforcement court was created with competence in crimes of violence against women in each of the judicial circuits having jurisdiction in such crimes in Venezuelan judicial districts; these courts may become central venues for these circuits.

27. With regard to the Committee's question on the **role of the Commission in the various components of the gender justice system**, it should be repeated that the Commission's remit includes the development and formulation of judicial policies to optimize the gender justice system and strengthen ties between courts specializing in violence against women and communal councils.

28. Thus, the Commission prepared a draft plan called Plurinational Plan for the Implementation of New National Court Venues 2014-2016, for five states beginning in 2014.⁸ A major step was the establishment, in the town of Santa Elena de Uairén in the border state of Bolívar, of an extension of the court of first instance on violent crimes against women, in the Criminal Judicial Circuit of the State Judicial District; this extension is composed of two courts of supervision, hearing and preventive measures, in addition to one trial court. Lastly, new court venues are planned for 2015 in eight states and the expansion of the Metropolitan Area of Caracas, which will depend on the availability of resources.

29. Moreover, in April 2014 the Commission prepared a request to universities that they establish Chairs of Gender Studies, with the aim of including required credit courses on gender in the curricula of all schools in every faculty; this request was approved in April 2014 by the Bolivarian University of Venezuela. The Commission also served as a high-level advisory body on women's human rights with a gender perspective to various branches of the national Government.

30. Convinced that violence against women is a multifaceted problem related to both public health and human rights, the solution of which will require a change in social awareness and inter-agency efforts to produce an impact on attitudes and behaviours, the Commission held three inter-agency round tables in the second half of 2013 with the Ombudsman's Office, the Public Prosecution Service, the Public Defender's Office, the Ministry of People's Power for Women and Gender Equality, the Carlos Escarrá School of the National Assembly and women's organizations, in order to reach an inter-agency agreement for the launching of a public awareness and preventive campaign.

31. Another result achieved by the Commission has been the publication and dissemination of binding judgements handed down by the Constitutional Chamber⁹ and the Criminal Appellate Chamber of the Supreme Court, related to the

⁸ The states of Bolívar, Zulia, Guárico, Falcón and Trujillo.

⁹ It is important to note the relevant fact that the purpose of binding judgements by the Constitutional Chamber in gender-related cases is to eliminate the institutional barriers faced by women in gaining access to justice; these judgements have been disseminated through various media, including official publication of Supreme Court decisions on the Court's web page, the editing, publication and distribution of books, and distribution at discussions, forums and workshops with judges and other actors in the judicial system; they are also distributed to social organizations, at lectures given at various universities throughout the country, at conferences with other Venezuelan State bodies and through social media.

application of the principles set forth in the Act on Women's Right to a Life Free from Violence, which provide for effective legal protection, access to justice and prevention of re-victimization, together with victims' right to defence.¹⁰

Question No. 4: Complaints of violations of women's rights received by the Public Prosecution Service, such as the number of complaints received, the type of rights violated, the relationship of the victim with the perpetrator, the age of the victims and the number of investigations, prosecutions and convictions (para. 83). Please also update the data provided for the period 2011-2013.

32. The Public Prosecution Service, in its capacity as director of criminal prosecution and investigation, received 73,047 complaints in 2011, 83,113 in 2012 and 71,812 in 2013, of violations of women's rights, in particular the crimes of rape, harassment and sexual harassment, carnal acts with especially vulnerable victims, lascivious acts, threats, sexual slavery, public offences motivated by gender, forced prostitution, illicit trafficking of girls and adolescent women, trade in girls and adolescent women, physical violence, violence in the workplace, obstetric violence, property-related and economic violence, psychological violence and sexual violence. In the period 2011-2013 the Public Prosecution Service brought 32,674 indictments; 114,441 cases were shelved and 149,036 were dismissed.

33. It should also be noted that, because of the establishment of the special jurisdiction, the number of complaints of this type increased; this was a result of hope on the part of female victims that they would gain access to gender-sensitive justice, given that the absence of a special court had previously kept the figures on such crimes hidden. The Statistical Information System of the Judiciary recorded the following figures for cases admitted and resolved by final and interlocutory judgements handed down by the courts of first instance on violence against women, in terms of supervision, hearings and preventive measures, from 2009 to 2013.

<i>Judgements resolved</i>	<i>Total judgements</i>					
	2009	2010	2011	2012	Jun-2013	
	155,854	20,185	27,195	35,935	45,741	55,067

<i>Court/year</i>	<i>Cases admitted</i>						
	<i>Total</i>	<i>Year 2009</i>	<i>Year 2010</i>	<i>Year 2011</i>	<i>Year 2012</i>	<i>Year 2013 (June)</i>	
Courts of first instance on violence against women: supervision, hearings and preventive measures	265,281	42,488	44,491	68,340	85,534	24,428	
Courts of first instance on violence against women: cases tried	3,707	386	516	1,073	1,138	594	
Total	268,988	43,374	45,007	69,413	86,672	25,022	

¹⁰ Judgement No. 272/2007 of 15 February, in the case of Gabriela del Mar Ramírez Pérez, Ombudsman; Judgement No. 62/2011 of 16 February in the case of Roberto Lamarca Gabriele; Judgement No. 514/2011 of 12 April in the case of José Gregorio Villavicencio; Judgement No. 216/2011 of 2 June, in the case of Noel De Jesús Flores; Judgement No. 220/2011 of 2 June, in the case of Edwin Antonio Sánchez Mendoza and William Salmerón Hernández; Judgement No. 515/2011 of 6 December, in the case of Juan Carlos Zambrano; Judgement No. 255/2012 of 11 August, in the case of Diomar de la Cruz Linares Rodríguez; Judgement No. 291 of 6 August 2013, in the case of Carlos Eduardo Manzanilla García and Gustavo Alejandro Peña Viloria.

National machinery for the advancement of women**Question No. 5: Ministry of People's Power for Women and Gender Equality**

34. This Ministry, which governs gender policy in the country by implementing public policies aimed at promoting gender equality and eradicating violence against women, has a broad institutional structure: it is present in the 23 state offices, in which each entity under the Ministry is represented.

35. The approved budget for the Ministry has progressively increased. From 2010 to 2014, resources more than doubled, from US\$245,453,444 to US\$582,759,781, respectively.

36. In addition to the state offices of the Ministry, the system includes 17 state institutes, 115 municipal institutes, 16 care centres for women and 20 offices for women. These depend organically and financially on the state and municipal governments, but their action guidelines are provided by the National Institute for Women in order to ensure a single, cohesive public policy on women and gender equality.

Question No. 6: National Office for Women's Rights

37. The National Office for Women's Rights, together with the National Institute for Women (INAMUJER), was created by the Equal Opportunities for Women Act, promulgated through Special Official Gazette No. 5,398 of 26 October 1999, and is now part of the Ministry of People's Power for Women and Gender Equality (MPPMIG) through Presidential Decree No. 6663, published in Official Gazette No. 39,156 on 13 April 2009.

38. Under its legal mandate, the Office continuously monitors compliance with laws, declarations, conventions, regulations and provisions relating to women's rights; it also promotes and enforces respect for these rights through campaigns, awareness-raising events, and training sessions and activities with communities and institutions.

39. Thus, the Office does not receive complaints, but rather acts as a defender of the right to real, effective and free access to justice for all women and, under the provisions of the Act on Women's Right to a Life Free from Violence and the above-mentioned article 23 of the Constitution, is competent to perform the functions of accompaniment, legal assistance, dissemination, awareness-raising and coordination, among others, with respect to all the areas dealt with by CEDAW.

40. Its primary mandates include ensuring that all women regain the full exercise of their rights where they have been violated, and that they have rapid, transparent and effective access to the appropriate sources of assistance. To this end, the Office supports, guides and gives legal assistance to women and investigates the reported situation in order to take corrective measures to stop the threat or actual harm caused by discrimination. The Office may then act directly as a victim's legal representative in the courts, if she so requests. Otherwise, it will direct her to the proper authorities and provide individual or collective legal assistance. Likewise, the Office follows up the judgements of criminal courts in order to verify that the victim's rights are being protected.

Stereotypes

Question No. 7: Eliminating patriarchal attitudes and stereotypes with regard to the roles of women and men in society, the portrayal of women and girls as sex objects and the challenges faced in implementing the Act on Social Responsibility in Radio and Television

41. The Venezuelan State is convinced that in order to eliminate patriarchal attitudes and stereotypes with regard to the roles of women and men in society, it is essential to empower people, especially women, recognizing that popular knowledge can be useful in designing and applying public policies in this area.

42. Thus the Government, through INAMUJER, has carried out promotional socio-cultural activities and disseminated information to encourage the elimination of patriarchal attitudes and stereotypes with regard to the roles of women and men in society. From 2010 to 2013, this campaign was targeted at 15,304 women and 6,986 men. By 2013 the advocacy capacity of this training had been strengthened to a point where the number of beneficiaries had quadrupled over the previous year.

43. These activities were aimed at organized communities, public employees of State agencies, educational institutions at all levels and complaint bodies, among others. In this connection, mention should be made of a number of programmes being developed by INAMUJER, namely the National Communal Defenders' Network, the Women's Movement for Peace and Life and the Women and Gender Equality Committees being promoted within the communal councils.

44. To eliminate patriarchal attitudes and stereotypes with regard to the roles of women and men in society, the Venezuelan State, through the Bolivarian Communication and Information System (SIBCI), in full agreement with the transformative, socialist and Bolivarian principles governing its actions, has promoted women's participation in all areas of dissemination and production of content, in an effort to send messages to counteract sexist images and to help empower Venezuelan women to play a protagonistic role in building the Motherland.

45. Promotional activities are taking place in the entertainment field, with the creation and distribution of Venezuelan, Latin American and other cinematographic works of fiction on feminist topics, directed by women, and films relating stories of famous women and anonymous heroines that help women to recognize themselves in their roles and situations, and raise awareness in society in general.¹¹

¹¹ "Manuela Sáenz, la Libertadora del Libertador", directed by Diego Rísquez; others deal with the class struggle from a woman's point of view, such as "Oriana", directed by Fina Torres; "Encarnación", directed by Anahí Berneri, "El rebaño de los Ángeles", directed by Román Chalbaud, and "1, 2 y 3 mujeres", directed by Andrea Ríos. These were broadcast on VTV, Vive TV, Ávila TV and Tves. The last-mentioned channel has presented special programmes devoted to women, in recognition of events such as the International Day for the Elimination of Violence against Women, when the cycle entitled "No Más" was broadcast; it included five films on women's rights: "Te doy mis ojos", directed by Iciar Bollain; "The Purple Rose of Cairo", directed by Woody Allen; "Sólo Mía", directed by Javier Balaguer; "Thelma and Louise", directed by Ridley Scott; and "Carmen la que contaba 16 años", directed by Román Chalbaud. Tves also presented a special series for International Women's Day, including the documentary Comadronas, directed by Rosana Matecki; the short animated film "Josefa Camejo: La heroína del tricolor", directed, animated and produced by Raúl Ávila; the animated film "The Triplets of Belleville", directed by Sylvain Chomet; "Manuela", directed by Gyula David; "Doña Bárbara", directed by Betty Kaplan; and lastly, the broadcast of a special interview with the nun Teresa Forcades, in which she spoke about feminism, family planning and abortion in the Venezuelan context.

46. In the print media, feminist groups are ensured a permanent outlet for publication in newspapers such as *Correo del Orinoco* and *Ciudad CCS*, discussing topics relating to gender roles, women's rights, criticism of the patriarchal society, situations in which women are oppressed, and recognition of alternative sexualities.

47. In the news and opinion media, reports and stories on women's participation as protagonists in transformative processes in both traditional and non-traditional areas are being continually promoted and encouraged. Close-up, daily portraits of women as workers, farmers, mothers, professionals, students and political leaders, among others, are presented.¹²

48. In addition, the Venezuelan State has taken steps to eliminate stereotypical images of women, especially in the media, such as the portrayal of women and girls as sex objects and the promotion of images of women's bodies that conform with societal expectations. As a concrete measure in this regard, the Constitutional Chamber, through Judgement 09-0066 of 8 May 2014, ordered the elimination of all images showing sexualized or sexual content, either explicitly or implicitly, in advertisements in print media that are freely available to children and adolescents, and that refer to the stimulation of sexual activity or promote services commercially linked to sexual exploitation.

49. Finally, the Venezuelan State has faced a challenge in implementing the Act on Social Responsibility in Radio and Television in terms of raising awareness in the communications media about the gender perspective and the need for a type of programming that respects women's rights. To this end, the National Telecommunications Commission has issued recommendations to the communications media to deal with breaches of the standards set out in the Act on Social Responsibility in Radio and Television.

Violence against women

Question No. 8: Effective implementation of the Act on Women's Right to a Life Free from Violence and Femicide

50. With regard to the Committee's question on challenges faced in the implementation of the Act on Women's Right to a Life Free from Violence, the Bolivarian Government, in carrying out its functions through the National Office for Women's Rights, notes the significant advances made by the Venezuelan State in implementing and enforcing the provisions of this Act.

51. Nevertheless, the Ombudsman's Office has made a diagnostic assessment of the performance of the bodies authorized to receive complaints, the findings of which are as follows:

(a) The first output of this investigation was a poster, issued in June 2010, showing an institutional "road map" on the care of women affected by violence, which stemmed from a joint initiative with the United Nations Population Fund (UNFPA) and the Spanish Agency for International Development Cooperation (AECID), in coordination with the Supreme Court, the Public Prosecution Service,

¹² Note, specifically, *La Noticia y Contrastes*, on VTV; *Diversos no perversos* (a programme on sexual diversity) and *Arepita de Manteca* (a programme devoted to motherhood and child-raising in freedom), on Radio Nacional de Venezuela; *Diálogo de saberes*, *Historias de vida*, *Secretos de Familia*, *Historias Locales*, e *Informativo Popular*, on Vive TV; and *El entrompe de Falopio* (a programme about young feminist groups), on Ávila TV, among others.

INAMUJER and the Ombudsman's Office. This road map is a teaching tool for identifying and unifying the processes and procedures set out in the Act, which is used to train workers in the complaint bodies and reduce the margin for discretion in its implementation.

(b) In 2012, another output of the study was a publication prepared jointly by various bodies authorized to receive complaints, with the support of UNFPA, entitled *Recomendaciones para optimizar la recepción de denuncias de violencia contra las mujeres (Recommendations to optimize the acceptance of reports of violence against women)*, which aims to provide information and promote best practices in the complaint bodies, and to raise awareness on the part of workers in these bodies with regard to gender-related issues and encourage the creation of a dynamic, effective model for dealing with cases of violence against women.

52. The assessments provided by the institutions in charge of eradicating violence against women have shown that there remain many challenges and obstacles to overcome, such as: (1) improving mechanisms to unify the formats and procedures involved in the prevention and care systems, as well as those aimed at protection and security; this will strengthen due diligence and access to gender-sensitive justice for women affected by violence and optimize the filing of reports of violence against women; (2) strengthening women who are victims of violence by building their capacity to remain active and participate in the investigation, accusation and trial phases in all the bodies involved; (3) encouraging feminist groups to organize, enabling them to have an impact on public policies, particularly with regard to the care of female victims and the eradication of violence; (4) reinforcing mechanisms for collecting gender-related statistics in order to design better public policies; and (5) eradicating the patriarchal culture.

53. On the draft amendment to incorporate the crime of femicide and relevant penalties into the Act on Women's Right to a Life Free from Violence, the Public Prosecutor of the Republic, on 21 May 2013, requested the inclusion of two additional criminal categories, taking into account the statistics from the Public Prosecution Service indicating that 157 women were murdered for reasons of gender from 2010 to 2013. The proposal is aimed at highlighting and changing the nature of views concerning femicide so that they are no longer culturally considered crimes of passion but rather are given special treatment during the investigation, in view of the cycle of violence in which women find themselves. This legislative reform was approved during the first round of debates on 28 May 2013 and is currently awaiting the second round in the plenary meeting, for approval and subsequent promulgation.

54. The proposed legislation not only deals with intimate femicide but also highlights femicide that occurs in other scenarios, such as non-intimate femicide and

femicide by connection.¹³ The initiative also incorporates inducement to suicide for reasons of gender, thereby covering an indirect form of femicidal violence.¹⁴

Question No. 9: Causes and prevalence of violence against women.

55. One of the mechanisms used to infringe women's right to citizenship has historically been violence committed against them. This is a structural reality in the world and curtails a number of rights, such as the right to life, freedom, personal integrity and health, while also preventing the exercise of other civil, political, economic, social and cultural rights.

56. The Venezuelan State has fully demonstrated its will to combat this scourge, beginning with the following public declaration made by President Hugo Chávez in 2009: "Without the true liberation of women, the full liberation of peoples would be impossible, and I am convinced that socialist authenticity must also be feminist authenticity". Many legislative, administrative and institutional advances have been made with the aim of combating these social stereotypes that infringe women's rights. Nonetheless, for all the above-mentioned reasons, many challenges have yet to be overcome in this respect. The Venezuelan State has a recognized institutional structure in this area; however, contrary values still prevail in our societies, and hence the work must continue in order to eliminate this scourge.

Question No. 10: Shelters

57. Shelters are discreet places for women in extreme danger or whose lives are at risk from domestic violence to find temporary protection and care.

58. The Bolivarian Republic of Venezuela has six shelters for women who have been threatened by extreme violence; these are located in the states of Aragua, Monagas, Sucre, Cojedes, Trujillo and Portuguesa. The shelters each have a multidisciplinary team of coordinators, psychologists, lawyers, teachers, administrative assistants, facilitators, cooks and housekeepers.

59. Under the Bolivarian Government's guidelines and the commitment to a "Government of Efficiency on the Street" undertaken in 2013 by the national executive and endorsed by the People's Power, a schedule of work has been set up

¹³ "Article 57. Femicide. Femicide is the deliberate killing of a woman by her husband, ex-husband, partner, ex-partner, person with whom the victim maintained a marital life, a de facto stable union or an emotional relationship, whether or not the two were living together. In such cases, the penalty imposed shall be 25 to 30 years' imprisonment. Non-intimate femicide is the deliberate killing of a woman by a man who has taken advantage of a working, academic, professional or other relationship that involves trust, subordination or superiority, in contempt of the victim's body, in order to satisfy his sexual instincts. In such cases, the penalty imposed shall be 15 to 20 years' imprisonment. Femicide by connection is the intentional killing of a woman because of her involvement in trafficking and criminal associations in illicit industries and shall be penalized by 25 to 30 years' imprisonment".

¹⁴ "Article 58. Inducement to or assistance in suicide. Any person who induces a woman to suicide or assists her in committing suicide shall be penalized by three to five years' imprisonment. If the suicide actually occurs, the perpetrator shall be penalized by 10 to 15 years' imprisonment. In all these cases, verification of the following shall be required: that the perpetrator took advantage of the victim's vulnerability or physical or psychological condition [or that] the perpetrator took advantage of an asymmetrical power relationship in which the woman was in a subordinate or vulnerable situation, and thereby benefited from pre-existing or existing relationships".

for 2014 with the aim of establishing shelters throughout most of the national territory, thereby achieving greater effectiveness and efficiency in these services.

60. The Shelters Project is led by the INAMUJER Office of Comprehensive Care and Prevention of Violence against Women, which monitors and supervises the operation of the shelters and the services offered to women on a regular basis.

Trafficking in women and exploitation of prostitution

Question No. 11: Trafficking in women and girls, the bill on trafficking in persons, the National Plan of Action to Prevent, Suppress and Punish Trafficking in Persons and measures relating to prostitution

61. Although trafficking in women and girls is not a particularly serious or prevalent phenomenon in the Bolivarian Republic of Venezuela, the Crime Prevention Department of the Ministry of People's Power for Internal Affairs, Justice and Peace, with the support of the United Nations Children's Fund (UNICEF), prepared a report on trafficking in persons in 2011, exploring the methods used to capture victims and the risk factors involved, with the aim of permanently eradicating this scourge that affects women and girls. According to this report, there is a definite profile of victims that specifically includes women of low socioeconomic levels, living in low-income areas and in border regions.

62. However, according to information handled by the bodies authorized to receive complaints and provide care to victims, including the National Division on Violence against Women and the Family of the Scientific, Criminal and Forensic Investigation Unit (CICPC); the CICPC Office of Ordinary Offences and Organized Crime; the Directorate for the Protection of Women under the Public Prosecution Service; the National Office against Organized Crime and the Financing of Terrorism (ONCDOFT); the National Central Bureau (NCB) of INTERPOL in Caracas; and the National Institute for Women (INAMUJER), the crime of trafficking in persons is not committed frequently in the Bolivarian Republic of Venezuela. Nonetheless, despite the low incidence of this phenomenon, when it does occur it constitutes a threat to the State's policies and strategies aimed at stopping organized crime and a hindrance to compliance with the provisions of national and international legal instruments and the human rights of Venezuelan men and women.

63. The Bolivarian Government, in its struggle to eradicate trafficking in persons, submitted to the National Assembly a preliminary draft of a law on the prevention and punishment of the crime of trafficking in persons and comprehensive assistance for victims. This bill is currently in the first phase of discussion.

64. The Venezuelan State, through its legal system, guarantees and protects the rights of women, children and adolescents against this type of crime. Accordingly, article 54 of the Constitution of the Bolivarian Republic of Venezuela states that *"No person shall be subjected to slavery or servitude. Trafficking in persons and, in particular, in women, children and adolescents, in all its forms, shall be subject to the penalties provided for by law"*.

65. Other relevant law includes the Act on Women's Right to a Life Free from Violence,¹⁵ the Act on Protection of Children and Adolescents (LOPNNA),¹⁶ the

¹⁵ Articles 19, 46, 47, 55 and 56 of the Act on Women's Right to a Life Free from Violence (LODMVLV).

¹⁶ Articles 33, 38, 40, 255, 257, 258 and 266 of LOPNNA.

Organized Crime and Financing of Terrorism Act (LODOFT)¹⁷ published in Official Gazette No. 39,912 of 30 April 2012.

66. The Bolivarian Government created the National Office against Organized Crime and the Financing of Terrorism (ONCDOFT) within the Vice-Ministry of the Integrated Criminal Investigation of the Ministry of People's Power for Internal Affairs, Justice and Peace, with the aim of designing, planning, organizing, formulating and implementing public policies and strategies against the trafficking in persons and the organization, control and supervision at the national level of all matters related to the prevention and suppression of this crime.

67. **The National Plan of Action to Prevent, Suppress and Punish Trafficking in Persons** is currently being revised by the competent bodies; however, the Bolivarian Government, as the guarantor of human rights, protects victims of trafficking through policies developed by the Ministry of People's Power for Internal Affairs, Justice and Peace (MPPRIJP).

68. The Venezuelan State also created the "Gran Misión a Toda Vida" [Grand Mission for Protection of All Human Life] in Venezuela, the main purpose of which is to reduce the occurrence of situations linked to crimes that constitute a threat, danger or risk to the enjoyment of human rights by the population; this will be done by modifying the structural conditions and prevention-related situations and adjusting penalties to the law.

69. In addition, the Crime Prevention Department, under MPPRIJP, has focused its plans, programmes and projects towards creating the institutional conditions for building a national, state, municipal and parochial structure composed of the competent bodies in the field of prevention and control of the crime of trafficking in persons, taking a comprehensive approach in order to guarantee the enjoyment and exercise of the rights of the affected population. As a result, 50,630 persons have been trained in ways to prevent the crime of trafficking in persons and to provide comprehensive assistance to victims.¹⁸

70. Moreover, workshops were offered in 2012 to 76 high-level staff of civil security agencies, together with prosecutors and judges of the Ordinary Criminal Jurisdiction, to provide capacity-building and training on the problem and to disseminate information, especially concerning low-income and vulnerable sectors.

71. With regard to steps taken to discourage the demand for prostitution, the Venezuelan State penalizes the offences of forced prostitution and sexual slavery (arts. 46-47, respectively, of the Act on Women's Right to a Life Free from Violence) by 10 to 20 years' imprisonment.

72. For its part, LODOFT criminalizes and punishes the offences of distribution of pornographic material, the use of children and adolescents in child pornography and the production of child pornography.

73. As for measures adopted to discourage the demand for prostitution, the order of the Supreme Court was reiterated that all images showing sexualized or sexual content, either explicitly or implicitly, must be eliminated in advertisements in print media that are freely available to children and adolescents. Likewise, this order calls

¹⁷ Article 41 of LODOFT.

¹⁸ Members of communities, indigenous peoples, social and community organizations, private institutions and primary, secondary, vocational and university students.

on the Public Prosecution Service to investigate whether the classified advertisements in the national press promoting prostitution might be related to the crimes of trafficking in persons or inducement to prostitution and whether actual illegal acts are being committed.

Participation in political and public life

Question No. 12. The Decision of the National Electoral Council (CNE) on principles of parity and rotation of power, its effects on the representation of women in the National Assembly and equitable representation of women and men in the executive and judicial branches of the Government.

74. As a direct result of the implementation of the CNE Decision on principles of parity and rotation, the National Assembly has 26 female principal representatives and 35 alternates, out of a total of 165 deputies. In addition, there are two female chairpersons and two female vice-chairpersons of Standing Commissions, as well as the second vice-chairperson of the body, who is on the Board of Directors.

75. The Board is composed of three female magistrates and three male magistrates, and is chaired by a woman. In the judiciary, the ratio of women to men is particularly positive, as a result of the Venezuelan State's efforts to redefine the preconceived notions of gender relations in the workplace.

76. For example, the Supreme Court is composed of six chambers, and the Plenary is made up of a total of 32 magistrates (17 women and 15 men) from these six chambers; three of these, namely the criminal appellate, civil and constitutional chambers, are presided over by women, and three (social cassation, administrative/political and electoral chambers) by men.

77. Likewise, the current judicial map disaggregated by gender shows that, of an overall total of 2,005 judgeships, 1,304 are held by women and 701 by men. Note that in the special jurisdiction on violence against women, of a total of 58 judges, 52 are women and 6 are men.

Education

Question No. 13: Please provide information on measures taken to improve the quality of education, in particular at the primary and secondary levels, such as revisions to the school curricula and capacity-building of teachers. Please also provide information on measures taken to include comprehensive, effective and age-appropriate programmes on sexual and reproductive health and rights as a regular part of the school curriculum for adolescent girls and boys, as well as on programmes aiming at the elimination of negative stereotypes on the roles of women and men in society.

78. The country is currently undergoing a broad, open process of consultation on the quality of education, which includes the participation of female and male students and teachers and administrative personnel, manual workers and members of the community, with the aim of designing proposals for improving education. The national executive has devoted particular attention to this topic, recognizing significant advances in the past decade in the implementation of educational missions covering large masses of the population that previously had no access to education.

79. To this end, the National Commission for Quality Education (CNCE) was created, overseen by the Minister of People's Power for Education (MPPE) and composed of representatives of broad sectors of society. This Commission is temporary, consultative, inter-agency, transparent, participatory, plural and technical in nature. Its debates and consultations will cover the various levels of territorial organization, beginning with the schools, forming part of a community area, including parishes, municipalities and states.

80. The policies and programmes designed for teacher training will be continuous and permanent, and they will be incorporated into the current guidelines and curricula. Thus, since 2007, programmes have been developed for the post-graduate training of teachers, resulting in the completion of 4,016 refresher courses and the graduation of 617 teachers with bachelor's degrees, 239 with various types of master's degrees and 33 with doctoral degrees.

81. With regard to the measures taken to include comprehensive, effective and age-appropriate programmes on sexual and reproductive health and rights as a regular part of the school curriculum for adolescent girls and boys, the Bolivarian Government, through the Ministry of People's Power for Education, and in cooperation with the United Nations Population Fund (UNFPA), is developing a series of actions intended to meet the need to provide sexual training and education to children, adolescents, and young and older adults, guaranteeing them a comprehensive and quality education so that they may exercise all their rights, including the right to sexual and reproductive health; these actions are also designed to deal with social and public health problems associated with sexuality, such as teenage pregnancy and sexually transmitted diseases, including HIV/AIDS.

82. The National Bolivarian Curriculum for the Basic Education Subsystem uses contextualization as a strategy to enable education to respond to sociocultural and historical realities and to incorporate research, creativity and innovation into teaching practice.

Question No. 14: Technical vocational education opportunities for girls, the drop-out rate and measures to reduce it

83. Gender disparities are associated in part to difficulties in gaining access to education; the Bolivarian Government has therefore focused its efforts on ensuring equal opportunities for girls and boys in the education system. The gross school enrolment rate for the period 2012-2013, disaggregated by sex, is 92.8 per cent (girls) and 92.2 per cent (boys) in pre-school, and 101.4 per cent (boys) and 103.3 per cent (girls) in primary school. In secondary school, the enrolment rate for women is higher (90.4 per cent) than that of men (82.6 per cent) in the same period, showing a growing trend towards reaching the goal of universal education and eliminating gender disparities.

84. In the school year 2012-2013, the drop-out rate for girls leaving primary school was 0.4 per cent, compared to 5.7 per cent leaving secondary school. In 2011-2012, the primary school drop-out rate for girls was 0.1 per cent, and the secondary-school rate was 5.7 percent. In 2010-2011, the primary school rate was - 0.2 per cent, while the secondary rate was 4.4 per cent.

85. On technical vocational education opportunities for girls, the Bolivarian education system has a series of specialties in which adolescent girls may gain knowledge and technical skills, together with vocational training, and thereby

contribute to the productive process, the production of goods and services, innovation and economic independence.

86. For the school year 2012-2013, total enrolment of women in technical education was 59,888, in the following technical specialties: agriculture 7,782 (43.46 per cent of total student enrolment), industrial 8,287 (30.98 per cent), commerce and services 31,866 (57.95 per cent), home economics 56 (55.45 per cent), social promotion and health services 5,242 (61.43 per cent) and arts 6,655 (54.65 per cent).

Employment

Question No. 15: Please provide information on specific measures taken to close the gender pay gap, ensure the implementation of the principle of equal pay for work of equal value and eliminate the segregation of women in low-skill jobs, in particular in the private sector (para. 147). Please provide information about the implementation of Presidential Decree No. 8921, adopted in April 2012, by which women working in the informal sector and housewives are enrolled in the social security system. Please provide information on measures taken to ensure the implementation of the legal framework for the protection of maternity (para. 151), including sanctions against employers. Please provide information on measures to combat sexual harassment and clarify whether provisions prohibiting sexual harassment in the workplace are included in labour and other relevant legislation.

87. With regard to the wage gap, steps have been taken to raise incomes and eliminate the segregation of women in low-skill jobs, including the implementation of training programmes, under the responsibility of the National Institute for Socialist Education and Training (INCES). Since 2007, it has trained a total of 554,242 women as skilled workers, representing 51.63 per cent of graduates in a number of areas, including agricultural production, construction, manufacture, technology, telecommunications, commerce and services.

88. These training programmes encourage the inclusion of women in traditionally male occupations, in which the graduation figures are as follows: construction, 3,351 women (31.68 per cent); industrial technology, 234 women (36.61 per cent); agricultural production, including training the areas of crops, livestock, agricultural exploitation and processing, agribusiness and forestry, 5,805 women (54 per cent).

89. In order to implement Presidential Decree No. 9821, approved in April 2012, the Bolivarian Government incorporated women working in the informal sector into the Venezuelan Social Security Institute (IVSS), registering 152,216 persons by 2013, of whom 91,330 (60 per cent) are women and 60,887 (40 per cent) are men. In addition, 2,517,401 women and men were receiving regular pensions, 516,677 were pensioned under the “En amor mayor” (In greater love) project in Venezuela, and 12,557 housewives were covered by the system.

90. With regard to measures taken to ensure the implementation of the legal framework for the protection of maternity, the Labour Act (LOTT) provides for special protections, such as job security for mothers and equivalent protections for fathers during their partner’s pregnancy and for two years after the child’s birth. Reinstatement in cases where a mother or father has been unjustly dismissed is also covered by this Act, by which 1,070 women were re-hired under the maternal

statute, 593 of whom received assistance from the Workers' Attorney's Office, and 1,078 male workers were re-hired under the paternal statute.

91. To monitor compliance with the rights of women workers as set out in the Labour Act, inspections were carried out in 6,845 workplaces during the first half of 2014, with the following results: (a) for prenatal and postnatal leave,¹⁹ 6,809 (93 per cent) workplaces registered compliance with this rule, and 45 (7 per cent) non-compliance; (b) 3 per cent non-compliance with the requirement of paid leave for gynaecological examinations;²⁰ (c) 5 per cent non-compliance in respect of breastfeeding breaks;²¹ d) 3.5 per cent non-compliance with regard to having a pre-school child care centre with a nursing room.²²

92. With regard to complaints filed by affected workers with the Labour Inspectorate claiming non-compliance with requirements to provide leave or breastfeeding breaks, a total of 115 cases were settled in 2013. In these cases, the supervisor ordered that corrective action must be taken within 30 days. If the employer refuses to comply, punitive procedures are initiated in order to determine the appropriate fine.

93. As for measures to combat sexual harassment, LOTT includes aspects such as sexual harassment, workplace harassment, employers' objective responsibility to participate in the workplace health and safety committees, whereby they are required to protect workers against harassment through their representatives and to provide facilities to perform their jobs; they must ensure that the health and safety committees represent all their members, that they participate in leisure activities and social tourism, that persons with disabilities are protected, that the right to work is respected, that penalties are established for workplace and sexual harassment and that the public, not-for-profit nature of the social security system is assured.

94. Likewise, the Act on Women's Right to a Life Free from Violence classifies sexual harassment as a form of violence and establishes appropriate sanctions; and the Workplace Safety, Conditions and Environment Act guarantees workers suitable working conditions in terms of health, safety, hygiene and well-being in order to maintain an optimal environment free of violence.

Health

Question No. 16: Measures to reduce maternal mortality, the Official Regulation for Comprehensive Sexual and Reproductive Health Care and the prevalence of abortion and of HIV/AIDS among pregnant women

95. The Venezuelan State, aware that reducing maternal mortality and ensuring sexual and reproductive rights are of vital importance for the respect and protection of women's rights, has designed the National Plan for Sexual and Reproductive

¹⁹ The Labour Act provides for six weeks prenatal and 20 weeks postnatal leave.

²⁰ During pregnancy, female workers have the right to one day or two half-days of paid leave each month for medical examinations.

²¹ Mothers have the right to two half-hour breaks for breastfeeding if the workplace has a child care centre or nursing room, and 1 ½ hours if it does not.

²² Support for working mothers includes the availability of child care centres with a nursing room, providing care for workers' children from the age of three months to six years, either through facilities installed and maintained by the employer or through the payment of tuition and stipends in a centre duly authorized by the ministry in charge of education.

Rights, with a view to raising women's and men's awareness of the right to pleasurable and responsible sexuality at all stages of the life cycle.

96. To this end, a number of strategies have been implemented in order to enforce the Official Regulation for Comprehensive Sexual and Reproductive Health Care; these resulted in the printing of 15,000 copies of the Regulation by December 2013, thanks to a joint effort by the Ministry of People's Power for Health (MPPS), the Pan American Health Organization/World Health Organization (PAHO/WHO), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA). The Venezuelan State reiterates that the topic of maternal mortality remains a challenge, and it will therefore continue to implement positive measures to prevent and combat it.

97. With regard to the decriminalization of abortion, deliberate termination is permitted under Venezuelan legislation in cases where it is practised as an essential measure to save the mother's life.

98. The Venezuelan State, in an effort to strengthen the People's Power, has created spaces for discussion with women's and feminist organizations and movements, who have put forward proposals for reforming the Criminal Code. Likewise, the Ombudsman's Office has submitted a proposal to the National Assembly aimed at reforming the Code in order to decriminalize abortion when the physical or mental health of the pregnant girl, adolescent or woman is in danger, or where there is risk of foetal impairment or the pregnancy results from rape. In 2010, the Subcommission on Women and Gender Equality of the National Assembly, for its part, submitted a proposal on decriminalization of the voluntary termination of pregnancy.

99. In relation to the prevalence of HIV/AIDS among women, 135,332 cases had been reported up to December 2013, of which 76 per cent are men and 24 per cent are women. It is estimated that the epidemic is concentrated, with a prevalence in the general population of 0.56 per cent and more than 5 per cent in the most vulnerable sectors, especially in men who have sexual relations with other men.²³

100. Actions to prevent the vertical transmission of HIV in Venezuela are taken jointly by the National Reproductive Health Programme and the National STI/AIDS Programme, prioritizing free obligatory testing of all pregnant women during their first prenatal examination, for the purpose of early detection of HIV-positive women in order to begin treatment and appropriately monitor their pregnancy and childbirth, under the standards set out by the Programme in the "Consensus on Technical Regulation of Comprehensive Care of HIV/AIDS Patients in Venezuela" in 2007, with the participation of medical experts from throughout the country and the international validation of PAHO.

<i>Year</i>	<i>N° of pregnant women</i>
2009	233
2010	272
2011	285
2012	348
2013	432
Total	2,625

²³ Salas, H. and Campos, J. Estimación y Proyección del VIH/SIDA en Venezuela. 2005.

Women in rural areas**Question No 17: Gender relations in the rural areas**

101. The new Labour Act, approved in May 2012, provided for decent working conditions and represents a historic advance for women, specifically rural women. Thus, articles 235 and 236 establish that a woman agricultural worker's daily wage must be doubled if she works on a holiday. It is also stipulated that such workers shall enjoy paid annual vacations, together with the members of their family working in an agricultural production unit, who may request vacation at the same time.

102. A historical claim is referred to in article 233: when agricultural workers have farmed a parcel of land at their own expense in an agricultural production unit, the workers have the right to remain on the land after the working relationship ends.

Indigenous women and women of African descent**Question No. 18: Access by indigenous women and women of African descent to justice, education, employment, health-care services, land and natural resources, credit facilities, community services and decision-making and their participation in political and public life**

103. The Venezuelan State has the important duty of highlighting the struggle for the gender equality of indigenous women and women of African descent, not only for the recognition of their rights but also as part of the State's commitment to offset the historical debt owed to the country's indigenous people and those of African descent.

104. In Venezuela, according the last census conducted by the National Institute of Statistics in 2011, the population of indigenous women is estimated to be 359,016, representing 49.5 per cent of the total indigenous population (2.7 per cent of the country). The Ministry of People's Power for Indigenous Peoples (MPPPI) has a number of projects targeted at indigenous women, including immediate and continuous attention to the population in a situation of extreme vulnerability located in the national territory.

105. To date, MPPPI has financed a total of 31 projects for indigenous women, mainly consisting of social productive development projects such as planting and handicrafts, from which a total of 2,172 indigenous women have benefited.

106. The judiciary has handed down a number of decisions with regard to indigenous peoples and communities, the preponderant theme of which has been the application of the special indigenous jurisdiction. The authority of the indigenous peoples to administer justice is established in article 260 of the Constitution, which granted jurisdictional functions to the legitimate indigenous authorities, who may apply the justice system in the areas where they live; this system affects only members of the group, according to its own rules and procedures, provided that they are not contrary to the Constitution, the law or public order. This system is an expression of a multi-ethnic and multicultural society.

107. The Public Prosecution Service has appointed two prosecutors who are experts in indigenous affairs at the national level and who are charged with harmonizing the special indigenous jurisdiction with ordinary criminal law.

108. With regard to land and natural resources, the Venezuelan State considers it important to have the participation of the indigenous peoples and to respect the right to consultation, which is obligatory in indigenous habitats and lands; the Organic Act on Indigenous Peoples and Communities (LOPCI) expressly prohibits the execution of any type of project in indigenous territories that does not respect this right.

Women in detention

Question No. 19: Women in detention

109. In order to ensure continued progress on the rights of detained women and the optimizing of their situation in prisons, the Venezuelan State has established special detention facilities for women, while requiring that the female prison population be detained in wholly separate premises in cases where they are held in the same prison as men, under the Prison Regime Act. In addition, the regulations guarantee that detained women have the right to family visits. Thus, the State also complies with the United Nations mandate set out in the Standard Minimum Rules for the Treatment of Prisoners, specifically rule 8(a).

110. It should be noted that, in relation to detained women who are pregnant or nursing, the State provides special medical attention, depending on the prescription or treatment, and thereby protects the rights of both the child and the mother. The State also ensures that the birth takes place in a specialized medical facility outside the prison itself. If this is impossible, it guarantees that the location where women are attended during and after childbirth is healthful and clean.

111. As for education and job training, detained women are given the opportunity to benefit from comprehensive care programmes, literacy programmes and education at three stages of learning: primary, through Mission Robinson; secondary, through Mission Ribas; and university, through Mission Sucre.

112. Likewise, educational and job training plans have been designed, such as “*Plan Llegó la Chamba*”, which has benefited 2,052 female detainees. A similar plan is the “*Plan Llegó Maita*”, which enables the mothers of detainees to participate in conflict resolution in prisons and have access to national care facilities. A third plan is the “*Plan Cambote*”, which consists of the incorporation of detained women into the processes of reparation, rehabilitation and rebuilding of the prison infrastructure sponsored by the National Foundation of Penitentiaries (FONEP). Moreover, 2,331 women in detention in the country were granted the right to parole benefits provided for by law, as a result of the implementation of the “*Plan Cayapa*”, aimed at reducing judicial delays.

113. The following table presents some figures and disaggregated data on the situation of female detainees:

<i>Regions</i>	<i>Venezuelan</i>	<i>Foreign</i>	<i>Ethnic group</i>
Capital	822	53	-
Central	805	26	-
East	114	08	-
South			2 Guayu 2 Ginú 1 Pushaina 1 Urraligu 4 Epiayu
	525	54	Total: 10
Los Llanos (plains)	520	90	-
Total	2 786	231	10

114. Information provided by women's prisons at the national level concerning the age of women in detention indicates that they are divided into three groups: ages 18 to 23, 25 to 36 and 44 to 60.

Marriage and family relations

Question No. 20: Minimum age of marriage and the definition of the child contained in article 1 of the Convention on the Rights of the Child.

115. In 2010 the Ombudsman's Office brought an action before the Supreme Court to annul article 46 of the Civil Code, which provides that marriage may not be entered into by women below the age of fourteen (14) years nor by men below the age of sixteen (16) years. We consider this to be a form of discrimination that infringes the right to equality enshrined in article 21 of the Constitution of the Bolivarian Republic of Venezuela. The Supreme Court admitted the action of unconstitutionality in 2012, and a decision by that court is pending.

116. Moreover, with regard to the action for annulment filed by the Ombudsman's Office against article 57 of the Civil Code, the Supreme Court, on 16 July 2013, upheld the action of unconstitutionality on the ground that it clearly contradicts articles 21 and 77 of the Constitution of the Bolivarian Republic of Venezuela by establishing differentiated, gender-based constraints on the equality of spouses; therefore, in accordance with the principles and rights set out in the Constitution, it should be reiterated that women have, since 16 July 2013, faced no legal impediment to remarrying after the annulment or dissolution of their previous marriage.