



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

Distr.: General  
11 July 2022

Original: English  
English, French and Spanish only

## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the ninth periodic report of the Bolivarian Republic of Venezuela\*

#### Context

1. In the light of the severe economic, social and political dislocation during the last decade, please explain how the State party has sought to preserve the human rights of women in relation to the articles of the Convention, despite the deep economic recession. Please inform the Committee on measures taken to ensure that women and girls, including those from disadvantaged and marginalized groups, have access to basic services, including housing, food, adequate water, sanitation, health care and electricity.

#### Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

2. Please provide information on the following:

(a) Measures taken to raise awareness, specifically among women, including women affected by poverty, internally displaced women, indigenous women, women of African descent, women with disabilities, women who have been deported to the State party from other countries, migrant women and rural women, about their rights under the Convention, the Optional Protocol thereto and the Committee's general recommendations, including any steps taken to translate the Convention into indigenous languages and to make it available in accessible formats;

(b) Court judgments in which judges have invoked the Convention, the Optional Protocol thereto or the Committee's jurisprudence to decide court cases, including in family law, criminal law, civil law and labour law cases, as well as the training programmes addressed to those working in the administration of justice in relation to the Convention, the Optional Protocol thereto and the Committee's general recommendations.

#### Women's rights and gender equality in relation to the pandemic and recovery efforts

3. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic,

\* Adopted by the pre-sessional working group on 7 July 2022.



issued on 22 April 2020, please indicate the measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals, to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies, and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan:

- (a) Address and are aimed at effectively preventing gender-based violence against women and girls;
  - (b) Guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes;
  - (c) Are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic.
4. Please explain how the State party is ensuring that, despite the deep economic recession, measures taken do not limit access for women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters for survivors of domestic and other forms of gender-based violence against women, education, employment and health care, including sexual and reproductive health services.

#### **Legislative framework and definition of discrimination**

5. In accordance with the State party's obligations under articles 1 and 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on the following:

- (a) Measures taken to adopt a comprehensive definition of discrimination that ensures the protection of women against direct and indirect discrimination, including intersecting forms of discrimination, in both the public and private spheres;
- (b) Legislative and policy measures taken to address intersecting forms of discrimination faced by women;
- (c) Legal remedies and compensation available to women who are subjected to any form of gender-based discrimination, in particular women belonging to ethnic and national minority groups, migrant, refugee and asylum-seeking women, women with disabilities, older women and women and girls living in rural areas;
- (d) Steps taken to amend article 565 of the Organic Code on Military Justice, which criminalizes consensual same-sex relationships in the armed forces;
- (e) Measures taken to implement article 146 on name change of the Organic Law on Civil Registry.

#### **Access to justice and legal complaint mechanisms**

6. Please provide information on the following:

- (a) Concrete measures taken to institutionalize and expand a legal aid service that is free of charge to the public and adequately funded to ensure the legal

representation of women without sufficient means in criminal, civil and administrative proceedings relating to gender-based violence and discrimination;

(b) Steps taken to design a comprehensive judicial policy for the elimination of institutional, social, economic, accessibility, technological and other barriers faced by women in obtaining access to justice and for the provision of adequate human, financial and technical resources, including reasonable and procedural accommodations, as well as indicators and a monitoring mechanism for its implementation;

(c) Measures taken to ensure that women who are victims of gender-based violence and discrimination have access to effective redress and free legal aid;

(d) Steps taken to enhance women's awareness of their rights and legal remedies available to them in all areas of the law;

(e) The impact of capacity-building programmes on women's rights and gender equality for lawyers, judges, prosecutors and police officers and the steps being taken, on the basis of the results, to enhance the quality of those programmes and increase the number of beneficiaries;

(f) Steps taken to ensure that judges, prosecutors and police officers handle cases of gender-based violence and discrimination against women in a gender-sensitive manner and expand mandatory capacity-building to judges, prosecutors, lawyers, law enforcement officials and mediators on women's rights, including their right to access justice;

(g) Steps taken to design a strategy aimed at guaranteeing access to justice of groups of women who are disadvantaged and discriminated against, such as indigenous women, women of African descent, refugee and asylum-seeking women and women with disabilities, which addresses linguistic, accessibility and other cultural barriers and establishes and disseminates information about effective legal remedies and procedures enabling women to claim their rights.

#### **National machinery for the advancement of women**

7. Please provide information on the following:

(a) Mechanisms to ensure coordination between the Ministry of People's Power for Women and Gender Equality and other national and provincial mechanisms to implement legislation and public policies on gender equality;

(b) Measures taken to ensure collaboration with women's organizations in the national machinery for the advancement of women;

(c) Outcome of the "Mamá Rosa" Plan for Gender Equality and Equity ([CEDAW/C/VEN/9](#), para. 39);

(d) Measures to mainstream gender equality across sectoral policies, in particular the public policy against racism and racial discrimination for the comprehensive development of indigenous women and girls and women and girls of African descent;

(e) Mechanisms to promote the participation of, and consultations with, women's organizations, in particular those for indigenous women, women of African descent and women with disabilities, in the adoption and implementation of public policies and programmes by the national machinery for the advancement of women.

### **Temporary special measures**

8. In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, please provide information on:

(a) The outcome of the introduction of quotas for the balanced participation of women and men in the National Assembly elections in 2015, the Municipal Council elections in 2018 and the National Assembly elections in 2020, as well as on the mechanism used to monitor compliance with the quotas and on the penalties for non-compliance;

(b) Temporary special measures taken for the most disadvantaged groups of women, such as indigenous women, women of African descent, women with disabilities, rural women, older women and migrant women, in line with the Committee's previous concluding observations on the combined seventh and eighth periodic reports of the State party ([CEDAW/C/VEN/CO/7-8](#), para. 15).

### **Gender stereotypes and harmful practices**

9. Please provide detailed information on measures taken to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, including awareness-raising and educational programmes and media campaigns to convey positive images of women as active participants in economic, social and political life, and the impact of those measures. Please also provide information on:

(a) Measures taken to address discriminatory gender stereotypes and negative portrayals of women, including all forms of objectification of women in the media and advertisements, and the results of those measures;

(b) Efforts made to monitor the negative portrayals of women in the media and social media, as well as in statements by public officials;

(c) Steps taken to mainstream gender equality into the education curricula, including measures addressed to teachers, and impact assessments of capacity-building activities on women's rights and gender equality;

(d) Efforts made to analyse and address gender-based stereotypes as a root cause of gender-based violence against women;

(e) Measures taken to monitor the impact of such measures.

10. Please also provide information on the following:

(a) Measures taken to criminalize early and/or forced marriage, non-consensual or forced sterilization and early and/or forced pregnancy;

(b) The number of reported cases, prosecutions and convictions, and the sentences imposed on the perpetrators, related to harmful practices, in particular child marriage or other forced unions, non-consensual or forced sterilization and early and/or forced pregnancy, disaggregated by relevant factors such as age, indigenous status, African descent, migrant status, disability status and geographical location.

### **Gender-based violence against women**

11. According to information received by the Committee, there is a high prevalence of gender-based violence against women in the State party, including femicides, disappearances and psychological and sexual violence, and there have been high numbers of reports of domestic violence. In the light of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating

general recommendation No. 19, and target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on the legislative measures taken to combat gender-based violence against women, particularly with regard to the reform of the Act on Women's Right to a Life Free from Violence (2007). Please also indicate whether the reform includes article 5 of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

12. In particular, please indicate the measures taken to:

(a) Adopt a national action plan to address gender-based violence against women and include specific measures to address all forms of violence, including violence that women experience online;

(b) Prevent all forms of gender-based violence against indigenous women and girls, women and girls of African descent, women and girls with disabilities, lesbian, bisexual and transgender women, intersex persons and women human rights defenders;

(c) Establish specialized courts on gender-based violence against women in all provinces, including in rural areas and border zones;

(d) Ensure the prosecution, conviction and punishment of perpetrators of gender-based violence against women, including sexual violence and domestic violence perpetrated during the pandemic;

(e) Indicate the number of prosecutions and convictions of perpetrators of sexual harassment or abuse or other forms of gender-based violence against girls in schools, for the past five years, programmes addressing the root causes of such violence, the number of teachers having received specialized training and the number of girls having benefited from protection, redress and psychosocial support;

(f) Prevent cases of gender-based violence against women in institutions, in particular in detention centres, psychiatric hospitals, centres for persons with disabilities and centres for minors, and ensure that all types of institutions are supervised by independent authorities;

(g) Provide victims with effective protection, rehabilitation and remedies, including compensation;

(h) Document and investigate all cases of enforced disappearances of women in the State party, prosecute perpetrators and provide adequate reparation to the victims and their families;

(i) Ensure that rural and indigenous women and girls and women and girls of African descent who are victims of gender-based violence have effective access to protection orders, shelters and psychosocial counselling;

(j) Collect statistical data on gender-based violence against women, for the past five years, disaggregated by age, ethnicity, disability status, the relationship between the perpetrator and the victim and the type of sentence imposed on the perpetrator;

(k) Provide accessible information to women with disabilities about available remedies and redress in cases of gender-based violence against them;

(l) Expand the coverage of shelters for women and girls who are survivors of domestic and other forms of gender-based violence, including women with disabilities, in the State party, including information on the number and accessibility of shelters and the support available to survivors.

**Trafficking and exploitation of prostitution**

13. Please provide information on:

(a) Measures taken to improve international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking of women and girls, through information exchange and harmonizing legal procedures for the prosecution and punishment of perpetrators;

(b) The prosecutorial and judicial authorities and type of criminal offence under which trafficking in transgender women is investigated and prosecuted, indicating also the number of criminal sentences relating to trafficking in transgender women and girls that have been handed down, providing statistics disaggregated by year, type of offence and type of sentence issued;

(c) Measures taken to build the capacity of the judiciary and the police to effectively investigate cases of trafficking and exploitation of prostitution in a gender-sensitive manner;

(d) Measures taken to ensure access to health care, including HIV testing and treatment, and modern contraceptives, including condoms, for women in prostitution and measures taken to provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution.

**Participation in political and public life**

14. Please provide updated information on:

(a) Measures taken, including temporary special measures, to promote the equal representation of women in political and public life at all levels;

(b) The quantitative representation of women in political and public life, including the number of women who stood for election in the most recent national, regional and municipal elections and the number of women working in the foreign service and in international organizations;

(c) Measures taken to ensure the implementation of gender parity in executive posts;

(d) Whether efforts to increase the representation of women in the political sphere have been extended throughout the public sector, in particular in the judiciary and in the security sector;

(e) The adoption of any specific goals and timelines, including for women belonging to ethnic minority groups, for example, through statutory quotas in the parliament, political parties, public administration and the foreign service and for senior government positions, and the outcomes achieved.

**Education**

15. Please provide information on the following:

(a) The impact of the Canaima Education Project ([CEDAW/C/VEN/9](#), para. 96);

(b) Enrolment rates at all levels of education among girls and women, disaggregated by location (urban or rural area), whether the student is of indigenous or African descent, disability status and migrant or refugee status;

(c) Measures to provide girl students with access to the Internet and technological devices to ensure remote schooling during the COVID-19 pandemic, in particular for indigenous girls and girls of African descent in the “dry corridor” and

for women and girls with disabilities, as well as the accessibility of inclusive online learning methodologies and individualized support for girls with disabilities;

(d) The school dropout rate among girls, for the past five years, indicating how the State party addresses dropout due to early pregnancy and the stigma attached to it;

(e) Measures taken to address gender-based violence against women and girls in the school environment;

(f) Measures to ensure mandatory, age-appropriate education on sexual and reproductive health and rights at all levels of education, including on responsible sexual behaviour and modern contraceptives;

(g) The career choices made by women, disaggregated by age and location (urban or rural area), and measures taken to encourage women and girls to choose non-traditional fields of study, such as information and communications technology and science, technology, engineering and mathematics;

(h) Measures to address gender stereotypes in curricula and textbooks.

### **Employment**

16. Please provide information on measures taken to:

(a) Promote access to formal employment for rural women, women with disabilities, indigenous women, women of African descent and migrant and returnee women;

(b) Strengthen the mechanisms to monitor the implementation of the Labour Act, including with regard to women;

(c) Ensure social protection for women working in the informal economy, including the recognition of maternity leave, paid sick leave and disability and old-age pension benefits, and protection against work-related diseases for those in the agricultural, industrial, service or fishing sectors;

(d) Promote the equal sharing of family and work responsibilities between women and men, and the provision of affordable childcare facilities and allowances for women heads of household.

### **Health**

17. Please provide information on measures taken to:

(a) Amend article 432 of the Criminal Code to decriminalize abortion in cases of rape, incest, risk to the health of the pregnant woman and severe fetal impairment, to remove punitive measures for women who undergo abortion and to ensure the availability of abortion services;

(b) Raise awareness about modern forms of contraception and ensure access to safe and affordable contraception for women and adolescent girls, in particular in rural and remote areas;

(c) Protect pregnant women during childbirth, adequately punish perpetrators of obstetric violence, strengthen capacity-building programmes for medical practitioners and ensure regular monitoring of the treatment of patients in health-care centres and hospitals.

18. Please also provide detailed information on:

- (a) The results and impact of the implementation of the National Plan for the Protection of the Sexual and Reproductive Rights of Women in Venezuela for the period 2014–2019;
- (b) The implementation of and budget allocated to the National Humanized Childbirth Plan;
- (c) The National Surgical Plan and sterilization campaigns organized by the State party.

#### **Rural women**

19. Recalling the Committee's general recommendation No. 34 (2016) on the rights of rural women, please indicate measures taken to:

- (a) Improve access for rural women and girls, indigenous women and girls and women and girls of African descent to basic services, including health-care and family planning services, water, education, formal employment, social protection in both the formal and informal economy, means of economic empowerment, justice, land and credit;
- (b) Strengthen women's literacy programmes and facilitate access to vocational education and training for women in rural areas.

#### **Disadvantaged groups of women**

20. In view of the intersecting forms of discrimination faced by disadvantaged and marginalized groups of women in the State party, please provide information about the situation of the following groups of women:

- (a) *Indigenous women.* Please provide updated and detailed information on specific measures taken to address the inequalities faced by indigenous women, which are compounded by the intersecting forms of discrimination to which they are subjected. Please provide information on all measures taken to bridge the gap between indigenous women and other women in the State party. Please provide information on the steps taken to review laws and policies, with the participation of indigenous women, to ensure that they can fully enjoy their rights to adequate housing, education and family and private life without discrimination or fear of segregation, forced eviction or displacement;
- (b) *Women with disabilities.* Please provide updated information on measures taken to include women and girls with disabilities in all policies and strategies to promote equal opportunities for women and men, in particular with regard to education, employment, access to justice, protection against violence and access to sexual and reproductive health-care services and poverty reduction programmes. Please report on how free and informed consent is ensured for women with disabilities prior to any medical treatment and on any existing exceptions to that universal right. Please indicate measures adopted to protect women with disabilities living in institutions from violence and abuse and to eliminate practices involving physical and mechanical restraints. Please provide information on restrictions to legal capacity;
- (c) *Women human rights defenders.* Please provide information on the measures taken by the State party to expedite the investigation and prosecution of all acts of harassment, intimidation and reprisals perpetrated against women human rights defenders, as well as measures taken to prevent attacks and threats against and provide protection and reparations to women human rights defenders;



(d) *Women in detention.* Please provide information on measures taken to improve the situation of women in detention, particularly with regard to conditions of hygiene, food, health, including sexual and reproductive health, protection against violence and access to a fair trial, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

#### **Climate change and disaster risk reduction**

21. In line with general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please inform the Committee about steps taken to:

(a) Meaningfully involve women in the development of legislation, national policies and programmes on climate change adaptation, disaster response and disaster risk reduction;

(b) Address hunger and ensure food security for rural women in the light of the effects of climate change.

#### **Marriage and family relations**

22. Please provide information on the following:

(a) Steps taken to raise the legal age of marriage to 18 years for both girls and boys;

(b) Legislative measures taken to recognize intangible property, such as pension and insurance benefits, as part of the joint property to be divided upon divorce;

(c) Measures taken to recognize de facto unions and ensure that women enjoy adequate legal protection during such unions and upon their dissolution.

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