



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined seventh and eighth periodic report of the Bolivarian Republic of Venezuela, at the Committee's fifty-ninth session, held in November 2014. At the end of that session, the Committee's concluding observations (CEDAW/C/VEN/CO/7-8) were transmitted to your Permanent Mission. You may recall that in paragraph 48 on follow-up on the concluding observations, the Committee requested the Bolivarian Republic of Venezuela to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 19 (a), (b) and (d) and 31 (a), (c) and (d) of the concluding observations.

The Committee welcomes the follow-up report received with a twelve-month delay in November 2017 (CEDAW/C/VEN/CO/7-8/Add.1) under the CEDAW follow-up procedure. At its seventieth session, held in July 2018 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations, urging the State party to “**accord priority to the full implementation of the Act on Women's Right to a Life Free from Violence, including by adopting the necessary regulations and protocols**”: The State party indicated that in 2017, the Ministry of People's power for Women and Gender Equality set up inter-agency working groups within a high-level commission to prepare draft regulations under the Act on Women's Right to a Life Free from Violence. Consultations with social movements and women's organizations on these draft regulations are being held.

Alternative information before the Committee indicates that the State party has not taken action to adopt regulations to harmonize protocols and proceedings under the Act on Women's Right to a Life Free from Violence.

The Committee welcomes information provided by the State party on the preparation of draft regulations under the Act on Women's Right to a Life Free from Violence in consultation with women's organizations. It considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

His Excellency
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The Committee considers that the information provided by the State party is thorough and extensive, and responds to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation urging the State party to “**reconsider the definition of femicide in the reform of the Act in order to ensure that it is in accordance with international standards**”: The State party presented the definition of femicide under article 57 of the Act on Women’s Right to a Life Free of Violence of 25 November 2014 and added that this definition is consistent with international standards, since it takes as its reference the provisions of the CEDAW and of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

Alternative information before the Committee informs that the State party has not started a debate on or taken action to amend the definition of femicide, which remains non-compliant with international standards.

The Committee welcomes information provided by the State party on the adoption, in November 2014, of a definition of femicide that is compliant with international standards in its Act on Women’s Right to a Life Free of Violence. It considers that the State party took significant steps to implement the recommendations. It considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Regarding the recommendation urging the State party to “**adopt a national action plan on addressing violence against women and include specific measures to address all forms of violence, including the emerging violence that women experience online**”: The State party indicated that the Ministry of People’s Power for Women and Gender Equality is planning to design a national plan on women’s right to a life free from violence for the period 2017 – 2020. It added that its future national plan on women’s right to a life free from violence shall be coordinated, inter alia, with its Human Rights Plan for 2013 – 2019, and that the latter envisages the (i) strengthening of units specializing in the prevention of violence against women, the centres caring for women victims and the guidance units monitoring and supervising measures imposed on attackers, as well as (ii) the development of a national plan for providing training and raising awareness on women’s rights among the bodies authorized to receive complaints.

Alternative information before the Committee indicates that no action plan to prevent, sanction and eradicate violence against women has been adopted.

The Committee welcomes the information provided by the State party on plans to design a national plan on women’s right to a life free from violence for the period 2017 – 2020. It takes note of the information provided by the State party that its future national plan on women’s right to a life free from violence shall be coordinated with existing plans, address the prevention of violence and strengthen the capacities of those receiving complaints. It however regrets the absence of information on the forms of violence that are to be addressed through this plan, such as violence that women experience online, and that since its dialogue with the State party in 2014, no action has been taken to adopt such a plan. The Committee considers that the State party has taken no steps to implement the recommendation. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

With regards to the recommendation urging the State party to “**provide in its national action plan for a national violence coordination and monitoring mechanism, specific indicators and a clear time frame, as well as sufficient budget allocations**”: The State party indicated that its future national plan on women’s right to a life free from violence shall be implemented cross-sectorally, with the participation from all the institutions involved in follow-up, monitoring and evaluation of this plan. It furthermore underlined that the accountable institutions shall allocate the budgeted resources.

Alternative information before the Committee indicates that in line with the Act on Women’s Right to a Life Free of Violence, the National Women’s Institute (INAMUJER) is in charge of formulating politics to prevent violence against women, but that this institute has limited responsibilities as national coordination and monitoring mechanism.

The Committee welcomes the information provided by the State party that its future national plan on women’s right to a life free from violence shall be implemented cross-sectorally. It however regrets the absence of information on the mechanism which will be in charge of coordinating and monitoring the implementation of this plan, the lack of detailed information on planned budgets for its implementation, as well as of information on envisaged indicators and time frames to track its implementation. The Committee considers that the State party has taken no steps to implement the recommendation. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

Regarding the recommendation urging the State party to “**ensure that all relevant stakeholders are specifically targeted through its national action plan**”: The State party indicated that its future national plan on women’s right to a life free from violence will be discussed with all institutional and social sectors that are involved in the implementation of the Act on Women’s Right to a Life Free from Violence.

Alternative information before the Committee indicates that only civil society organizations that openly declare their support to line of the party in power are invited for consultations.

The Committee welcomes the information provided by the State party that its future national plan on women’s right to a life free from violence shall be discussed with all institutional and social sectors that are involved in the implementation of the Act on Women’s Right to a Life Free from Violence. Encouraging the State party to take into account inputs from all relevant stakeholders and to include activities specifically targeting them through this national plan, the Committee considers that the State party has taken no steps to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

With regards to the recommendation that the State party “**ensure that women, including refugee and migrant women, have effective access to justice throughout the State party, by establishing specialized courts on violence against women in all states, including in rural areas and border zones**”: The State party indicated that in 2015, a court of appeal with

jurisdiction over crimes of violence against women was set up in the eastern region with jurisdiction in the states of Monagas, Anozátegui, Delta Amacuro and Sucre, that in February 2016, four courts of appeal with national jurisdiction over crimes of violence against women were established. It added that in 2017, four new specialized courts were due to be put into operation in the state of Guárico and four in the state of Falcón. The State party further reported that in the state of Vargas, which is a transit area for tourists and an international point of entry into the country, a specialized court of appeal was due to open in June 2017. Moreover, the State party indicated that in the Bolívar state, which is on the border with Brazil, a courthouse was to be opened in early 2018.

Alternative reports before the Committee inform that although official information indicate the existence of 79 specialist courts throughout the territory of the State party, the existence of such courts in eight states could not be confirmed. Reports also stated that no such courts with capacities on border zones have been established.

The Committee takes note of the information provided by the State party that since its review in 2014, five courts of appeal have been established. It welcomes plans to establish eight specialized courts on violence against women and one specialized court of appeal in 2017, as well as of a courthouse in early 2018. The Committee also welcomes the information provided that one of the planned courts of appeal will be situated in a transit and international entry area, and that a courthouse is planned in the border area with Brazil. It however regrets the absence of information on specific measures taken to guarantee that refugee and migrant women have access to justice and considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

With regards to the recommendation that the State party “**ensure that women, including refugee and migrant women, have effective access to justice throughout the State party, by strengthening gender-sensitive complaints mechanisms and strengthening legal aid programmes**”: The State party indicated that in order to meet the need for legal tools enabling all women to access justice without discrimination, the Ministry of People’s Power for Women and Gender Equality, the National Institute for Women and the National Office for the Defence of Women’s Rights have established 18 local offices to provide legal assistance to women who have suffered violence or violations of their rights, including in the border states of Zulia, Táchira, Apure, Amazonas and Bolívar. It added that in terms of gender-sensitive complaint mechanisms, the Public Prosecution Service put into operation a comprehensive service for victims of crimes of gender-based violence in 2016, which is staffed with prosecutors, lawyers, psychologists, psychiatrists, experts, legal assistants and administrative employees, amongst others. The State party added that this service allows for the psychological assessment, forensic physical examinations, the recording of complaints and the taking of evidence from witnesses, as well as for the issuance of protection, security and investigative measures. It further reported that this service also ensures compliance with the timeframe stipulated by law for the issuance of final decisions.

Alternative information before the Committee indicated the lack of information on training of the judiciary on violence against refugee and migrant women.

The Committee welcomes the establishment of 18 local offices to provide legal assistance to women and the introduction of a comprehensive service for victims, allowing for the gender-sensitive registration of complaints and the issuance of protection, security and investigative measures. Regretting the lack of information on the coverage of the latter services throughout the State party and its specific action with regards to refugee and migrant women, the

Committee considers that the State party took substantial steps to implement the recommendations. It considers that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is incomplete and fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

With regards to the recommendation that the State party “**ensure that women, including refugee and migrant women, have effective access to justice throughout the State party, by prosecuting and adequately punishing perpetrators of violence against women and compensating victims**”: The State party indicated that the Public Prosecution Service has 139 offices around the country with jurisdiction over crimes under the Act on Women’s Right to a Life Free from Violence, of which 70 offices specialize in the defence of women. Those 70 offices are divided into three offices with national jurisdiction, six offices with jurisdiction over cases in the intermediate and trial phases and 61 offices for the investigation phase. It added that the remaining 69 offices of the Public Prosecution Service are divided into 32 offices of the Directorate for Ordinary Crimes and 37 municipal offices.

Alternative information before the Committee indicated that the Act on Women’s Right to a Life Free from Violence does not include provision on violence against refugee or/and migrant women, thus hindering data collection and action of specialized courts in this regard.

The Committee takes note of the information provided by the State party regarding the number of representations of the Public Prosecution Service throughout its territory, and especially the ones that specialize in the defence of women. However regretting the lack of information on prosecutions of cases of violence against women, on punishments imposed on perpetrators and on compensations granted to victims, the Committee considers that the State party did not take steps to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is incomplete, and fails to respond to the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 19** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. **Adopt regulations for the implementation of the Act on Women’s Right to a Life Free from Violence.**
2. **Adopt a national action plan on addressing violence against women.**
3. **Include in its national action plan on addressing violence against women specific measures to address all forms of violence, including the emerging violence that women experience online.**
4. **Provide in its national action plan for a national violence coordination and monitoring mechanism, specific indicators and a clear time frame, as well as sufficient budget allocations.**
5. **Ensure that all relevant stakeholders are specifically targeted through its national action plan.**
6. **Continue establishing new specialized courts on violence against women to cover all states, including rural areas and border zones, and to strengthen women’s access to justice, including refugee and migrant women.**

7. Continue strengthening the presence of gender-sensitive complaints mechanisms and legal aid programmes throughout the State party to promote women's access to justice, including refugee and migrant women.

8. Take measures to prosecute and adequately punish perpetrators of violence against women and compensate victims to strengthen women's access to justice, including for refugee and migrant women.

With regards to the recommendation made in **paragraph 31** of the concluding observations, urging the State party to “**enhance efforts to reduce maternal mortality by adopting a comprehensive strategy that provides for the effective implementation of the existing protocol on prenatal care and emergency obstetric care, a monitoring mechanism and adequate sexual and reproductive health services, including emergency contraception, antenatal, delivery, postnatal and post-abortion services**”: The State party indicated that the Ministry of People's Power for Women and Gender Equality designed the first plan for the protection of women's sexual and reproductive rights 2014 – 2019. The State party also reported on the Wanted, Safe and Happy Motherhood programme 2015 – 2019, which aims to support mothers-to-be, and especially those in situations of vulnerability and those living in rural areas. Moreover, the State party reported on the adoption, in May 2016, of a work plan to prevent maternal mortality and build capacities on the Act on Women's Right to a Life Free from Violence. It also reported on the preparation of a guide on wanted, safe and happy motherhood, which will be promoted in the framework of the national plan on humanized childbirth that was launched on 11 June 2017. It added that in this framework, an outpatient network will be prepared to receive women in labour. Finally, the State party informed that the National Constituent Assembly will take the necessary steps to penalize obstetric violence through unnecessary Caesarean sections.

Alternative information before the Committee indicated that the State party's high maternal mortality rates are due to an ongoing lack of contraception, emergency contraception and other medication, precarious conditions in hospitals, emigration of medical staff, food shortages and the failure to address the current criminalization of abortion. Reports underline that these rates have spiked following the beginning of the health crisis in the State party in 2016. Alternative reports also inform that Parliament, in March 2018, adopted a new law on humanized birth, and express concern at the lack of provisions on capacity building of health professionals on gender-sensitive health services and of budgetary provisions to address the current health crisis.

The Committee takes note of the information provided by the State party regarding existing plans for the promotion of women's sexual and reproductive rights, the support of mothers-to-be and the prevention of maternal mortality. It however regrets the absence of a strategy providing for the implementation of the existing protocol on prenatal and emergency obstetric care, as well as the lack of information on monitoring mechanisms in charge of sexual and reproductive health services. Taking note of the information provided on the National Constituent Assembly planning to penalize obstetric violence, the Committee regrets the absence of information on actions taken to provide for emergency contraception, for antenatal, delivery, postnatal care, as well as for post-abortion services. The Committee considers that the State party did not take steps to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is incomplete, and fails to respond to the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

In relation to the recommendation urging the State party to “**consider the technical guidance of the Office of the United Nations High Commissioner on Human Rights on the application of a human rights-based approach to the implementation of policies and**

programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22 and Corr. 1 and 2)”: The State has not addressed the concern or recommendations in its response.

The Committee **did not receive any information** to assess whether the recommendation has been implemented.

The Committee considers that the State party **did not respond** to the recommendation.

Regarding the recommendation urging the State party to “**intensify efforts to reduce teenage pregnancies, including by ensuring access to age-appropriate information and education on sexual and reproductive health and rights for girls and boys**”: The State party indicated that it launched an inter-agency network for the protection of motherhood and the prevention of early and adolescent pregnancies in 2016. It added that in this framework, a cross-sectoral technical board was established and mandated to draft and promote a national plan for the prevention of early and adolescent pregnancies. It further reported that this plan tackles, inter alia, the promotion of rights-based comprehensive sex education, of differentiated programmes and health-care services for adolescents, of research to foster a sociocultural transformation in the prevention of early and adolescent pregnancies and the development of statistical information systems and administrative records. The State party added that an intervention model for the prevention of early and adolescent pregnancies has also been developed, and that the National Constituent Assembly will continue to lay the groundwork for strengthening sex education with a view to preventing unwanted pregnancy and ensuring access to free contraception, including emergency contraception.

Alternative information before the Committee indicated that the Ministry of Education created, in 2010, a strategic curriculum for sexual education in basic education, but that this curriculum was not integrated in the general education curricula. Reports assert that the decision whether or not to integrate education on sexual and reproductive rights in a school curriculum remains thus with the teachers, who are not trained to approach this topic as a right, and fear parents’ reactions.

The Committee welcomes the information provided by the State party on the development of a national plan for the prevention of early and adolescent pregnancies, and that the promotion of a rights-based comprehensive sex education and of research to foster a sociocultural transformation regarding the prevention of early and adolescent pregnancies are part of this plan. It further welcomes the development of an intervention model for the prevention of early and adolescent pregnancies, and information provided on the ongoing work of the National Constituent Assembly to strengthen sex education with a view to preventing unwanted pregnancies and ensuring access to free contraception. The Committee considers that the State party took substantial steps to implement the recommendations. It considers that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation urging the State party to “**amend its legislation to decriminalize abortion in cases of rape, incest, risk to the health of the mother and severe foetal impairment and remove punitive measures for women who undergo abortion**”: The State party indicated that the National Constituent Assembly established a Commission for Women’s Rights and Gender Equity and Equality, and that the programme of work of this Commission includes the discussion of the decriminalization of abortion. It further reported that the President of the Assembly committed to include this matter on the Assembly’s agenda, and that the issue will be debated with the objective to establish complete protection for motherhood through comprehensive and robust family planning, in line with the State party’s commitment to the right to life.

Alternative information before the Committee indicated that the State party has not taken action to implement this recommendation, as art. 430 of the Criminal Code criminalizing abortion remains unmodified and in force.

The Committee welcomes the information provided by the State party on the establishment of a Commission for Women's Rights and Gender Equity and Equality within its National Constituent Assembly, that the discussion of the decriminalization of abortion is part of its programme of work, and will be on the Assembly's agenda. It however regrets that since its dialogue with the State party in 2014, no further action has been taken to decriminalize abortion in cases of rape, incest, risk to the health of the mother and several foetal impairment and to remove punitive measures for women who undergo abortion. The Committee considers that the State party did not take steps to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Regarding the recommendation urging the State party to “**ensure the availability of abortion services**”: The State has not addressed the concern or recommendations in its response.

The Committee **did not receive any information** to assess whether the recommendation has been implemented.

The Committee considers that the State party **did not respond** to the recommendation.

The Committee recommends that, in relation to **paragraph 31** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. **Adopting a comprehensive strategy that provides for the effective implementation of the existing protocol on prenatal care and emergency obstetric care.**
2. **Adopt a monitoring mechanism for adequate sexual and reproductive health services.**
3. **Guarantee access to emergency contraception, antenatal, delivery, postnatal and post-abortion services.**
4. **Continue efforts to reduce teenage pregnancies, including by ensuring access to age-appropriate information and education on sexual and reproductive health and rights for girls and boys through the national plan for the prevention of early and adolescent pregnancy.**
5. **Amend its legislation to decriminalize abortion in cases of rape, incest, risk to the health of the mother and severe foetal impairment and remove punitive measures for women who undergo abortion.**
6. **Ensure the availability of abortion services.**



Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hilary Gbedemah'.

Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women