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WOMEN AND THE DEMOCRATIC STATE: AGENTS OF GENDER POLICY REFORM IN THE CONTEXT OF REGIME TRANSITON IN VENEZUELA (1970 – 2007)

by

INÉS N. ROJAS AVENDAÑO

Under the Direction of Jennifer L. McCoy

ABSTRACT

This study examines the process of gender policy reform. It seeks to explain how and when gender policy reform takes place in Venezuela across time. The study entails observations gender policy reform during specific periods of Punto Fijo democracy (1958-1998) characterized by democratic consolidation and deconsolidation, and during the transition towards a new type of hybrid democracy, the Chávez era (1999-2007). The policies considered are the ones addressing women's equality at home and at work, reproductive rights, women's economic rights, and political participation. The analysis shows that the likelihood of gender policy reform depends on the combination of certain institutional configurations that provide women access to the decision-making process of the state, but most importantly to women's groups' capacity to organize a broad coalition of women from civil society and from within the state apparatus behind a reform and push for it by using frames based on international agreed norms that legitimized their struggle. In addition, the analysis reveals the negative influence of religious groups with decision-making power on the process of gender policy reform.

INDEX WORDS: Regime consolidation and deconsolidation, Regime transition, Gender policy reform, Women's issues, State institutions, State-society relations, Political party deinstitutionalization, Decentralization, Political opportunity

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INÉS N. ROJAS AVENDAÑO

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy
in the College of Arts and Sciences
Georgia State University

2009

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WOMEN AND THE DEMOCRATIC STATE: AGENTS OF GENDER POLICY REFORM IN THE CONTEXT OF REGIME TRANSITON IN VENEZUELA (1970 – 2007)

by

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May 2009

DEDICATION

This study is dedicated to *La Curra* with gratitude for her teachings on the importance of achieving gender equality and *to Alejandra* hoping that this would inspire her to become a woman who understands other women and values the need of gender equality as a means of achieving justice in society. Finally, this is dedicated to Venezuelan women who have struggled for the legal recognition of women's rights in Venezuela and to whom all Venezuelan women owe our current legal equality with men in many aspects of our lives. It is on their work and commitment to women's rights that we find inspiration to continue the fight to achieve real equality confident that gender equality will improve democracy in our country.

ACKNOWLEDGEMENTS

I wish to thank Dr. Jennifer McCoy for her exceptional mentorship during the elaboration of this thesis. Likewise, I want to express my appreciation to all those who contributed to the process of making this real; the people interviewed and all those who provided advice and encouragement. Finally, I wish to thank the Fulbright scholarship fund for giving me the opportunity to pursue graduate studies in the United States. Especial thanks go out to Michele Lee for making this happen.

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LIST OF ABBREVIATIONS

AD	Democratic Action
AVESA	Venezuelan Association for an Alternative Sex Education
BANMUJER	Women's Bank. Created in 2001 by the Institute of Women (INAMUJER)
CEDAW	The Convention on the Elimination of all Forms of Discrimination against Women
CEM	Women's Studies Center
CESAP	Centre for Popular Action Service
CEV	Venezuelan Episcopal Conference
CFP	Popular Feminine Circles
CISFEM	Center of Social Research, Formation, and Women's Studies
CNE	National Electoral Council
CONG	NGOs Coordinator
COPEI	Committee of Independent Electoral Political Organization
COFEAPRE	Women Advisory Commission to the Presidency of the Republic
COPRE	Presidential Commission for State Reform
CTV	Confederation of Venezuelan Workers
FEVA	Venezuela Federation of Women Lawyers
FIDES	Intergovernmental Fund for Decentralization
FUNDAMUJER	Foundation for the Prevention of Domestic Violence against Women
GIGESEX	Group of Studies of Gender and Sexuality
INAMUJER	The Institute of Women
MAM	Broad Women's Movement
MAS	Movement towards Socialism
MVR	Fifth Republic Movement
PAFLAM	Civil Association of Family Planning
PCV	Venezuelan Communist Party
REUVEM	Venezuelan University Network of Women's Studies
TSJ	Supreme Court of Justice

Chapter 1

INTRODUCTION

How does gender policy reform come about in the context of regime change? In other words, what pushes the state to make gender policy reform? When and how? Women, through their participation in social movements and organizations, have played an important role in the process of achieving democratic transitions in Latin America (Álvarez, 1990; Escobar & Álvarez, 1992; Foweraker, 1995; Friedman, 1998; Oxhorn, 1995). Notwithstanding their contribution to democratization, during the process of consolidation of democracy, women's organizations have been marginalized as political parties become the only channels of state-society interaction (Álvarez, 1990; Friedman, 1998, 2000; Jaquette, 1994; Waylen, 1994; Rai and Lievesley, 1996 in Fitzsimmons, 2000; Jelin, 1990; Radcliffe and Westwood, 1993).

We might expect, then, that women's groups would have a lesser impact on legislative gender reform in democratization as a result of their relative political marginalization. In fact, there is some evidence showing that under dictatorship women have been able to advance more rights than under democracy, owing to dictators' interests to modernize the state thus making legal and constitutional changes to conform to international standards (Htun, 2003). Under democracy, gender policy reform in Latin American countries has occurred, in part, as a result of international influence on the democratic state to conform to the demands and goals of the United Nations Decade for Women and the World Conference on Women (1975- 1985) (Lind, 1992; Stoltz Chinchilla, 1992). Nevertheless, liberalization in gender issues has occurred both during dictatorship and democracy (Htun, 2003), making it difficult to draw a definitive conclusion as to the impact of regime type.

Current events in Venezuelan politics make it a case of democratic deinstitutionalization that has, paradoxically, contributed to the advancement of women's rights. Venezuela constitutes a fascinating case of a democratic transition in a regime considered until recently one of the longest lasting democracies in the region (McCoy and Myers, 2004; Friedman, 2000), and an example of a stable democracy due in part to an ideal party system that was designed to contain conflict (Levine, 1973; Karl, 1987; Hellinger, 1984; Ellner, 1993; Friedman, 1998). According to Ellner (2003), the turmoil of the 1990s took scholars by surprise and faced them with the fact that economic and social problems had slowly been eroding the legitimacy of the political system.

The pacted transition in 1958 allowed the political parties to become the *only* channels of representation between state and society. And in spite of the praise by scholars of Venezuela's party system institutionalization, its "overinstitutionalization" and rigidity (Mainwaring, 1999 in Ellner 2003; Levine and Crisp, 1995; Crisp, 1997 in Ellner, 2003) led to the exclusion of civil society actors and their capacity to participate in the process of decision-making (Ellner, 2003).

Accordingly, women's groups were marginalized as in the rest of Latin America during democratic institutionalization (Friedman, 1998, 2000) and excluded from effective participation in the decision-making processes that could improve their lives. Venezuelan democracy, in general, suffered the consequences of the overinstitutionalization of a strong party system, after the transition, that led to a "freezing" of democracy (Brewer Carías, 1988 in McCoy and Myers, 2004; Karl, 1987; López Maya et. al, 1989; Salamanca, 1995).

The process of political and administrative decentralization that started in 1989 attempted to overhaul a system that had been declining from the beginning of the 1980s, due in part to decreasing oil prices and the consequent negative impact on Venezuelan's living standards. Civil

society groups formed in the 1970s and 1980s were crucial during this time of crisis in mobilizing support from other groups and forming networks to put pressure on the state institutions to decentralize (Salamanca, 2004). In turn, the process of decentralization was the most important factor contributing to the growth of new groups of civil society as well as for the recognition of these groups as legitimate actors of the public sphere (García-Guadilla, 2003).

The implosion of Venezuelan traditional political organizations in 1998 (started by the deinstitutionalization of the political party system in 1993) left a vacuum that civil society organizations --including women's organizations-- and the media have attempted to fill (Salamanca, 2004:94). Studies that describe the origin, evolution, and politicization of civil society in the transition from Punto Fijo democracy to the Chávez era emphasize the changes in state society-relations (García-Guadilla, 2003; Salamanca, 1995, 2004). Using different theoretical analysis, both García-Guadilla and Salamanca show the transformation of a civil society from one that was basically anti-party during its emergence in the 1970s in that they sought autonomy from the political parties, and targeted the state in demand for public services at the same time that it became the provider of social services, to one that was able to reinvent itself and emerge at the margins of the model and finally become an important political actor seeking to influence the state. However, no analysis of women's groups is presented as part of civil society groups that have had an impact on state policy apart from a few recent studies on women's participation in recent legal reforms (Jiménez, 2001 and Rojas, 1999 in Espina and Rakowski 2002; Rakowski, 1998; 2003).

While the story of the Venezuelan women's movement illustrates the cooption of political parties and the subordination of women's issues to the parties' agenda, it also shows the adaptation of women's groups' strategies to the political opportunities available during the

process of regime institutionalization, deinstitutionalization, and change. However, as Friedman (1998; 2000) points out, Venezuelan women, as part of civil society, have remained invisible to students of Venezuela except for their concern with women's lack of success in achieving political leadership (Martz, 1966 in McCoy and Myers, 2004; Coppedge, 1994; Ellner, 1998 in McCoy and Myers, 2004) or the more general discussions of women's organizing in civil society (Salamanca, 1995).

Apart from the recent work on women's activism focused on gender reform aforementioned, Friedman's work's (1998; 2000) examines the impact of regime change --from authoritarian to democratic-- on the demobilization of Venezuelan women's groups and the innovative strategies used by Venezuelan women's groups to overcome the obstacles for women's political participation. In addition, there is some research that looks at women's mobilization and political participation during dictatorship and after the democratic transition (Carosio, 1991; Petzoldt and Bevilacqua, 1979; Friedman, 1998); the campaign to reform the Civil Code in 1982 (Palumbo, 1988); and the creation and role of the CONG --Coordinator of women's NGOs (Coordinadora de Organizaciones No-Gubernamentales de Mujeres) (Castañeda, 1996; 1998; Espina, 1994; 2000). Most works address the women's movement and its contribution to advancing women's legal equality in Venezuela while little work exists on the relationship between women and the Venezuelan state and how changes in that relationship have impacted the perceived advance in gender policy reform.

Bearing in mind that regime type alone does not appear to explain gender policy reform, and that the consolidation of democracy has actually negatively impacted women's political participation in many cases, I expect to find increased capacity of women to achieve gender policy reform when institutions are less entrenched and may be in a state of flux, such as in the

context of democratic deconsolidation and regime transition. Therefore, I examine women's group's strategies under different institutional arrangements in order to explain gender policy reform.

In other words, my interest is not which type of regime offers more support for women's issues, but rather the impact of changes in state institutions that may be more or less amenable to women's access to decision-making processes that impact gender policy and advances women's rights. Additionally, I will assess the way in which women have adapted their organizational strategies to the opportunities and constraints of the political landscape (Tarrow, 1998:109).

In considering the questions of when and how policy reform happens, I will look at specific institutions of the democratic state, throughout different phases of democracy: institutionalization, deinstitutionalization, and transition, that open in a deliberate effort by the state to address women's issues and how women's groups take advantage of political opportunities, or create them, in an attempt to impact state legislative reform on women's issues.

Therefore, this study adds the study of deconsolidation of democracy and gender policy reform to the existing literature on the impact of the transition to democracy and the process of democratic consolidation. My focus is on changes in gender policy reform that have taken place since the 1970s in Venezuela in order to determine how and when they happened in the context of the three periods described above. Consequently, I evaluate how institutional factors such as the institutionalization of the party system, its subsequent collapse, the decentralization process, changes in state-Church relations, and regime transition influence gender policy reform.

Women and the State in Latin America

The literature on women's political organizing in Latin America reflects political changes in the region. During the 1980s and 1990s, research on women's organizing focused on the impact of women's organizing on achieving democratization. Some studies have also focused on how the transition to democracy affected women's organizing in Latin America and how new democracies can be more "women-friendly" in ways similar to democracies in most western democracies.[1] Subsequently, research on women's organizing turned to the changes --mainly decline-- in women's mobilization and changes in the relation between the state and women (Fitzsimmons, 2000). There is general agreement among scholars of women's movements about the weakening of women's mobilization and political participation during consolidation of democracy (Álvarez, 1990; Friedman, 1998, 2000; Jaquette, 1994, 2001; Waylen, 1994; Rai and Lievesley in Fitzsimmons, 2000; Jelin, 1990; Radcliffe and Westwood, 1993). In fact, some note that Latin American social movements in general have become the casualties of the transition after the political parties' take over (Jaquette, 1994). In regards to why this occurs, Friedman (1998) argues that "the institutionalization of politics during democracy impedes the forms of organizations that women develop during authoritarian regimes and thus their political incorporation into democracy" (p. 88).

Escobar and Álvarez (1992) have also observed the impact that political parties, the power of the state over civil society, the existence of formal democratic corporatist channels for interest representation, and the pervasiveness of clientelism have had on the emergence, development, and political and policy effectiveness of particular types of social movements' organizations. One body of literature deals with the obstacles faced by women's organizations in order to mobilize and impact state policy. Research on women's organizing in Latin America

shows that obstacles to women's continued mobilization include class issues (Matear, 1997); economic and cultural subordination (Fernández, 1997); *machismo* (Stephen, 1997 in Fitzsimmons, 2000); the subordination of gender issues to larger issues such as revolution in the context of regime change (Bush and Mumme, 1994), and the agency of women's groups and organizations (Wieringa, 1995 in Fitzsimmons, 2000).

Comparative studies of women's organizing under the transition from authoritarianism and under democracy have found that leadership is still in the hands of men (León, 1994). In spite of democracy, few women hold leadership positions (Martz, 1995; Coppedge, 1994); while women's participation in formal political institutions and workplace also remains limited (Craske, 1993 in Radcliff and Westwood, 2003). In terms of the impact that regime has had on policy change, some authors state that the greatest achievements in women's issues seemed to have taken place under authoritarianism (Álvarez, 1997 in Friedman 2000) while others assert that liberalization in gender issues has occurred both during dictatorship and democracy (Htun, 2003).

Arguments regarding the negative influence of the political parties on women's movements state that in some cases political parties infiltrate the movements, creating divisions that lead to their demise (Álvarez, 1990, Barrig, 1994 in Friedman, 2000; Chuchryk, 1995 in Friedman, 2000; Foweraker and Craig, 1990 in Friedman, 2000). Segments of women's groups are absorbed by the party and the parties' issues take precedence over women's issues (Jelin, 1990; Jaquette, 1994; Waylen, 1994). Moreover, political parties set up women's bureaus but their issues are subordinated to parties' priorities as well (Álvarez, 1986; Kirkwood, 1986 in Friedman 2000; Friedman, 1998). Nonetheless, the results have not always been the same; studies also show that parties of the Left in Peru, Chile, and Brazil have helped social

movements expand after the transition to democracy (Álvarez, 1990; Schneider, 1992, Escobar and Álvarez, 1992, Eckstein, 2001).

An important aspect of the impact of democratic institutionalization on women's movements and/or groups is what Drogus and Stewart-Gambino (2005) call the institutionalization of feminist politics and that has been fully documented in Venezuela by Friedman (2000), Espina and Rakowski (2002), García Prince (2005) and García Ramírez (1999); in Brazil, Chile and Argentina by Htun (2003); in Brazil and Chile by Drogus and Stewart-Gambino (2005); and in India by Desai (2002). This refers to the incorporation of professional feminist activists into the state apparatus through the creation of state bureaucracies for women and women's advisory commissions (usually dependent on the executive branch). The creation of state bureaucracies or commissions constitutes an important way in which women's groups have been given access to some policy-making process that has had a direct influence on legal gender reform.

Moreover, changes in the international context such as the women's conferences since 1975 and the United Nation's decade of women (1976-1985), international norms, conventions, and treaties on women's rights as human rights are considered among the most influential factors explaining the liberalization of gender issues in Latin America in the 1980s through the process of international advocacy networks that contributed to the implementation of these norms by pushing target actors to adopt new policies (Htun, 1998; Keck and Sikkink, 1998; Htun and Jones, 2002). For instance, as a result of the IV Conference on Women in Beijing 1995 many Latin American countries introduced gender quotas in the electoral lists to conform to the international requirements of promoting gender equality through increased women's political participation in political parties and elected positions (Eckstein, 2001; Merz Repem, 2005).

However, norm influence and implementation have varied across the region depending on the nature of the issues and on the institutional characteristics particular to every country such as the role of the Catholic Church, the existence of strong civil society organizations, the institutionalization of political parties, and executive and legislative commitment to gender policy (Waylen, 1994; Friedman, 2000; Htun, 2003).

There are several single-case studies of gender-related policy adoptions in Latin America and other regions that show how research done in academic feminist circles using the legal international framework for human rights developed since the late 1980s, and later the legal international framework for women's rights has positively influenced the liberalization of gender laws in many Latin American countries (Baldez, 2001; Friedman, 1998, 2000, Desai, 2002; García Ramírez, 1999, 2005; Merz Repem, 2005; García Prince, 2005; Heredia de Salvatierra, 2006).

In addition, Htun's comparative study (2003) of cross-national variation in gender policy in Argentina, Brazil, and Chile during the transition from dictatorship to democracy finds that common to the three countries was the drive for modernization of military governments. The reforms were led by special commissions of experts behind closed doors. Especially in Argentina and Brazil the rights of women advanced greatly during dictatorship. She concludes that different configurations of state institutions, differences in issues, and the existence of elite issue networks (and their fit with the state) contributed to the success (or failure) in the passing of legislation concerning women's issues.

Htun's study indicates that regime type does not explain state policy reform in gender issues because although under military rule women's rights were expanded (divorce was legalized in Brazil), democracy did not have the expected immediate liberalizing effect on

divorce in Chile especially due to the opposition from the Catholic Church.[2] In addition, abortion was not legalized in any of the three countries under study regardless of regime type due to the strong influence of the Catholic Church on women's issues and traditional values held by many women.

Similarly, in a study by Molyneux (2001) on socialist Nicaragua, this author finds that when the revolutionary government took power in 1979, it pledged to implement legal reforms to achieve gender equality. However, on the issue of abortion, the socialist regime retained a conservative position; in fact, abortion was not legalized nor the pre-revolutionary codes amended (p. 60). Among the reasons that explain the failure to liberalize women's reproductive rights in Nicaragua were the entrenched resistance of the hierarchy of the Catholic Church, the political parties, groups to the right of the FSLN (Frente Sandinista de Liberacion Nacional), and even supporters of the Sandinistas.

Women and the State in Venezuela

The crisis of Venezuelan democracy since the late 1980s has been the focus of several studies that point to the political parties, the party pacts, the dominating executive branch, and the political economy of oil as the main culprits (Brewer Carías, 1988 in McCoy and Myers, 2004; López-Maya et al, 1989; García Guadilla, 1992; Salamanca, 1995, Karl, 1987, 1997; Naím, 1993; Crisp, Levine, and Rey, 1995). Other analysts emphasized the need for democratizing political parties and other aspects of Venezuelan politics (Ellner, 1993; Coppedge, 1994; Kornblith and Levine, 1995; Goodman et al, 1995; McCoy et al., 1995) and the negative effects produced by the lack of adaptation of the political parties to the economic challenges of the 1980s and 1990s (Ellner and Hellinger, 2003) as well as the rigid culture of cooperation

(Jácome, 2000 en McCoy, 2000; McCoy, 1999, 2000). In general, the literature showed the parties' long-standing cooptation of independent organizations of civil society and the existence of non-democratic channels of access to the executive power as well as the rigid and exclusionary nature of the political system.

Interestingly, in spite of the fact that Venezuela's transition to democracy (known as the Punto Fijo democracy) took place in 1958, it was not until the 1970s that scholars considered it to have achieved democratic institutionalization, following a decade of guerrilla insurgency and military barracks uprisings (Crisp and Levine, 1998). Nevertheless, only a decade later, the political system started a process of deconsolidation that, in spite of several efforts to revamp it, culminated in a regime transition during the end of the 1990s, in what has been defined as the "unraveling of Venezuelan representative democracy" and the movement from a limited democracy to a hybrid regime that combines pluralism and authoritarianism, representative and direct democracy, and capitalism and statism (McCoy and Myers, 2004:2).

Structural, institutional, and cultural factors have been used to explain the causes of the demise of the Punto Fijo democracy. Some scholars have recognized the lack of explanatory power of one approach only and instead have argued for the need to use different theoretical approaches. Conclusions drawn from recent studies assert the explanatory value of structural and cultural variables, but emphasize the importance of institutional variables in explaining how the crisis of Punto Fijo democracy unfolded and prevented the normalization of the Bolivarian democracy (McCoy and Myers, 2004:292).

As stated before, studies that present the impact of state institutions vis-à-vis civil society groups, the urban poor and social movements during the Punto Fijo democracy and in the recent post-pact period (Salamanca, 2004; Canache, 2004; García-Guadilla, 2003) often omit the impact

of these transformations on women's groups. Therefore, by seeking answers to how and when gender policy reform takes place, this research attempts to contribute to the study of the impact of the process of democratic institutionalization, deinstitutionalization, and change on women's groups' organizing, adaptation strategies and the subsequent impact on gender policy reform in Venezuela.

Gender Policy Reform in Venezuela: A Case Study

The impact of oppression of the authoritarian regimes in Venezuela resulted in various types of women's organizing based on class interests (Friedman, 1998). The political opportunities structures of the dictatorship (1948-1958) were characterized by a repressive security apparatus and a clandestine opposition in which women mainly carried out the infrastructural duties of the opposition or exposed the regime's abuses thus making an important contribution to the fall of the dictatorship. Women were members of community- based groups such as Juventud Comunista (through the feminist committee of the Communist Youth) and the first young women's organization --Unión de las Muchachas de Venezuela (Venezuelan Young Women's Union)- was founded in 1951 by one of the most important Venezuelan feminists since the 1940s, Esperanza Vera (Espina and Rakowski, 2006).

Nevertheless, women were primarily in charge of transmitting messages, setting up meetings, finding safe houses, taking care of the mail, and so on, while they were excluded from the important decision-making and organizational activities of the opposition, because of their identification with the private sphere. Women's relative marginalization, then, meant that they were not ready to take advantage of the opportunities of the new democratic regime (Friedman, 2000).

The new democratic regime was characterized by a party-led pacted democracy that excluded the Left, in which many feminist like Esperanza Vera and Argelia Laya were active, and marginalized women as a group as well as their issues. The leadership of the political parties ordered women to stop organizing since their activities were perceived as a threat to the "pact" (Friedman, 1998). In contrast, the pact incorporated the labor and peasant sectors and rewarded them with legislation, representation, and party posts.

Notwithstanding the decrease in women's mobilization, the creation of women's agencies inside the state bureaucracy contributed to the institutionalization of feminist politics and influenced the way Venezuelan women's groups organized during Punto Fijo democracy as they were unable to work with the parties, and thus turned to the state.

In addition to the weakening, marginalization, and co-optation of the women's movement in Venezuela by the political parties (a phenomenon also observed by scholars in other Latin America countries), *machismo*[3] has been found to be a major obstacle in the participation and impact of women's groups in Venezuelan politics. In her study on Venezuelan women's organizing, Friedman (2000) asserts that Venezuelan political structures and discourse are gendered (that is, biased against women). The author charts 60 years of women's organizing in Venezuela--1936 to 1996--and argues that, as in other Latin American countries, in Venezuela, political parties co-opted women's movements and took complete control of the political arena during the process of democratization and institutionalization of democracy (1958-1984). Her study concludes that in the case of Venezuela, women's mobilization and political participation decreased with the deepening of democracy and increased with the deconsolidation of democracy (1984-1990).

More recently, these findings have been confirmed by the work of leading Venezuelan feminists on women's groups organizing (Espina and Rakowski, 2002; García Ramírez, Rosillo, and Valdivieso, 2005; Espina, 2007; Espina and Rakowski, 2007).

Accordingly, the present study builds on Friedman's work until 1996 and the recent work of Venezuelan feminists from academia, but considers the dynamics between women's groups strategies to impact gender policy reform and changes in institutional configurations taking place during the periods of regime institutionalization, regime deinstitutionalization, and regime transition, from representative democracy to a hybrid regime, "a transition path not observed before" (McCoy and Myers, 2004).

Using Venezuela as an exemplary case for studying how and when the state makes gender policy changes contributes to our understanding of the dynamics of the interaction between state and society across Latin America and the ways in which the state regulates family and gender relations: the relationship between the state and women's groups; changes across time; and how do those changes translate into state reform on gender issues. More specifically, what institutions affect the capacity and strategies of women's groups to influence (or fail to influence) state gender policy reform.

I use the political opportunity approach as a complementary approach to institutional analysis that considers the macro-political and takes into account the political context in which the social movement emerges or acts (Tarrow, 1994; Foweraker, 1995); that is, the way in which regime structures and state responses provide opportunities for social movements to act effectively.

The political opportunity approach takes into account the following elements: a) the openness of political institutions; b) the availability of allies for the movement; c) conflict

between elites; and d) the impact of political alignments. According to Friedman's (1998; 2000) work on women's groups in Venezuela, the openness of the political institutions and the mechanisms used by elites are considered among the most important for the emergence of the movement. Additionally, the effect of the political environment on the development of social movements is crucial in understanding the success (or failure) that women's movements have had in advancing women's rights under democracy (Drogus and Stewart-Gambino, 2005).

An institutional analysis that combines the mechanisms available to women to access state decision-making processes can provide insights into what pushes the state to make gender policy reform. The following section describes the case study in detail and the methodology to asses some propositions derived from the literature and generate hypotheses from the Venezuelan case regarding the institutions and strategies that are most important for gender policy reform in future comparative research. This case study involves qualitative research that seeks to explain state gender policy in Venezuela across time. It entails observations of state policy changes in gender issues during specific periods of Punto Fijo democracy (1970-1998) and during the transition to the Chávez era (1999-2006).

The women's groups I look at are organized women's groups from civil society at the national level that have adapted to the context, needs and issues of the changing political system. I evaluate these groups' perception of the laws on women in terms of their quality and capacity of advancing women's rights as well as their perception of the overall process of gender reform. The reason why I choose organized women's groups is to avoid the methodological problem of measuring the impact (or unintended impact) of grassroots or any other women's movement on legislation. Apart from the fact that some of these groups have recently emerged since 2000, I would be making spurious correlations or speculations if attempting to establish a direct

correlation between their work at the community level and the passing of gender legislation at the national level. However, by looking at nationally-organized women's groups from civil society whose work can be traced across the whole time period under study here, I will be able to compare and contrast forms of activism (and impact) before and after (and during) the peak of activism and how they shaped and were shaped by institutional changes.

Finally, because this study suffers from a limitation: geographic restriction (McAdam et al., 1996), I will be aware of institutional changes that have taken place in other countries in the region and the responses given by women's groups pushing for legal reform to provide some comparative perspective with the hypotheses derived from the case study in order to be able make generalizations of the results.

Accordingly, the study focuses on two independent variables: 1) changes in state institutions during the periods of institutionalized democracy, deinstitutionalization of democracy, and regime transition to hybrid democracy; 2) changes in Church-State relations across the periods analyzed in relation to women's coalition-building aimed at reform. The intervening variable -- women's groups' strategies of unification and framing-- examines changes in women's groups' activism, types of organization, and goals during the periods mentioned above.

This study examines four propositions drawn from the literature reviewed above, two institutional and two strategy-related in order to investigate, through a process-tracing methodology across three political stages in Venezuelan history, the interaction of political structures and women's strategies to determine their relative strength in explaining gender policy reform:

1. Access of women's groups to decision-making processes increases the likelihood of state gender policy reform. Women's groups' access to decision-making processes can take different forms: through party bureaus, state bureaucracies, autonomous commissions, and elected female politicians. Each form provides space for women's issues and their strategies; each form provides different opportunities for policy reform depending on the institutional context. The likelihood of gender policy reform increases when institutions are more open.

2. Church-State relations directly influence state gender policy reform in the following ways: Conflict between Church and State is more likely to produce legislative action on controversial gender issues because it creates room for reformers (or reformist coalitions) to impact legislation without the state blocking the reform. On the contrary, periods of Church-State cooperation are less likely to lead to discussion of (and drive support for) controversial gender issues, and when discussed they are eventually defeated because of lack of governmental incentive to support reform and risk the Church's political ire.

Through the different phases of democratization, changes in political structures have shaped women's activism, thus, women's groups' strategies to impact gender policy outcomes have taken different forms. It is well known that the higher the framing capacity of women's groups, the better their chances of impacting reform on gender issues because of their ability to build support from public opinion and public officials:

3. The disaggregation of women's issues, the exclusion of divisive issues, and the use of international legal instruments increase the possibility of policy change. Proposals made on specific issues (e.g. domestic violence) while leaving out

divisive ones (e.g. abortion) and based on internationally agreed norms by states promotes the participation and support of all women's groups and public officials and increases the prospects of gender reform.

4. Greater unity among women's groups increases the prospects of state gender policy reform. The influence of a coalition of women's groups from outside and within the state proves beneficial in gathering the support of the groups' allies in and outside the state for gender reform.

Independent Variables

1. Opening and closing of state institutions: The opening and closing of state institutions refer here to the degree of flexibility of political institutions to allow diverse actors to access the state decision-making process and actively participate in the process of policy reform. Open institutions are characterized by flexible, adaptable, and decentralized structures that lead to inclusive practices of state decision-making process. In contrast, closed institutions are characterized by rigid, centralized structures that lead to exclusionary practices of the state that concentrate the decision-making process in the hands of a few. I consider party bureaus and state bureaucracies and advisory commissions as political structures that could either allow or block women's participation in the decision-making process of gender policy reform.

Examples of opening and closing of state institutions in Venezuela include: a) the closedness of political parties during institutionalized democracy (1970- 1988) ; b) the openness occurring with the process of decentralization implemented as means to revamp the political system in the process of democratic deinstitutionalization (1989- 1998); and c) the institutional changes taking place during regime transition from a limited representative to a participative

form of democracy that began with the writing of a new Constitution in 1999 (1999-2006).

I examine the way women were incorporated into party bureaus, state bureaucracies, and advisory commissions, appointed to political positions, or elected female politicians as means to achieve leadership positions or participate in the decision-making processes. I also analyze the impact that the processes of decentralization and deinstitutionalization of the political parties had on the type of activism and strategies used by women's groups in order to influence gender policy reform. Finally, I consider the effect of regime transition on women's organizing and capacity to influence gender policy reform beginning with the writing of a new constitution in 1999.

2. Church-State relations: This relationship is understood here in terms of conflict (or the lack thereof) between Church and State that increases (or decreases) the chances of organized groups to achieve policy reform on gender issues. In order to measure changes in Church-State relations across time, I examine the Catholic Church's perception of the government's policies as expressed in newspaper editorials and academic writings and the government's support for the Church manifested in state funding of Catholic education and projects and lack of opposition to the Church's hierarchy.

Intervening Variables

3. The framing capacity of women's groups: This refers to the way women's groups identify problems in women's issues and negotiate on the way to impact change thus guiding their action in order to mobilize supporters and demobilize opponents for their cause. The use of frames legitimizes the activities and campaigns of activists or members of a social movement (Snow & Benford, 1998 in Snow and Benford, 2000). On the one hand, the disaggregation of gender

issues helps create proposals that take into account the fact that certain issues tend to attract support for reform (as in the case of gender equality) while others create factions among supporters because of the divisive nature of the issue (as in the case of abortion). On the other hand, the use of international legal instruments by women's groups to base the proposals on gender issues increases the legitimacy of their request and increases the likelihood of reform. In order to analyze the impact of the framing capacity of organized women's groups, I look at the content of their proposals in terms of the way women's issues are presented and their relationship with the international legal framework for women's rights and their ability to draw support from most women's groups and public officials.

4. Greater unity among women's groups is measured as the result of strategies like coalition-building or network creation or maintenance used by women's groups in order to more effectively influence state gender policy reform. I consider examples of coalition-building efforts by organized women to draw broad support from most women's groups (including women within the state apparatus) in order to impact state gender reform. I also examine instances of network creation or maintenance by women's groups built among organized women outside the state and women inside the state apparatus to influence state gender policy reform.

Dependent Variable

Change in state gender policy: Gender policy reform in this study refers to the enactment of laws that protect or advance women's rights and their impact on public policies for women. In order to measure change in state gender policy, I examine the enactment of key laws such as the 1982 reform of the Civil Code; the 1990 Organic Labor Law; the 1993 Law of Equal Opportunity for Women; the 1997 Suffrage and Political Participation Law; the 1998 Law

against Violence on Women and the Family; the 2002 Organic Law of Social Security; the 2006 Organic Law on the Right of Women to be Free from Violence; and the proposals for reform of the Penal Code introduced in 2004 and 2007.

In addition, I consider, where available, data deriving from the public policies produced by gender legislative reform. Impact data refers to the implementation of the women's labor benefits, the penalization for violence against women measured in the numbers of court cases on violence against women as well as institutions and programs created to address violence against women, the recognition of women's household job as an economic activity and the right of housewives to social security measured by the number of women receiving such benefits, the impact of the implementation of women's quotas as a means to increase women's political representation within political parties measured by the number of women nominated for office and elected , and the status of abortion.

Sources of Evidence

The study entailed the collection of qualitative data through primary sources: interviews with feminists, written memoirs, and their publications in two important academic women's journals *Revista Venezolana de Estudios de la Mujer* (RVEM issued by the research center CEM) and *Otras Miradas* (issued by the research group GIGESEX).[4] The interviews conducted orally and in writing involved three important feminist activists who have participated in the process of preparation of proposals for the different laws enacted along the periods of study. The feminist women studied are professional women founders of women's advocacy and service groups since the 1990s; others are university professors and founders of important women's studies centers in Venezuelan universities. In the cases where I was unable to interview important feminists, I used their academic articles published by CEM and GIGESEX which

provided an invaluable source of their personal experience in the process of elaboration, legislative approval, and promulgation of the laws under study here, as well as their opinion on the quality of the laws and the impact of the latter on public policies that protect and advance women's rights as well as their shortcomings.

Timeframe

First, I look at changes in state institutions during the period of apparent institutionalized democracy from 1970 to 1988. During the transition to democracy in 1958, a pacted transition set the new rules of the game in economic and political issues and political parties become the only channels of representation of societal demands. For most of this time period institutions like traditional political parties controlled most social actors and thus the state was only accessed by traditional political parties and their allied interest groups. It was from 1970 onwards that Venezuelan democracy was considered consolidated and civil society groups began to emerge in response to the penetration of political parties and the lack of effectiveness of the state to provide social services (Salamanca, 2003).

Second, I examine the period of democratic deinstitutionalization (1989-98) and the initial opening of the institutions marked by the process of decentralization of the political institutions of the state after 1989 and the impending collapse of the party system in 1993 and their impact on the emergence of new societal groups, particularly women's groups who sought to differentiate themselves from political parties.

Finally, I evaluate the transition to the Chávez era in 1998 and the institutional changes that have taken place until 2007 which include the rise of anti- party, personalistic rule, the writing and passing of a new Constitution in 1999, the initial opening of institutions to new and old actors of society followed by a recentralization of power and the closing of institutions.

Comparative Perspective

Through the literature review I have been cognizant of important changes in gender policy reform in different countries; I provide an institutional analysis of such changes as well as women's responses and strategies to impact gender policy reform in order to find similarities or differences in the process of gender reform in Venezuela and other countries. In the conclusion, I reflect back on them and on the applicability of the hypotheses derived from this case study to other cases. In this sense, the case of Venezuela serves as an instance to assess propositions made by previous studies and contributes to our understanding of what political structures best contribute to gender policy reform.

The study is organized the following way. Chapter Two describes the institutions of the period of institutionalized democracy (1970-1988) characterized by the existence of a stable two-party system, elite consensus, and controlled access to the state by society actors exercised by the political parties, all features of a rigid and centralized decision-making process within a democratic regime. The political parties blocked women's access to decision-making positions because of the rigidity of their structure. In contrast, the creation of state bureaucracies, advisory commissions, and appointed women to decision-making positions provided organized women in civil society an opportunity to collaborate with women inside the state apparatus to influence state reform. The chapter describes the process of reform of the Civil Code in 1982 as an important achievement in gender policy reform which includes the equality of rights and duties for men and women inside marriage. The successful reform is believed to be the result of a concerted effort by organized women across party and class lines to impact state gender reform.

Chapter Three describes the continuation of the process of decentralization that began in 1984 and was characterized by an opening of state institutions that provided actors of civil society more access to the decision-making processes and more participation as evidenced by the increase in social mobilization during this period. The chapter evaluates the collapse of the party system beginning in 1993 that marked the end of elite consensus and controlled access to the state by political parties, all features of a fluid and open system that gave way to the transition in 1998 to a hybrid form of democracy. The importance of the decentralization process and the deinstitutionalization of the party system are analyzed in the light of their influence on the type of activism by organized women as well as changes in the strategies used to impact state gender policy reform. Special attention is given to the work of organized women's groups outside the state and within state bureaucracies and advisory commissions created to advance women's rights as well as on the movement of women from the arena of civil society to the bureaucratic apparatus of the state and on its influence on gender legislation.

The laws considered in Chapter Three are the 1990 Organic Labor Law; the 1993 Law of Equal Opportunity; the 1997 Law of Social Security; the 1997 Suffrage and Political Participation Law; and the 1998 Law against Violence on Women and the Family. In each case, I examine the nature of the laws and their impact on policies that benefit women. I emphasize the women's perception of the whole process by using evidence from personal interviews and academic articles written by the Venezuelan feminists who have participated in the process of gender policy reform.

Chapter Four examines the period of regime transition that started with the presidential elections in 1998; this year marked the transition to a more "participative" kind of democracy that theoretically provided more opportunities for women's access to the state and influence in

state policy change. The writing and passing of the 1999 Constitution represented a turning point in the history of Venezuelan democracy and the possibility of new actors taking center stage. Women' groups, divided since the last part of the previous period, come together to push for the inclusion of a feminist agenda in the 1999 Constitution. This chapter looks at changes in the relationship between organized women's groups and the state and the latter's strategies to impact state legislation. In addition, it provides evidence of the impact of the political polarization of the transition on organized women's groups and their ability to build networks of collaboration with newly emerged groups to push for a feminist agenda. The institutionalization of feminist politics by law is finally achieved with the creation of the women's institute INAMUJER in 1999. In addition, since 2004, this period presents examples of women's groups unification and collaboration across class and party lines in spite of social and political polarization to push for the passage of the 1999 Organic Law of Social Security, the reinstitution of the preventive measures of the 1998 Law against Violence on Women and the Family and the passage of the 2006 Organic Law of the Right of Women to a Life Free of Violence; the application of article 144 of the 1997 Suffrage and Political Participation Law of the proposals for the inclusion of 50/50 political participation in the party lists; and finally the proposals for reform of the Penal Code made by the Venezuelan Broad Women's Movement and the ESE group.

In spite of the positive impact that increased participation by women has had on the gender policy reform, the regime seems to be closing progressively during consolidation as power has become centralized in the executive, which not only controls access to the state, but determines the legitimacy of social actors with the right to participate in the decision-making process of the state.

Venezuelan women, as a group or individually, have had great influence on the passing of gender legislation since the 1990s; however, the entrenched interests of some groups with decision-making power, such as the political parties and the Catholic Church have proved to be stumbling blocks in the process of advancing women's rights specifically, and gender equality in general. Chapter Four offers an examination of the status of abortion in the 1999 Constitution and the Penal Code in the light of what is perceived as the changing relationship between Church and State during this period. Thus, I look at changes in the Catholic Church and the Venezuelan state in the last period from 1999 to 2007. Changes in state policies in areas such as education, state subsidies to private schools, the appointment of bishops, and gender issues serve as a background to map changes in state's and Church's perception of each other and society. In turn, these transformations are analyzed in terms of their impact on gender reform by looking at the issue of abortion. Although in different degrees, centralization of power and the influence of the Catholic Church clearly hinder the advance of women's sexual and reproductive rights.

Similarly, the failure to implement Article 144 of the Suffrage Law of 1997, which establishes a 30 percent quota for women's political participation, in the 2000 and 2004 elections demonstrates women's failure to be recognized as important actors of civil society. Thus, Venezuelan women have before them a long and difficult road in the process of increasing their political participation and effectively impacting state gender reform. The chapter offers some concluding remarks by discussing Venezuelan's women's efforts to maintain their activism by the end of the year 2007 and their perception of the future of feminism and the feminist agenda in Venezuela in the context of an apparent split among women's groups that seek legal reform or access to state resources.

In Chapter Five, I look back at the question of when and how the state makes gender policy reform and asses the relative strength of the different forms of institutional mechanisms and women's strategies and their impact on gender policy outcomes in an effort to confirm or refute the propositions derived from the literature and to generate hypotheses from the Venezuelan case to be tested by future comparative research. The configurations of state institutions during regime institutionalization, regime deinstitutionalization, and regime transition that seem to have more weight in explaining successful gender policy reform are the state bureaucracies and advisory commissions and the political appointments --and elections--of women to political decision-making positions.

In the same way, women's group's strategies such as building broad coalitions of women (or networks) and targeting the state with proposals based on the international legal framework on human rights and women's rights help explain successful gender policy reform as the state legitimizes its power by fulfilling its international commitments and translating them into national legislation. However, until this day, traditional and religious values that permeate the state institutions, such as the influence of the Catholic Church in the process of decision-making inside the state, remain powerful impediments in the process of advancing women's sexual and reproductive rights. Notwithstanding, women's organizing in Venezuela evidences the commitment and ability of women's groups to come together, in spite of polarization and partisan differences, in order to push for what they consider a minimum feminist agenda whenever there is an opportunity for reform or the possibility of creating it.

Chapter 2

THE INSTITUTIONS OF INSTITUTIONALIZED DEMOCRACY (1970-1988)

The 1958 Punto Fijo Pact that marked the second transition to democracy in Venezuela created one of the most stable democracies in the region after its first decade of challenges. Characteristics of this pacted democracy were elite consensus and social participation controlled by and channeled through the political parties (Crisp and Levine, 1995, Monaldi, et al., 2006). A strong party system was accompanied by a strong currency and economic growth. The state was centralized and paid for agreements made through the parties with oil revenues (Crisp and Levine, 1995).

According to Ellner and Hellinger (2003), many scholars attributed the stability of the democratic regime to the following institutional factors: a) the institutionalization of a two-party system with similar ideology; b) political leaders committed to the democratic game and who learned from the negative impact of the exclusionary practices during the Trienio[5] that led to their overthrow and the military coup that brought to power Pérez Jiménez's dictatorship in 1948 until 1958; c) disciplined political parties strengthened by a system of proportional representation for all elections; d) political parties with a multi-class composition and a growing middle-class, sustained by oil-revenues, represented by the main parties Acción Democrática (Democratic Action) and COPEI (Comité de Organización Política Electoral Independiente: Partido Social Cristiano- Committee of Independent Electoral Organization: Social Christian Party). This characteristic made parties very institutionalized with links to every group in society: labor, peasants, neighborhood movements, intellectuals in academia, and so on; and e) party discipline that allowed the two main parties AD and COPEI to have a highly centralized structure with an open political system that allowed for government coalitions and shifting alliances with no

permanent losers. In spite of the apparent openness of the system, some groups like the Left, in which many women were active, were excluded while others were granted privileges in exchange for political support (the Catholic Church, organized labor, and business).

In addition, although social mobilization was high, it was controlled by the political parties, the only mediators between state and society. Due to the organizational strength of the political parties, which infiltrated every social group, including women's groups, it was difficult to be politically active without expressing partisan affiliation or making the group's interests more salient than those of the party (Friedman, 2000). In addition, Church-State relationship during this period was cooperative in terms of their mutual support which meant that discussion of women's issues that clashed with the Church's interests were put aside or simply never discussed.

During the process of consolidation of democracy the stability of the political system and the legitimacy of the political class became the primary concerns of the elites; women's issues were thus put aside. Due to the fact that the institutionalization of a stable two-party system from 1970 until 1993 that came to be known as *Partidocracia* [6] guaranteed stability, but excluded important groups of civil society, the latter organized to push for a deepening of democracy as the system became inefficient (García-Guadilla, 2003).

The dependence on oil imposed a limit on the economic model Venezuela would develop from the 1970s onward, but also slowed the development of institutional effectiveness. With each new president Venezuela sought to use oil to reconstruct, strengthen, and reinvent Venezuela's institutions (Lombardi, 2003).

The Policy-making Process of Institutionalized Democracy

In terms of the policy-making process, the impact of institutions on the number, type, and quality of the laws can be determined by a close look at three institutional features: a) the role of the executive power in initiation of laws; b) the role of the legislature in the policy-making process; and c) the commitment of the political parties to consensus and cooperation. The nature of these features in Venezuela during the period (1970-1988) was characterized by a centralized, rigid, closed political system. According to Monaldi et al. (2006), the legislative initiative did not come from the legislature in practice, but from the executive power. During the period from 1959 to 1987 the Congress approved an estimated 27 laws per year with an average of 85% coming from the executive while only 13% were initiated by the legislature (Monaldi et al., 2006). An important aspect of the decision-making process was that the legislature played only a marginal role in the approval or passing of the laws, because the laws were discussed outside of Congress among the *cogollos*[7] of the political parties and they usually depended on the interests of the groups involved or affected (Monaldi et al., 2006; Mascareño et al. 2006). This reinforced the idea that the legislature was not the actual locus of decision-making but rather the locus of decision legitimatization (Mascareño, 2004 en Monaldi et al., 2006) which in the end played a crucial role in the policy-making process. Finally, the commitment of the political parties to cooperation and consensus allowed for the passage of laws that benefited the distribution of oil revenues among those who showed support for the system, but also laws that would contribute to the process of developing the country. This centralized, “pacted” form of decision-making did not benefit the passage of legislation that would address women’s issues as evidenced by the little progress made during this period in terms of liberalizing laws on women’s rights. Especially because the *pact* included the Catholic Church hierarchy in the decision-making

process it prevented the discussion of issues – such as decriminalization of abortion-- that clashed with the entrenched interest of Catholic Church and conservative political elites.

An important alternative to the traditional policy-making process was the creation of advisory commissions by the state (Crisp, 2000). These commissions served for groups within the commission to introduce legislative reforms. According to Crisp (2000), the make up of these commissions did not change significantly across time with changes in the party in power which evidences the ideological similarity between AD and COPEI during the Punto Fijo period. On the downside, although the creation of advisory commissions allowed women to participate in the policy-making process, they were always underrepresented as a group because other groups such as parties, labor (CTV-Confederación de Trabajadores de Venezuela, Confederation of Venezuelan Workers), and business (Fedecámaras- Federación de Cámaras y Asociaciones de Comercio y Producción de Venezuela, Federation of Chambers of Commerce and Production of Venezuela) were a majority in the commissions. In fact, according to Crisp's (2000:27) the classification of the nature of the commissions into producer, regulatory, planning, service provider, and promoter of the private sector, evidences that it was hard to find one where women would be highly represented in order to advance women's rights. One of the obstacles for women to actively participate in politics stemmed from the nature of the semi-corporatist model of state administration that focused on the class *function* of the group capable of access to the state; women were just women (Kornblith and Levine, 1995) and unlike functional groups, identity groups faced more obstacles for their incorporation into institutions that had not been designed to meet their needs. Regardless of the little effect the commissions on gender policy reform, women's groups' participation in these commissions during this period (1970-1988) had an important influence on their organizational capability and perception of the policy-making

process and outcome. Women used the creation of advisory commissions as a political opportunity to access the state; they supported the state's decisions in diverse areas and in turn were awarded increased participation.

Women from Civil Society

According to Salamanca (2003; 2004), the term civil society was not very common until the 1970s; the model of state-society relations characterized by Salamanca as "limited associational pluralism" greatly influenced the type of civil society that emerged during the Punto Fijo period in the 1970s. Civil society was characterized as anti-party, autonomous from the state, voluntarily formed, nonprofit, and organized (p. 95).

Associational life during the 1970s was not only linked to the party, but controlled by it (Crisp and Levine, 1995). The extreme centralization of the model that left the decision-making process in the hands of a few (Martz, 1966, Coppedge, 1994; Kornblith and Levine, 1995) became the source of discontent of new civil society groups that came to challenge the political parties in the 1980s (Crisp and Levine, 1995; Salamanca, 2004) in order to obtain access to the state with the aim of proposing changes in the rules of the game. Common to the new groups of civil society was their strategy of unification around issues such as participatory democracy, decentralization, and the use of the media to carry out these objectives (García- Guadilla, 2003).

In contrast to other civil society organizations, women's groups, which had had a history of organization during the Pérez Jimenez dictatorship, used their ability to organize and form different kinds of women's organizations: neighborhood associations, non-governmental organizations (NGOs), academic and research groups in universities, popular organizations, and governmental organizations that sought to address women's issues or push for legal reform on

gender issues. The Círculos Femeninos Populares (Popular Women's Circles) and the women lawyers' organization AVESA illustrate the kind of autonomous organizations founded in the late 1970s and 1980s to provide education to poor women as well as legal service and counseling to women on sexual and reproductive rights and violence against women.

Organized women comprised a variety of groups that do not conform to Salamanca's (2004) description of most civil society groups because of their ability to work with the state. At the beginning of the transition to democracy, women's incorporation into the political parties through the women's bureaus gave them recognition as legal subjects, but not access to the decision-making process (Salamanca, 2004). As a result of the high degree of centralization and institutionalization of the political parties, women's groups' incorporation through bureaus reinforced the ability of political parties to penetrate society. The bureaus were always weak and unfunded, however, and reflected the traditional tasks of the private sphere such as hosting meetings, making coffee, and running raffles (Friedman, 1998; 2000). Moreover, it was hard for women to achieve leadership positions within the party since that required unrestricted support for the party, which created conflicts with the obligations of women's private lives (Friedman, 1998:119). Furthermore, party rivalry among women had prevented women from the parties of the *pact*, AD and COPEI, to work together with the parties of the Left, excluded by the pact (Friedman, 1998, 2000). Some of the organized women from the 1970s went into different organizations as the groups slowly dissolved as a result of the marginalization of political parties and partisan rivalries among them.

Many of the women who had been active in organizing since the dictatorship continued making efforts at uniting women outside of the parties in view of the negative effect that partisan rivalries had on advancing a common agenda; " women never stopped meeting

altogether" (Friedman, 2000: 135). Because women had not been successful reorganizing outside the political parties, they decided to do it by creating links with the Communist party (PCV) in 1971 and later with the other two main political parties AD and COPEI after the political party PCV (Venezuelan Communist Party) left the armed struggle and became legal. Women from the PCV together with other women from AD with whom they had maintained contact gathered to evaluate the condition of Venezuelan women in 1967 and celebrated the First Seminar on the Evaluation of Women in 1968, where the idea of creating a broad women's movement emerged. They started meeting to read about feminism and study the important feminists of the time in the United States and France. The Movement for the Liberation of Women (El Movimiento para la Liberación de la Mujer –MLM) emerged from those meetings and acted rather secretly since "feminist" positions were opposed by the leaders of the PCV as well as by the other political parties[8]. Other feminist groups of this period like the Women's League (la Liga de Mujeres) challenged the use of "women as an object" by sabotaging the Miss Venezuela beauty pageant in 1972 (Espina, 2003)[9].

Women sought direct access to the state in order to avoid party co-optation by taking advantage of the women's agencies created by the state; the institutionalization of feminist politics had a great influence in advancing women's rights. Nonetheless, as Friedman (2000) concludes, institutionalization was not the entire solution to the problem of gender discrimination; women's collective action around issues of interests to most women proved necessary and crucial for gender policy reform.

Women's groups were among those groups that became very active during the 1980s and united forces to impact state policy, as evidenced below with the movement for the reform of the Civil Code, and even participated in public demonstrations alongside other groups from civil

society (PROVEA, 1989) protesting against the negative impact of structural adjustment policies and the increase of poverty (García-Guadilla, 2003).

Within the literature on democratic consolidation, there are two competing views in terms of the representativeness of the Venezuelan party system and the subsequent crisis of democracy in the 1980s. Some scholars argue that there was a complete absence of representation that triggered the demands of marginalized groups (Hellinger, 1991; Hillman, 1994; Karl, 1987); others assert that the crisis of the 1980s was the result of changes undergone by civil society that were unmatched by the state institutions (Crisp and Levine, 1998:31), that is, that the demands of the society were not responded to by the state. These authors specifically refer to changes in the relationship between a fluid civil society and rigid state institutions that resulted in the emergence of a civil society that was pushing for the deepening of democracy. In other words, although state institutions became with time exclusionary and non-representative of the people, the former were overwhelmed by the flexibility of the networks of groups of civil society that little by little gained visibility because of their call for decentralization and participatory democracy and their shared vision of the Venezuela they sought (García-Guadilla, 2003).

Women's groups, for instance, managed to form networks of women working in non-governmental organizations, popular organizations, and the state in order to mobilize women and influence gender policy reform through the channels created by the institutionalization of feminist politics. As documented by Friedman (2000), Venezuelan women have fought for their right to representation in all decision- making arenas by joining forces from inside and outside the state institutions. Women began to meet in 1968 with the purpose of increasing women's representation in the state until finally in 1973 they formed a campaign to urge presidential candidates to state their positions on the creation of a women's agency. The Women's Advisory

Commission to the Presidency (Comisión Femenina Asesora de la Presidencia, COFEAPRE) was finally created under the Pérez administration in 1974 and became, according to Friedman (2000), one of the central institutions of the political opportunity structure that contributed to the transformation of the way gender relations where reflected in the state (p. 136). The creation and impact of the COFEAPRE is discussed below in light of its influence on women's mobilization, organization, and success in impacting state gender reform.

The Institutionalization of Feminist Politics and International Factors Influencing Women's Organizing

The era of the 1970s shows an increased political participation by individual women, former members of the women's groups, through pressure campaigns that were especially supported by two factors: international events such as the United Nation's Decade on Women (1975- 1985) that focused on women's equality, human rights, and development as well as the institutionalization of feminist politics through the creation of state bureaucracies for women. The former is regarded by women as one of the most influential factors supporting legal reform in gender issues in Venezuela and in other countries;[10] the latter constitutes an institutional factor that provided activist women access to the process of policy-making and positively influenced the process of gender reform in Venezuela during subsequent periods. During this time period (1970- 1988) we find the creation of COFEAPRE (Comisión Femenina Asesora de la Presidencia- the Women's Advisory Commission to the Presidency) in 1974; the organization of the first Women's Congress in 1974 (from which the initiative to reform the Civil Code emerged); and the creation of the Ministry for Women and Participation and Development in

1979 as the first examples of institutionalization of feminist politics that had at least minimal impact on gender policy reform.

The women's effort at pushing a common agenda produced successful results during the period from 1970 to 1988 such as the creation of the women's commission COFEAPRE by Carlos Andrés Pérez in 1974 after a women's campaign to urge candidates during the 1973 presidential election. [11] The COFEAPRE successfully accomplished the organization and celebration of the first Venezuelan Congress of Women in 1975 to celebrate International Women's Day; the evaluation of the situation of women in Venezuela in turn led to the creation of the first women's agenda in the country (García Ramirez, 2005). The congress drew over a thousand participants and attempted to address four main issues: a)women's legal position which contained proposals for reform of the civil and penal codes, a labor law, and the issue of abortion; b)women's social situation, which included proposals on day care policies, family planning, abortion legislation, and state assistance to single mothers and their children; c)women and development, and d)women at the international level which emphasized international cooperation among women (Friedman, 2000:148).

Abortion was a controversial issue debated among congress participants. The proposals included legal reform of the Penal Code in the form of sentence reduction for women accused of abortion and the creation of an executive-sponsored commission to regulate abortion, but there was opposition from the contingent of women from the political party COPEI (the Christian Democratic party) who walked out of the assembly when the issue was brought up (Friedman, 2000:149). During the period of institutionalized democracy, Church-State relationship was good as the Catholic Church formed part of the Punto Fijo pact and Catholic education prospered during democracy (Myers, 2004). As expected, the issue of abortion did not emerge until the late

1990s demonstrating the Church-State cooperation negatively influenced gender policy reform in controversial issues such as abortion.

During the Pérez administration in 1975, women from the political party Acción Democrática (AD) convinced the president to name women from COFEAPRE to prepare a document and a delegation to attend the United Nations Conference on Women meeting in Mexico in 1975.The conference successfully achieved the preparation of the Convention on the Elimination of Discrimination at the international level and the declaration of the United Nations of discrimination as a human right violation in 1979.

In the 1980s, international NGO forums mobilized many women's groups and facilitated discussions of women's inequality in terms of health, education, and jobs, thus putting gender inequality on the UN's agenda and proposing the agreed conventions and treaties to be used to interpret gender inequality and its link to development (García, 1999). Thus, the international events promoted women's mobilization and participation globally and created the basis for a legal international framework to evaluate advances (or setbacks) in women's rights that was used by feminist activists in Venezuela as a basis for the struggle of gender policy reform.

For instance, the international conferences supported women's demands for the creation of women's agencies and Executive commitment translated this time in the creation of the Ministry of the State for the Participation of Women in Development in 1979 by President Herrera Campins and the political party COPEI (Comité Organizador de Política Electoral Independiente). The Ministry replaced the COFEAPRE and showed the President's commitment to achieve gender equality through women's incorporation into politics and legal equality (Friedman, 2000). The Minister, Mercedes Pulido, with the support of the Executive and COPEI gathered women from all walks of life to form a united front to push for legal reform as

discussed below. The focus of the women's movement that united in the early 1980s was legal reform and the elaboration of public policies; the 1961 Constitution established in Article 128 that all treaties ratified by the state needed to be approved through a law in order to have value in national legislation.

Women's continued efforts at coalition building and networking in order to push for reform achieved three important reforms from 1980 to 1988. These include the reform of the Civil Code in 1982, the promulgation of the approbatory law of the Convention on the Elimination of all kinds of Discrimination against Women (CEDAW) in 1982, and the creation of the Ministry of the Family in 1987.

Achievement of Legal Reform: The Movement for the Reform of the Civil Code

The 1982 reform of the Civil Code stands out for the significance of its achievement in terms of legislation promoting women's rights in the family. According to Friedman (1998), the successful reform of the Civil Code was the result of a campaign by women inside and outside the state. Women used the strategy of working inside the state agencies instead of across parties to keep united (Friedman, 1998).

According to Espina and Rakowski (2002), the campaign for the reform of the Civil Code from 1979 to 1982 was considered a true women's movement. Women's groups reunited to impact state policy in spite of the institutionalized gender biases that had negatively impacted their activism. This achievement was made possible after forty years of struggle mainly from individuals such as Argelia Laya, then a city council member from the political party MAS,[12] women lawyers from the civil organization FEVA[13] (Yolanda Poleo de Báez, Ana Lucina García Maldonado, Lisbeth Guevara, among others) who had been activists since the 1970s (Espina and

Rakowski, 2002), the Minister Mercedes Pulido, and other women's professional groups, journalists, and politicians (Friedman, 2000:186). Argelia Laya from the MAS had started by introducing in Congress a petition for reform signed by all council members of the capital district. [14] FEVA had started a campaign in order to collect the 20,000 signatures needed to push for the reform of the Code. Esperanza Vera described how the women form FEVA used the II Forum of Artisan Women organized by the Chamber of Industry Corpoindustria in 1976 to collect the first signatures to push the reform (Espina, 2006) and later after the initiative went to Congress, FEVA had gathered over 35,000 signatures (Friedman, 2000:178). Participation of new groups of women increased leading to public marches and demonstrations that brought Minister Pulido and the president of Congress to submit petitions for reform. Friedman (2000) claims that although most support came from the middle and upper classes, poor women were also incorporated because of their need to achieve the legal equality of their children born out of wedlock, and their partner's share of responsibility for their children. The founder of the Círculos Femeninos Populares (a grassroots organization) was responsible for acting as a link between poor women in the barrios and the reform movement (Friedman, 2000:186).

The reform of the Venezuelan Civil Code (considered to be the most discriminatory body of familial legislation in Latin America, (see Friedman, 1993; 2000) is considered among the major achievements in women's equality in Venezuela because the scope and coverage of the Civil Code is very broad since it governs contracts, property, obligations, capacity of persons, marriage, divorce, paternity, guardianship, secured transactions, and succession.

The Civil Code had been previously reformed in 1942 giving women authority over their children and establishing the shared ownership of property between the couple. The 1982 reform gave men and women equal rights and duties within the family as well as equality in decision-

making, and eliminated discrimination of children born out of wedlock by establishing the legal status of all children. Before the reform, a married woman could not take decisions about her children, own anything, sell or buy without her husband's approval and signature. In addition, children born were not considered legal children recognized by their father and having their last name. The reform also established the duty of the father to provide stipend for children born in or out of wedlock. In addition, the process of marriage and divorced were simplified.[15]

The reform had two sources of opposition, the conservative legal professional members of the Academy of Political and Social Science (ACPS) and the conservative members of the COPEI party. Their opposition was based on claims that the reform of the Civil Code would significantly modify the basic structure of the Venezuelan family, constitute a threat to family authority, and eliminate the meaning of the family by assaulting the stability of marriage (Friedman, 2000: 182-183).

Women's Strategies: Coalition Building and Framing Capacity

Espina and Rakowski (2002: 2) have identified three main women's groups which formed alliances in the late 1970s and early 1980s in order to influence legal reform: the 'political' group (formed of women in politics from different political parties and organizations), the "femocrats" (feminists working in the public sector),[16] and the women from civil society (academics, from NGOs-intermediaries,[17] professional women -- lawyers, journalists doctors, artists and craftmakers, union members, autonomous feminists, [18] and from the Popular Women Circles.[19] "

The strategy used by women in civil society included working outside the state in writing proposals to be presented in national and international arenas, working inside the state

with women appointed to political positions and committed to women's rights as those in the COFEAPRE and later the Ministry (the political and the femocrats). As expressed by Isabel Carmona, a long-time activist since the times of Pérez Jiménez, the establishment of a women's commission inside the state was not enough if it lacked the "vigilant action of popular mobilization and the pressure of mass organization" capable of bringing women together around specific goals (in Friedman, 2000:151). Accordingly, women used the opportunities provided by the state such as the creation of state bureaucracies and women's advisory commissions as well as the support of appointed women to decision-making positions inside the state to push for reforms in which their expertise acquired in international forums gave them legitimacy as women and actors of civil society.

The coalition formed to push for the reform of the Civil Code is illustrative of the alliances among all women's groups identified above by Espina and Rakowski (2002): the political women, the femocrats, and the women from civil society organizations. The strategy of what Friedman (2000) calls institutional and personal appeal, marches, demonstrations, and pickets together with the creation of a broad-based coalition of women illustrates women's organizing during the period of institutionalized democracy and the lessons learned in terms of previous failed attempts at organizing solely inside or outside the party system. It also demonstrates that because of the marginalization of women by political parties and as a response to the alternative forms of access to the state created by state bureaucracies and advisory commissions, women were able to target the state, the incumbents, and the allies of the movement inside the state apparatus.

In addition, the strategies used by the women's groups are similar to those reported in other Latin American countries. For instance, their incorporation of women to political parties as

the best means to gain at least limited participation (Waylen, 1994); their push for the creation of state bureaucracies for women's issues ; their participation in both political parties and women's organizations; or their complete autonomy from the state, but support for women's rights in spite of partisan differences (Friedman, 1998). Therefore, as noted in Friedman (2000), women recognized the approval of the reform of the Civil Code as a product of the struggle of women in general and not as the "gift of some parliamentarian, political parties, deputies, and senators" (p. 188)

The women's movement for the reform of the Civil Code is also instructive of the importance played by the framing capacity of women's groups. Friedman (2000) provides evidence that the discourse used by the women leaders pushing for the reform was framed around the idea of democracy in the family. Women avoided the use of *feminism* in order to include all women, as well as the use of a reform for women *only* since they recognized that a women's rights approach would fail to gain the necessary support of men, given that the reform was already radical enough for the historical moment and the weakness of the women's movement (comments of Argelia Laya in Friedman, 2000). In addition to the discourse used by women, the movement for the reform of the Civil Code also counted with the strategy of direct pressure on the deputies of Congress by women picketers placed outside of Congress and women deputies inside of Congress.

Another strategy used by women's groups was the reference to the international framework for gender equality included in the demands made to the state to pass national legislation that protect and advance women's rights which legitimized women and as actors of organized civil society. Apart from the reform of the Civil Code, the promulgation of the approbatory law of the Convention on the Elimination of all Kinds of Discrimination against

Women (CEDAW) in 1982 confirms the fact that these groups of organized women had access to information other women's groups (popular women's movements) did not and were very much influenced and supported by international events such as the UN conferences on women that took place in the 1980s, as well as the NGOs forums and the evaluation of the women's decade. As stated above, feminists groups had attended international conferences and meetings beginning in 1975 with the World Conference on Women in Mexico and were aware of changes in international norms such as the approval of the CEDAW that changed the definition of discrimination in 1979 (García Prince, 2005; Facio, 1992) In addition, this group of feminist women counted with the support of the women in the state allies of the movement; the Minister for the Participation of Women in Development was instrumental in pushing for the approval of the CEDAW Convention (García, 2006).Thus, the focus of the women's movement on legal reform and the support from the state to liberalizing gender issues can be understood as the result of two factors: the existence of an international legal framework to which the state had committed and the requirements of the 1961 constitution (Article 50) as stated above that specified that all international treaties had the value of a law when ratified by the Venezuelan state before the approval into law by the legislative power.[20]

The existence of international human rights and women's rights norms facilitated the job of organized women's groups in pushing the Venezuelan state to include them in the Venezuelan legislation by emphasizing the international commitments of the state. Among the regional and international treaties signed and/or ratified by the Venezuelan state during this period are the following: a)The American Convention of Human Rights in 1969 sponsored by the Organization of the American States which established the equality of women and men before the law and in the marriage; b) the International Pact on Civil and Political rights making a commitment to

guarantee equal rights for the partners within marriage; c) In 1980, Venezuela signed the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW of 1979), though it ratified it only in 1982 when it became a law in Venezuela.

The international as well as the regional treaties and their mechanisms for the protection of women's rights provided Venezuelan women confidence and support for their demands, but also informed leaders of relevant changes taking place internationally on women's issues and their need to implement them as a way to legitimize the state; the existence of an international framework for human rights and women's rights has been documented in other countries as influential in translating women' demands into national legislation.[21] In addition, international meetings provided women important arenas to create women's networks and obtain international funding as a tool for pressure on the state to legislate on gender issues

A study by Espina and Rakowski (2002) asserts that women's successful campaign to reform the Civil Code in 1982 gave them the confidence to act by creating coalitions of women's groups from within and outside the state that continued fighting for women's rights. They cooperated on an issue by taking advantage of political opportunities they got or created themselves as a response to a threat. They worked on the basis of consensus and voluntary participation; avoiding conflict and respecting participants' decisions not to take part in an activity.

Women's Network Building

In 1984, incoming president Jaime Lusinchi from AD closed down the Ministry for the Participation of Women in Development in a move to shrink the state, but a pivotal member of the new government, Virginia Olivo de Celli, managed to push for the creation of National

Woman's Office (Oficina Nacional de la Mujer) under the Minister of Youth (Friedman, 2000). The rationale used by Olivo de Celli to justify the creation of this women's agency was the recommendation of the Inter-American Commission on Women to have a women's agency in the executive branch in order to coordinate the preparation of a governmental report for the 1985 Nairobi meeting of women (Friedman, 2000:198).The National Woman's Office began the formation of advisory commissions for policy reform on women's issues organized by a Directorate; these commissions greatly consolidated NGO-state cooperation. Interestingly, they were formed by mixed groups of women: women from civil society, autonomous feminists, women who worked in government (the political and the femocrats). The women's groups included mainly those who had been very active in the movement for the reform of the Civil Code, namely AVESA, FEVA, and the Círculos Populares Femeninos (Friedman, 2000). Among the issues that women collaborated on after the reform of the Civil Code were education about the situation of poor single mothers, increasing women participation in politics, and reform of the Labor Law (Friedman, 2000).

In 1985, the same group that had participated in the delegation to attend the UN conference in Mexico in 1975 met in order to write the document they would present in the Nairobi meeting in 1985; this group became an umbrella organization due to their success in organizing other women's NGOs. The CONG (the NGOs Coordinator) was established in March 1985 as a network that unified 25 NGOs. The creation of the CONG was considered a successful achievement by women in the period from 1985 to 1990 which influenced important gender reform. The members of the CONG worked on the evaluation of the decade of women and on the process of reform of important laws passed after 1989, which included the reform of the 1990 Organic Labor Law, the 1993 Law of Equal Opportunity for Women, and the draft project of the

1998 Law on Violence against Women. They worked with the government through the advisory commissions created by the Women's Office. The CONG gathered feminists, professional women, popular women, and women from left-wing parties; its main feature was that it maintained its autonomy from the political parties and from one another allowing room for diversity (Friedman, 2000). Many women from the CONG participated in the directorate of the women's advisory commissions which, in spite of working with the state, maintained its autonomy due to the decentralized nature of the commissions and the variety of women participating in it (Friedman, 2000).

In 1986, Olive de Celli was promoted into the Vice-Minister of Youth and thus her office was given a broader mandate; it sponsored women's offices in some states in the country. Then in 1987, she was appointed Minister of the Family, a newly created ministry and so Olivo de Celli transformed the Women's Office into the Directorate for Women's Advancement. Women in the commissions reached 170 members at that time and they worked in groups in order to provide advice to the Ministry of Family and other associated offices on women's issues (Friedman, 2000; García Ramirez, 2005).

The work of the CONG has been amply studied by Friedman (2000) and Espina (1994). In spite of the fact that the CONG stopped functioning in 1990 as conceived initially, according to some scholars, some women from the CONG (referred to as the *core group*) continued to be active in the struggle against any kind of discrimination of women (Espina and Rakowski, 2002). Women in the core group asserted that they moved the locus of attention to the state and the legislature and less to the organizing of women's groups at the grassroots level. According to Espina (2003), founder of the CONG, feminist women in the late 1980s continued debating the issues of the feminists from the 1970s in terms of the kind of group the feminists should form.

Some women had to choose whether to remain as a group for the organizations of the masses or to become an opinion group that would study feminism, theorize about feminism, produce films, novels, books and so on. Regarded as mutually exclusive, in the opinion of feminist activist since 1975, Gioconda Espina decided to remain a feminist from an opinion group (Espina, 2003). Thus, during the period of institutionalized democracy, and especially due to the party marginalization and cooptation of women, middle-class women decided to organize in feminists groups and urban poor women in grassroots organizations; interaction among the groups became increasingly difficult due to class cleavages.

Issue Difference: Different Opportunities for Reform

During this time period (1970- 1988) other attempts were initiated towards reform in the areas of labor rights and reproductive rights. A movement for the reform of the Labor Law was created in a very similar way to the one for the reform of the Civil Code. Various attempts at reform had been made during the First Venezuelan Congress of Women, a meeting organized by the Ministry for the Participation of Women in Development in 1974. In the case of the process of reform of the labor law, women framed the need to reform policies of the workplace because of the importance of the social function of maternity as well as the need to achieve women's equal rights.

According to Friedman (2000) the proposals for reform of the labor law counted with the support from ex-President Rafael Caldera from COPEI. In addition, a female deputy from the political party AD was in charge of organizing a workshop attended by women working with the Directorate of the Women's Office, the CONG members, the women and children's section and

legal consultants of the Labor Ministry, and the business sector represented by Fedecámaras. The Labor Law was finally passed in 1990 and thus will be discussed in the next chapter in more detail.

In contrast with the success of the above mentioned, the process of reform of the Penal Code failed to garner support. The Minister for the Participation of Women in Development had gathered support from women from political and civil society to prepare a proposal for the reform of the Penal Code in 1984 (Friedman, 2000) The reform of the Penal Code included the liberalization of abortion policies such as permitting abortion if pregnancy was the result of rape, incest, or in cases where the fetus presented malformations. However, the issue of abortion was put aside because of the opposition by some legislators when the proposals were brought to Congress (Friedman, 2000:220). In contrast with the broad support behind proposals that were perceived as encouraging maternity, as in the movement for the reform of the Labor Law, fierce opposition to liberalizing women's reproductive rights illustrates resistance to anything that would radically transform traditional gender relations.

The Process of Decentralization: The COPRE

Notwithstanding the importance of the institutionalization of feminist politics through the creation of women's state agencies such as COFEAPRE and the Ministries of women, it is important to describe the influence that another commission had on the opening of the channels of decision-making through the decentralization of the political system towards the end of the period under study; one that involved the radical transformation of the profile of the state and its public administration (Mascareño, 2004:157). The creation of the Presidential Commission on State Reform (COPRE, Comisión Presidencial para la Reforma del Estado) in 1984 represented

an opening for civil society groups to gain access to the state (Gómez Calcaño and López Maya, 1990: 183) and transformed the political system in the following period. Its creation also indicated the increasing consensus among the political elite that a state reform could not be postponed any longer in the face of the evident inefficacy and increasing delegitimation of the public apparatus (Mascareño, 2004:127). Although the COPRE planned to work on different areas such as political reforms, increased efficiency of the public administration, social policy, economic policy, justice reform, education, and decentralization, it was the latter around which the commission sought for consensus from the political parties (Mascareño, 2004).

Thus, the idea of the decentralization of the state became an important issue discussed among the political and economic elite. The position of the political parties towards decentralization varied: only MAS (Movement towards Socialism) and MEP (Electoral Movement of the People) expressed support for decentralization, while COPEI and AD basically opposed it (Mascareño, 2004). Nonetheless, the commission consulted "more than eight hundred people and two hundred organizations during 1985, including the provinces" (Blanco, 1986 in Mascareño, 2004:139).

According to Mascareño (2004), the COPRE was meant to be a commission that would advance the proposals agreed by the political parties in power, which did not include democratization of the parties and decentralization, so this caused conflict among the commission and the political parties. Consequently, COPRE's President Ramón J. Velázquez resigned in 1985 due to the parties' reluctance to real reform. The members of the commission were aware of the fact that decentralization would allow the masses to have access to increased political participation and this in turn would increase the legitimacy of the political system. In the future, the COPRE tried to distance itself from the Executive power and started a process of

negotiation with the political actors in order to produce proposals that would have some legitimacy.

The new president of the COPRE, Arnoldo José Gabaldón, worked with members of the commission from AD, COPEI, independents, and representatives from the regional organizations in order to advance proposals that were finally approved in 1987 (Mascareño, 2004:127). It was not without conflict among the main political actors that the issue of the direct election of governors and the creation of the post of mayor took place. The process of decentralization was criticized by the main political parties AD and COPEI as too advanced for the Venezuelan context, and some negotiations were delayed by the incumbent party AD and President Lusinchi. However, the negotiations coincided with the election year in 1988 and because of the political and social mobilization spurred by the proposals for decentralization, the government finally allowed the COPRE the resources needed to increase support for decentralization. AD and COPEI[22] candidates started to show themselves in favor of decentralization and they got a lot of support from their party members in the provinces.

In addition, economic groups, such as *Grupo Roraima* that included professional and business people involved in development projects, expressed support for decentralization influencing the support from other groups including intellectuals (Mascareño, 2004:151-152). Finally, the law for the election of governors was approved in Congress in 1988 and in the same year the reform of the Organic law of Municipal Regime created the post of mayor.

The process of reform initiated in 1984 and presented here through the description of the COPRE and its policy outcome illustrates two important aspects of the policy decision-making process characteristic of the period of institutionalized democracy (Mascareño, 2004; Monaldi et al., 2006). On the one hand, the policy-decision-making process was not done inside the

parliament, but rather through commissions outside Congress where the actual decisions were reached and later presented to the members of Congress. In fact, the COPRE commission was formed in part by deputies and senators of Congress, which evidences the open relationship between the Executive power and the Legislature --among instances that are apparently autonomous--as well as the state penetration by the political parties (Mascareño, 2004:153). On the other hand, in order to advance their group's interests, the sector or group seeking legislation change needed to participate in any of the commissions created in order to be able to influence policy reform. Thus, it seems to explain why groups from civil society regarded the process of decentralization in particular, and the process of reform of the state in general as the road to increased political participation and representation and the answer to the deepening of democracy (Mascareño 2004:156).

Organized women's groups were among the civil society groups characterized by many years of organization that directed efforts at the state for decentralization and re-democratization. The process of decentralization that began in 1984 and crystallized at the end of this period in 1989 positively impacted the process of decision-making carried out inside the Congress. At the beginning of this period (1970) Congress was controlled by the political parties; at the end of the period (1988) Congress was no longer controlled by the political parties and more civil society groups, mainly women's groups, were able to further their access to the state.

In other words, the process of decentralization weakened the control of political parties on civil society groups which were then able to mobilize and seek impact on the state. The environment of reform promoted by the COPRE and the gradual opening of state institutions to actors other than the local political parties and interests groups facilitated the incipient influence of women's groups on the incumbent's decisions to create state bureaucracies for women.

Analysis

During the first transition to democracy in 1945, women's issues received little attention. In fact, except for the decree of universal suffrage for all citizens over 18, regardless of gender or literacy, their action was marginalized as the political parties took control of the political arena (Friedman, 1998, 2000). However, women were able to organize across party lines to work with young women and women in the schools, slums, and neighborhoods. Their goals included collective issues such as resistance and rejection of the dictatorship. During the second transition to democracy in 1958, women's groups were excluded as a group based on gender identity (Crisp, Levine, and Rey, 1995) and their links fragmented because most activist women belonged to communist groups which had been excluded from the pact (Friedman, 1998). Such fragmentation impeded the types of organizing that Venezuelan women had developed during the dictatorship. This explains the apparent lack of activism by organized women in the 1970s. The political structures of the period of institutionalized democracy presented both obstacles and opportunities for women to access the state in order to influence policy-decision-making, as outlined in Table 1. Therefore, this period presents the different institutional mechanisms that combined with women's groups' strategies resulted in achievements (and failures) in gender policy reform. The main legal achievement was the reform of the Civil Code in 1982 while the proposals for the reform of the Penal Code in regards to the decriminalization of abortion failed to be discussed in 1974 and failed to pass in 1984.

Table 1 shows how the political context of institutionalized democracy was characterized by a centralized decision-making process mainly controlled by the institutionalized political

parties. Women were provided access to the state through the creation of party bureaus, state bureaucracies, women's advisory commissions, and appointed women.

Table 1. Major Institutional Changes, Women's Activism and Strategies, and Legal Gender Reform during Institutionalized Democracy

Political Structures of Institutionalized Democracy (1970-1988)	Institutions providing access to the state policy-making process	Women's Activism	Women's Strategies	Gender Policy Outcomes
Institutionalization of political parties Centralization of policy-making process Church-State cooperation	Political parties: Party bureaus Institutionalization of Feminists Politics: 1974 COFEAPRE 1979 -1984 Ministry for Women Participation in Development 1984 The National Women's Office (ONM) 1987 Ministry of family	Women's organizations: neighborhood associations, NGOs, grassroots organizations Reform from within the state by political women 1985 creation of the CONG, broad network of all women, independent from parties	Women's groups unified efforts across class and party lines Women target state: incumbents, state bodies and allies in office Women form alliances of political women, the femocrats and the women from civil society Women's groups use international events and norms to legitimize reform Women create networks of women from NGOs, popular organizations and the state	Proposal for the Penal Code defeated a the First Venezuelan Congress in 1975 1982 Civil Code reform approved Proposals for the Penal Code defeated in the legislature in 1984

Although the party bureaus did not allow women to achieve leadership positions while the other forms of women's representation inside the state apparatus became an important institutional mechanism for political women to achieve leadership positions and to become allies of the women's movement in civil society. During this period, the alliances created across party

and class lines among women included grassroots organization, women's NGOs, feminists, and political women as exemplified by the CONG. Women's strategies included targeting the state and the incumbents to advance women's rights, the use of an international framework for women's rights being created at the international level, and the ability of organized women to form women's networks to push for gender policy reform from outside and inside the state.

The Institutionalization of Political Parties

The institutionalization of the political parties during the period of apparent institutionalized democracy marginalized women as a group and subordinated women's issues, inside the party bureaus, to the party's interests. The significance of partisan rivalries eroded the links forged among women during the dictatorship and hindered the kind of organizations that characterized women's organizing before the transition to democracy. In spite of the participation of women through party bureaus created by the political parties, the women's movement slowly dissolved and it was only because of the commitment of some women activists that the unification around a common agenda emerged in the mid-1970s.

Among the main institutional changes that influenced gender policy reform during the first period under study (1970-1988) was the institutionalization of feminist politics: the creation of state bureaucracies and women's advisory commissions that were able to channel the interests of organized women outside the state and increase the discussion of gender issues inside the legislature through the participation and support of appointed women in government. Additionally, party leaders seemed eager to institutionalize women's interests in exchange for women's political support and as a means to legitimize the state. Evidence of this is the regular assistance of incumbents in creating women's offices, commissions, and the appointment of women to state ministries considered to be of interest to women by the different presidents

throughout this period. In spite of the perceived limited legal reform of this first period, the institutionalization of feminist politics had a huge impact on the organizational capability of women's groups and their perception of the policy-making process and the ways to impact it.

The Decentralization of the Policy-making Process

Due to the high degree of centralization in the process of decision-making and the institutionalization of party politics during the period of institutionalized democracy, the system remained stable, but its legitimacy was affected. Therefore, civil society groups regarded the process of state reform started in 1984 as the road to increased political participation and representation and the answer to the deepening of democracy in the light of the proposals made by COPRE to promote citizen participation. The state reform aimed at decentralization mainly affected the decision-making process which became more inclusive as it weakened the entrenched power of the political parties and promoted an environment of active participation. Women's groups, in particular, welcomed this growing access as they began to organize and form different kinds of organizations to address women's issues and fill in the gap left by the state and push for legal reform.

Church-State Relationship

The Catholic Church was among the interests groups privileged by 1958 Punto Fijo democracy. Therefore, cooperation between Church and State characterized the period of institutionalized democracy. In spite of the fact that liberalization of gender issues took place, as evidenced by the reform of the Civil Code establishing the equality of men and women as legal subjects, conservative sectors of society influenced by the Catholic Church, members within the

Academy of Political and Social Sciences (ACPS) and the COPEI party present in the discussions of the reform, opposed changes that would change the meaning of the family. Moreover, in order to garner broad-based support, the coalition of women behind the support had to frame the reform in terms of increasing "democracy in the family." In like manner, the discussion on the proposed changes in the Labor law were framed in terms of the "importance of the social function of maternity" to be able to draw support form a majority of women. In contrast, discussions on the issue of abortion, silenced since 1974, were again put aside because of opposition from conservative legislatures influenced by the Catholic Church. In sum, Church-state cooperation clearly decreased the ability of women's groups to impact gender policy reform on issues that conflicted with the Church's values.

Women's Groups' Strategies

The success achieved by women's groups in some gender policy reform can be attributed to an organizational strategy also common in other Latin American countries, but especially successful in the case of Venezuela: the movement from civil society to the government (Rakowski, 1998; Álvarez, 1999; Espina and Rakowski, 2002). Women activists committed with the feminist agenda managed to achieve positions of political power within the state bureaucracy (though not in elected positions) and were instrumental in pushing for reform within the state. Equally important was the drive of women outside the state, experts on gender issues and with the ability to unite forces when there was political opportunity available to impact legal reform on gender issues.

Interestingly, although Venezuelan organized women have agreed that international norms and treaties have been found to be the most influential sources of gender liberalization in

Latin America,[23] some of the achievements in promoting women's rights are the result of long-time efforts made by women's groups and organizations mobilized during the 1940s in the era of liberalized authoritarianism. In Venezuela, as in other Latin American countries, the recognition of international treaties has not been immediately translated into laws that protect women nor has it transformed legal equality into real equality for women, Instead, the continued efforts of organized women were necessary to achieve eventual success in the inclusion of international treaties and conventions into the national legislation and to the creation of public policies addressing women's problems.

Therefore, it is important to highlight that apart from the use of the international legal framework of human rights and women's rights used to legitimate the women's struggle and influence state reform, the efforts of organized women at uniting around a common agenda seems to have been the key in explaining gender policy reform. I have provided evidence of women's unification around the creation of the first women's commission, the COFEAPRE, the institutionalization of feminist politics, the attendance to international conferences, the efforts at coalition building around the issue of legal reform, and the creation and maintenance of network-building among women from inside and outside the state. In other words, it is important to emphasize that legislation could not have advanced without the coordinated effort of women outside and inside the state.

In the case of Venezuela, the efforts of organized women's groups have been based on such legal international framework for the protection of women's rights. Women have demanded the state to translate the principles of gender equality and non-discrimination into national laws to create a national framework to advance women's rights in Venezuela. Other gains, such as the transformation of the patriarchal public discourse, have been the result of efforts by particular

women in organized groups (the core group) and by the commitment of women in power to a feminist agenda (Garcia Ramirez, Rosillo, and Valdivieso, 2005).

In sum, during the period of institutionalized democracy in Venezuelan the institutionalization of party politics, the huge power of political parties over society organizations (referred to as *partidocracia* –partyarchy- by Coppedge, 1994), and the clientelistic channels of access to the state became the main obstacles for the lack of active participation of Venezuelan women in politics. In addition, as other Latin American scholars have observed, *machismo* and the subordination of gender issues to other issues on the agenda during regime transition became an impediment for the effective influence of women on gender policy reform (as well as participation). However, organized women decided to impact gender legislation by using the political opportunities available to women's groups. They accessed the state through the availability of state bureaucracies and commissions and built networks of collaboration among feminist groups and women working inside the state bureaucracy (the political women and femocrats) to advance women's rights.[24] They informed themselves and became experts on gender equality by using the international women's conferences, legal international instruments, and international norms to push for legislation on gender equality.

This in turn, provides evidence to assert that in spite of the rigidity of institutions like political parties during the period of institutionalized democracy (1970-1988), women's groups were given access to the state and achieved minimal reforms by using the institutionalization of feminist politics as alternative channels of representations for women's interests. As Crisp and Levine (1998) have stated, in the case of Venezuela, the state has not been completely autonomous from society nor dominant, which makes it difficult to differentiate the line between state and civil society. In addition, as these authors argue, the Venezuelan state contained, within

the rigidity of its institutions, channels for participation of organized actors (p.31-32); the Venezuelan state seems to conform to the type of societal corporatist state described by Schmitter (1974) in Bush and Mumme (1994) which offers certain incentives for participation and channels of interest representation as ways to legitimize the state.

Additionally, the reformist environment created by the work of the COPRE may have also influenced the ability of political and society leaders to change certain state configurations that allowed organized women's groups to work with state agencies and commissions on gender reform issues and succeed, as evidenced by the reform of the Civil Code in 1982. On the contrary, the close relationship between Church and State did not favor discussion, let alone reform of the Penal Code, particularly because of the issue of abortion.

Chapter 3

FROM "DEEPENING OF DEMOCRACY" TO DEMOCRATIC DEISTITUTIONALIZATION (1989-1998)

The process of decentralization that started in Venezuela in 1989 marked the beginning of a political transformation that involved the interaction of old and new actors trying to change the rules of the game. As stated in chapter two, the collapse of the currency in 1983 undermined the economic pillar of the political system during the Punto Fijo democracy (Crisp and Levine, 1998). The recognition of the increasing deterioration and delegitimation of the political system from that time onwards materialized in the process of state reform led by the COPRE since 1984 until the approval and passage of the decentralization law in 1988. This year, for the first time in Venezuelan history, Venezuelans elected governors and mayors through universal and direct vote during the presidential election in December 1988.

Popular candidate and president elect Pérez, won a second term in 1989 and soon after coming to office announced a package of neoliberal reforms recommended by the International Monetary Fund (Ellner and Hellinger, 2003) that sparked a violent response by the urban poor in Caracas; the social uprising of 1989 became known as the *Caracazo*. This event put in evidence the state's failure to contain protest and reconstruct the pact that had achieved democratic stability in the past (Crisp and Levine, 1995). Additionally, the social and political systems were further undermined by cracks in the military institution that led to two coup attempts during 1992 (the first in more than two decades of democracy); and the collapse of the party system beginning in 1993. The turmoil that characterized this period, beginning with the *Caracazo* in

1989, marked a watershed for Venezuela's history; explanations for this abound, surprisingly, none looks at how they affected women.

Cracks in the System in the Process of Decentralization

According to Ellner and Hellinger (2003), the chaos of the 1990s took many by surprise (p. 10), because of the belief, shared by many scholars that Venezuela was exceptional compared with the rest of Latin America. The period beginning in 1989 was plagued by conflict that included the urban poor, during the *Caracazo*, but also street protests led by the middle-class, the so-called *cacerolazos* --pot banging--(p. 10). Increased instability led to two attempted coups in 1992 directed by the military. Civilian control of the military weakened with the risk of democratic breakdown (Monaldi et al., 2006:41). In the past the political parties had managed to control the armed forces, but during the period (1989-1998) there were two failed military coups attempted by different factions within the armed forces.

Due to the degree of closure and rigidity of state structures prior to 1990, once the system started to open with the process of decentralization, new actors took advantage of the opportunities given to civil society groups to freely associate. The push came mainly from organized middle-class groups that sought to change the rules of the game. The process of decentralization attempted to deepen democracy by creating new rules of the game. The reform of the electoral laws allowed for the direct elections of mayors and governors of the different states; in addition, it was meant to make the electoral system more representative by the introduction of uninominal representation in addition to proportional representation. In 1998, the Congress approved the separation of legislative and presidential elections. This modification was done by the traditional parties to reduce "the coattail effect that a potential landslide-victory by

Chávez would produce in the legislature" (Monaldi et al., 2006:43). The congressional elections were to coincide with the regional and local elections in order for the political parties to build support from local and regional governments. This led to more fragmentation of the party system. Changes in the party system now included the emergence of less cohesive and disciplined parties and this in turn led to less partisan power for the presidents.

The decentralization policies activated federalism after the 1989 direct elections of governors and mayors. Monaldi et al. (2006:41) point to two institutional elements of federalism that changed party politics: 1) regional actors with increased competition and more arenas and possibility of re-election of governors and mayors. The traditional nomination by parties of the Congress members changed and the parties had to present individual candidates in more than 20 states and 300 municipalities. Increasing the electoral arenas allowed small parties to get candidates in Congress because of their support in the local governments.

Electoral reforms and changes in electoral rules for different elections since 1993 and later in 1998 and in 2000 eroded the control that party leaders had on the nomination procedures and weakened party discipline in the Legislature.

Examples of the rise of a number of new parties inserting themselves into the political system and building a political party organization are the following: Causa R (Cause R), Proyecto Venezuela (Project Venezuela), Convergencia-Lapi, Movimiento Quinta República (MVR- Movement Fifth Republic), Patria Para Todos (PPT-Fatherland for All), and Primero Justicia (Justice First). The latter started as an NGO and later became a political party; an example of what Salamanca (2006) calls the politization of civil society organizations (p.94). In addition, Causa R which emerged from the new labor movement (the new unionism) won the governorship of Bolivar in 1989. Causa R participated in the presidential elections in 1993 –

wining 22 % of the votes --won the mayoralty of Caracas in 1992, and the governorship of Zulia in 1996. These are, among others, some of the examples of the impact that the two decentralization laws had on the political system. [25] In addition, increased social polarization characterized this period and influenced the makeup of the political parties. For instance, Causa R and MVR drew support from the lower class marking the end of the multi-class base of political parties (Ellner and Hellinger, 2003).

Another important even was the creation of the Fondo Intergubernamental para la Decentralization-FIDES (Intergovernmental Fund for Decentralization) in 1993. This autonomous fund for decentralization was created as part of the Ministry of Planning and Development and later a law for FIDES was passed in 1996 and published in 1997. Its goal was to further the process of decentralization by promoting the development of the regional and local governments by the national government.[26]

The deinstitutionalization of political parties that started in 1993 also decreased the control that the parties had on the judiciary thus increasing the demands from civil society that called for increased access to justice and judicial independence, which the Supreme Court supported. A reform of the Supreme Court was carried out with the support from the World Bank and the Court tried to become more autonomous and took on an activist role. Monaldi et al. (2006) assert that an example of the independence of the Court was the impeachment of Pérez in 1993 under charges of corruption and the Court's decisions that failed to support neither AD nor COPEI.

Nonetheless, the event that most clearly defined this period of transformation and deconsolidation of democracy is the demise of the stable two-party system. As a result of the decentralization process started in 1989, regional leaders of the AD and COPEI parties had

managed to win the presidential nominations of their parties in 1993: Claudio Fermín (AD mayor of Caracas), Oswaldo Álvarez Paz (COPEI governor of Zulia), and Irene Sáez (COPEI mayor of Chacao); these are examples of the incentives created for new leaders to challenge the control of old party leaders. However, in 1993, Rafael Caldera, founder of COPEI, one of the political parties that belonged to the Punto Fijo Pact, abandoned the party system and ran as an independent presidential candidate on an anti-party ticket with the support of a group of small parties. Scholars agree that Caldera came to represent a break with the past (Crisp and Levine, 1995). Many analysts considered this period the one where the political crisis unraveled (McCoy and Myers, 2004) as political parties were regarded as not representative and illegitimate (González de Pacheco, 2003). It was also the end of the pacted democracy and civil organizations could now access the state without mediators.

Thus, the beginnings of the decade of the 1990s in Venezuela were characterized by transformation and flux; civil society was evidently influenced by it. García-Guadilla (2003) calls it the creation of a "new model of society," (p. 184). Changes during this period seemed to be coming not only from the state, but from society as well. The decentralization process that had started with the creation of COPRE in 1984 had given voice to other groups different from the political parties. Theses groups composed of neighborhood groups, human rights groups, and cooperatives, among others, sought to create their own mechanisms for access to the state (Crisp and Levine, 1999). As the parties progressively lost the space that they had controlled as mediators between the state and society, the state institutions began to open to new groups.

The COPRE had acted as a channel for civil society's demands and as mediator between civil society and the state. It achieved the unification of civil society organizations around one issue: democratization and decentralization of state institutions, and political consensus around

three important reforms: reform of the Organic Law of Suffrage, reform of the Municipal Regime Law, and the Decentralization Law (González de Pacheco, 2003: 4).

From 1989 until 1998 the state promoted private initiatives and channeled money to civil society organizations to carry out social programs and to strengthen their institutions. By 1998 there were 24, 628 organizations (González de Pacheco, 2003). As these organizations provided social services they wanted to take part in the design of public policies. Some examples of the work performed by civil society organizations were the community and intermediary housing organizations; the multi-homes programs; the peace justice programs; and the changes in policies for the protection of young and adolescents. In the political arena, neighborhood associations formed by middle-class urban residents since the 1960s and 1970s had coordinated efforts aimed at reform of the municipal law in 1978. The reform dictated city governments the responsibility of organizing and promoting the creation of new neighborhood associations (Asociaciones de Vecinos) (Friedman, 2000). The Escuela de Vecinos[27] (Venezuelan Neighbor's School) created in 1980 played at major role in spreading information and training on this type of neighborhood organizations and their activities extended to the national level. Queremos Elegir (We Want to Elect), a spin-off group of the Escuela de Vecinos, led a petition drive along other neighborhood associations that collected 140,000 signatures and successfully impacted the reform of the electoral laws in 1991 and continued pushing for the reform of the Suffrage Law which finally passed in 1997.

Advocacy organizations were also created. Due to the events of the Amparo and the *Caracazo* in 1989, human rights organizations such as COFAVIC and PROVEA became visible and started monitoring police forces and informing about human rights abuses.

The Impact of Institutional Changes on Women's Organizing

The 1990s saw the emergence of many women's groups. Nevertheless, even though women's organizations increased tremendously, changes in the political and economic model that characterized this transition affected women's organizing. Friedman (2000) notes how the form in which women had organized in the previous period by building "conjectural coalitions" (p. 263) and collaborating across groups and class-lines declined during the 1990s.

Some women's groups focused on research on women's issues, others offered service programs for women that included legal advice, education on sexual and reproductive rights, and the creation of women's shelters, among others. Groups created in the late 1970s and late 1980s continued working in organizing and mobilizing women from the popular sectors (such as the CESAP) and coordinating the work of women's NGOs, institutions and associations (such as the CONG).

As collaboration among women's groups declined, many women from academia and professional women were in charge of creating research groups in universities and women's NGOs and private associations that would promote legal change in gender policy as well as provide education and legal advice to women. In the view of feminist women from academia, university research groups and private professional NGOs were the locus where the struggle for legal reform took place, at least in its preparatory phases, and where the Venezuelan women's movement in general came from (Espina, 2002). Among the most important research groups founded during this period (1989-1998), there are the CEM (Centro de Estudios de La Mujer, Women's Study Center) created in 1992 in the Universidad Central de Venezuela, the CISFEM (Centro de Investigación Social, Formación y Estudios de la Mujer- Social and Educational Research Center of Women Studies) a non-governmental organization created in 1992; and the

GIGESEX a women's research group created in 1997 in the Universidad de Los Andes. Women members of these groups participated in the process of gender policy reform by working on draft proposals of several of the laws passed during this period (1989- 1998) and by offering advice to state commissions and women inside the state institutes or commissions working on the process of gender policy reform.

For instance, Gioconda Espina, became a member of the CEM after participating in the CONG created in 1985 to coordinate more than 25 women's NGOs; Vicki Ferrara, a member of the GIGESEX, became the coordinator of the Red Universitaria Venezolana de Estudios de la Mujer (REUVEM- Venezuelan University Network of Women Studies) which coordinated meetings among women in academia to discuss women's issues. Equally important for the process of gender policy reform during this period was the constant effort of private organizations conformed of women lawyers, sociologists, psychologists, and journalists, such as the afore mentioned FEVA (the Venezuela Federation of Women Lawyers), which played a crucial role in reinvigorating the women's movement around the reform of the civil code in the mid-1980s (Friedman, 2000). During the 1990s, FEVA worked on the draft proposal of Title VI of the Organic Labor Law, the Law of Equal Opportunities for Women (the LIOM), and the Law on Violence against Women and the Family alongside the CONG until the latter finally dissolved in 1990 (Espina, 2000).

The civil organizations AVESA and PAFLAM, created in 1985 and 1986, whose goals have been to provide education on women's sexual and reproductive health and domestic violence, offer legal advice to battered women, and promote the creation of university courses on women as well as the establishment of a program for raped women, increased their efforts at reaching out to women. Equally important in the area of domestic violence was the work of

FUNDAMUJER, a non-profit organization created in 1992 to prevent domestic violence against women; to offer support to the Casa de la Mujer of the Libertador Municipality (a women's house) as well as to disseminate information and raise awareness on women's issues, assist and educate women on how to prevent domestic violence.

In addition, mobilizing organizations such as CESAP (created in 1973), created a women's program for the empowerment of poor women and began the creation of the so-called Feminist Popular Circles (CFP). Likewise, it launched the initiative, together with other NGOs, for the creation of women's houses (Casas de la Mujer) in different states in the country to provide legal advice, health, and education to poor women. The work of the CFPs is illustrative of the decline in women's group's collaboration across class-lines. Poor women in the CFP struggled for basic needs with little help from the middle-class activists (Friedman, 2000: 263).

Similarly to the previous period, after 1989, the creation of state commissions served to channel the demands of different actors of civil society, especially those of women's organized women's groups. In June 1989, some civil society organizations participated in the Comisión Bicameral Especial (Special Bicameral Commission) to review the 1961 constitution trying to channel the people's discontent with the political parties; the CESAP, the Centro Gumilla and the Public Law Foundation (Fundación de Derecho Público) created a proposal to call for a National Constituency Assembly (Asamblea Nacional Constituyente) that, despite the lack of Congress approval at the moment, counted with the support of many people and some party leaders (González de Pacheco, 2003).The effort of making deep constitutional changes was crystallized in 1999 with the writing of a new constitution.

In contrast, according to activists feminist women's organizations in Venezuela, the creation of the Bicameral Commission for the Rights of Women in 1989 (Comisión Bicameral

para los Derechos de La Mujer) was a major success for women during this period in terms of legal reform. The commission had a broad mandate that included the improvement of the existing laws, the creation of new laws promoting the equality of women, the support for NGOs working for the defense of women's rights, and the legal advice of people in need. The life of this commission, which lasted until 1999,[28] was very effective in terms of the gains achieved for women. Among the most important ones are the passage of the 1990 partial reform of the Organic Labor Law in its Title VI that refers to the complete protection of pregnant women from being fired; the 1993 Law of Equal Opportunity for Women; the Approval law of the Convention Belem do Pará, to prevent, punish, and eradicate violence against women that influenced the passage of the draft project of the Law on Violence against Women in 1993; the approval of Article 144 in the 1997 reform of the Suffrage and Political Participation Law to allow for women quotas for political participation; and the passage of the 1998 Law on Violence against Women and the Family (García Prince, 2007).

The Impact of Institutional Changes on the Policy-making Process

Institutional changes beginning in 1989 led to changes in the policy-making process. In contrast with the previous period of a small number of stable actors that used cooperative arrangements, this period was characterized by multiple actors, high electoral volatility, and institutional instability (Monaldi et al., 2006:39).Therefore it was hard to generate cooperative agreements, sustainable reforms, and long-term policy commitments.

Modifications of the legislature's electoral system of a mixed system that includes a portion of proportional representation meant that although the system remained proportional, a portion of the legislators were elected in electoral districts by plurality establishing a personal

electoral connection between the elected official and the constituency. This weakened the power of traditional political parties and national party leaders (Monaldi et al., 2006). These changes also increased party fragmentation and volatility (Venezuela went from being the least fragmented party system with an ENP[29] of 2.6) to being the third most fragmented in Latin America (after Brazil and Ecuador) with an ENP of 4.7. In terms of party volatility, Venezuela went from the least volatile to the second most volatile country in Latin America (second to Peru).

Therefore, according to Monaldi et al. (2006), changes in the policy-making process during this period included more players, volatile key players, and a more prominent role of the Legislature and the Judiciary as the role of the political parties and corporatist groups declined. These changes were accompanied by a decrease in the predominant role of presidents and a growing key role of regional actors due to decentralization policy (Monaldi et al. 2006:40). Transaction costs increased, now among more players, more open, in a conflictive arena, making it hard for the players to commit. However, due to the decline of the political parties, the role of the legislature increased. Party leaders failed to make deals outside of Congress as before (among the so called *cogollos*). So, during this period 26% of all the laws were initiated by the Legislature, which represented an increase of 50% compared with the previous period in which 85% laws were initiated by the Executive and only 13% from the Legislature.

Apart from the changes mentioned before which included more players, less consensus, and less power on the part of political parties, other changes that took place within the Legislature are, in my opinion, the most important for the ability of women to impact state gender reform. These included less disciplined and more specialized legislators. This meant that those legislators who were now elected through direct vote could become more specialized in

issues that their constituencies demanded (Paravisini, 1998 and Crisp, 2001 in Monaldi et al., 2006). The process itself changed as key legislation had to be negotiated with other actors outside the political parties including regional actors. This implied that legislators were more independent from the interests of the parties and even splitting from the parties that nominated them. In terms of its influence on women, some women activists argue that women's issues were now being discussed in the legislature, in addition to the discussions led by research groups in universities and in women's NGOs.[30] In fact, the discussions on women's issues inside the legislature were usually informed by what women in academia and NGOs were able to contribute through the women's commissions. The dynamic between the women's groups and the legislature is important in terms of the decision-making process because, in general, feminist women's perception is that legislators lack knowledge of women issues, even if they are women; which is one of the causes explaining lack of gender legislation. In other words, according to many feminists, the reasons explaining what hinders gender policy reform stems from the lack of knowledge of gender issues by those in parliament along with the lack of commitment with gender issues of women members of parliament or lack of solidarity with advancing women's rights (García Prince, 2005:107).

Equally influential were the changes that took place in the Executive branch. During this period presidential powers were substantially reduced with the introduction of direct election of governors and mayors. Presidents lost control of part of the budget (the allotment of resources sent to the regions) and they were no longer able to dismiss or appoint governors (previously a strong negotiation tool according to Monaldi et al., 2006:43). As presidential power declined, the president had less influence in the legislative process, this time only 74 % of legislation was initiated by the Executive (as compared with 85% in the past).[31] Nevertheless, some argue that

these changes in the executive did not favored women altogether as it seemed to lower Executive commitment with (and influence on) women's groups and gender issues.

The Impact of Decentralization on the Institutionalization of Feminist Politics

The process of decentralization in Venezuela started in 1989 and affected social policy in the 1990s (Navarro, 2000). The reforms included new programs from the state and new initiatives in the areas of health and education. Before 1989, the state provided all social services through the centralized administrative structure of the state. A very important characteristic of the decentralization process was that actors of civil society and the private sectors started working with or beside the local governors and town councils.[32]

Paradoxically, although invisible from most analysis of Venezuelan civil society, organized women's groups were among the civil society groups that managed to impact state policy by forming a broad and important women's movement. As García-Guadilla (2003) describes in the process of evolution of civil society since 1958 "social organizations and movements developed new identities, conceptions of citizenship, and social projects that occupied political spaces and developed new strategies to interact with the state" (p. 179). They became real actors as part of the process of decentralization beginning in the 1980s and they finally achieved the inclusion of their demands into the national agenda during the National Constituency Assembly in 1999 as will be made evident in the following chapter.

Nonetheless, the process of decentralization that had just begun was negatively affected by the economic crisis that ensued in 1983 and that by 1989 could not be contained anymore.[33] The economic crisis was particularly harmful to the women's commissions that had proved to be the most influential channel for women to impact gender policy reform. Nonetheless, organized efforts by women succeed in maintaining the institutional mechanism.

After taking office in 1989, Pérez eliminated the COFEAPRE together with the Ministry of Family and Youth in an effort to shrink the state as part of the neoliberal measures imposed by the International Monetary Fund (Friedman, 2000; Chávez, 1994).[34] However, under the pressure of women from his party AD, President Pérez re-established COFEAPRE the same year and added another agency to the Women's Office in the Family Ministry (Friedman, 2000). In addition, Pérez named long-time feminist activist from his AD party, Evangelina García Prince, as the minister of the Family and Youth in 1991. García Prince's major focus was on policies addressed at reducing domestic violence, teenage pregnancy, and breast and uterine cancer, as well as legal reform directed at revising the discriminatory articled of the Penal Code (Friedman, 2000).

Although the second COFEAPRE had a higher status than the previous one, it had also been established by presidential decree which made it vulnerable to changes in the Executive branch. The role of the second COFEAPRE was to assess women's legal, economic and social conditions, monitor cases of discrimination, and advise state and private agencies on the formulation of gender-sensitive public policies (Friedman, 2000). In 1992, COFEAPRE and the Ministry of the Family and Youth were eliminated as part of the austerity measures of the Washington Consensus. Nevertheless, under pressure from members of the CONG, the Women's Council (CONAMU) was created in 1992, as an autonomous commission under the support of the Presidential Secretariat, whose work was coordinated with that of the other ministers (labor, education, and family, among others). However, due to the negative impact that the economic crisis had had on the stability of women's agencies, women inside and outside the state had began to work a proposal through the COFEAPRE for the establishment of a women's agency by law which would guarantee the continuation of such an institutional benefit regardless of

changes in the Executive branch. The law finally passed in 1993 Law on Equal Opportunity for Women (LIOM) creating the Women's Institute (INAMU), but the implementation of the law lacked supporters from all sides, women's groups and the Executive (Friedman, 2000).

Therefore, CONAMU continued working on women's issues in spite of the law that called for the creation of INAMU. CONAMU led to creation of decentralized commissions to carry out the policies of CONAMU, at the local level (municipalities), led to a myriad of Women's centers by 1993 in many states of the country in charge of providing services to women. However, the centers became with time co-opted by the local leaders who used them as providers of social services that the state could not provide. They reportedly turned centers into partisan tools of the mayor and his relatives (the mayor's wife, relatives, and friends); the mayor's wives began running the centers as a means to bolster the political careers of their husbands, or used them in a clientelistic manner by appointing family members as staff of the centers to pay political debts (Friedman, 2000:259). This author claims that the co-option of the women's centers was the result of the process of decentralization and the lack of organization and willingness of their members to use the centers as means of empowering women. In fact, in spite of the leadership of the Minister herself, Evangelina García Prince (AD), in creating a network of women's NGOs in connection with the women's centers, the network was not as active as expected because they lacked organization and commitment. In addition, they were not autonomous organizations, but rather initiatives imposed top-down from the minister herself (Friedman, 2000; García Prince, 2000).

In terms of political participation, according to Merz Repem (2005), the direct election of governors did not have a positive impact on women achieving more positions of decision-making such as that of governors in the administrations that followed the decentralization policy.

It was only when the women's quotas became a reality in 1998 that women's political participation was positively affected, as will be shown below.

The Institutionalization of Feminist Politics and Gender Policy Reform

During the period 1989-1998, the creation of the Bicameral Commission for the Rights of Women in 1989 was among the main achievements in terms of formulation and passage of women's legislation. The commission was created in order to carry out three main activities: a) improving the existing gender legislation and promoting new laws on gender equality; b) supporting non-governmental organizations working on the defense of the rights of women, children and the family, and c) offering legal advice to people (García Prince, 2007). In spite of the short-lived activity of the commission, which disappeared when the 1999 Constitution dissolved Congress and created a National Assembly, feminist women attribute to it many of the legal achievements made during this period.

The important role played by the legislative commission in the passing of legislation on women's issues was also the result of the work of organized women, especially women's effort and activism directed to presidential candidates as well as Congress in the form of proposals to be included in the presidential agendas or laws to be discussed in the legislature (García Prince, 2005). As stated before, presidential candidates seemed eager to include women in their presidential agendas and once in power to create state offices for women in exchange for political support from women from their parties. In turn, women did not hesitate to put pressure on presidential candidates in order to fight for what they considered an essential structural resource: state commissions on women's issues, women's agencies, ministries, and offices (Friedman, 2000). In addition, women organized street protests when necessary to pressure

Congress or state ministries and offices. In fact, all these commissions created during this period were considered the result of a concerted effort between organized women in civil society and women inside the state (García Prince, 2007).

In terms of the achievements by women inside of Congress, the Bicameral Commission on Women's Rights illustrates a mechanism created with the purpose of representing women inside the Legislature, an idea first presented by a women senator in order to monitor women's issues (Friedman, 2000). The Bicameral Commission was led by the former Minister of Family, Evangelina García Prince, and it worked with the proposals advanced in Venezuela, as well as other Latin American countries such as Mexico, Costa Rica, Nicaragua, Chile, among others, that included an international legal framework on women's rights. However, in the approval of specific laws, women's groups' participation was crucial in the form of direct lobby and advocacy of legislators (García Prince, 2005:104). In sum, among the most influential factors with a positive impact on the debate and approval of laws that protect and advance women's rights were the parliamentary commissions; the initiatives emerging form the Executive Power, which gave extra leverage to the work of the commissions; and the direct action of organized women's groups (García Prince, 2005). The following illustrates the success and the challenges in gender policy reform during 1989-1998.

Labor Rights

In 1990, the passing of the partial reform of the Labor Law in its Title VI brought about the complete protection of pregnant women from being fired. The reform of this law is believed to be among the most successful ones because it is consistently implemented.[35] Labor legislation removed the unwarranted discrimination against women while enhancing legal maternity

protection and extended employer-sponsored child care protection for all children under six (Friedman, 1998, Friedman, 2000).Title VI on the Labor Protection of Maternity and the Family of the Organic Labor Law establishes, among other things, that the employer cannot ask a woman for medical exams to determine if she is pregnant before she is hired (article 381); a pregnant woman will maintain her job during pregnancy and a year after giving birth (article 384); paid maternity leave include six weeks before giving birth and twelve weeks afterwards and the right to keep her job after giving birth (article 385); during the breastfeeding period, women have the right to take two half-and-hour- to one-hour-breaks a day to breastfeed the baby (article 393).[36]

The reform was the result of the sponsorship of the Bicameral Commission on Women's Rights and the work of organized women outside the state (such as CONG). According to Espina (1994) and Friedman (2000), the CONG supported the work of the commissions inside the state and the push for reform from party leaders and female members of the CTV (Venezuelan Workers Federation) by organizing street protests and picketing in front of Congress every time there was a debate on the proposed reform to the labor law. Gioconda Espina, founder of the CEM (Centro de Estudios de la Mujer), a feminist research group in the Universidad Central de Venezuela, the Area of Women's Studies at the College of Economics of the same university and the CONG),[37] was among the women involved along with Giovana Merola and Lisbeth Guerrera, who were members of other feminist groups and organizations (feminist group *Miércoles* -- Wednesday, and *La Mala Vida* magazine[38]-- *the Bad Life*, among others).[39] Espina eventually left the feminist group, and continued writing for the magazine and increased her participation in the CONG in order to include more women under this umbrella organization.

During this period, organized women participated in workshops on the reform of the Labor law organized by the Minister of Family and Youth. Gioconda Espina's work on the draft project of the Labor law was as crucial for the success of the reform in 1990 as the minister's support was instrumental. Nonetheless, some argue that because the law approved did not achieve the economic protection of domestic workers, working-class women joined working-class men in order to fight for worker's rights abandoning the united struggle for women's agenda (Wagner, 2005).

According to Friedman (2000), women's groups in general were not the ones united behind the process of reform of Title VI of the Labor Law, only feminist activists were. Therefore, after the law was approved, only organized feminist women were present at the Second Congress of Women sponsored by the Minister of Family and Youth in 1992 which gathered 2000 women who brought up topics that had never been discussed before, such as gendered relationships of power, politics, economics, professional organizations, violence on women, among others (Friedman, 2000). According to Espina (2000) the Women's Congress was an example of the lack of connection between feminists and the majority of Venezuelan women.

On the one hand, women consider the feminist group to be an elitist group; a core group of women rather than a real women's movement (García Ramirez, Rosillo, and Valdivieso, 2005). On the other hand, feminists think that most women are not committed to the "feminist agenda" [40] and for that reason, what really matters is not whether the group includes all women in Venezuelan society, but the fact that it includes women whose commitment to the feminist agenda is real and who can unite to impact gender reform (Espina, 2007).

Overall, in terms of the process of passage of the labor law, the convergence of interests and effort of women inside the state and organized women outside the state, proved positive for the reform to pass. The existence of state bureaucracies and commissions and organized groups of feminists involved in the process of reform, preparing proposals, presenting them for discussion inside the legislature and pushing from outside with lobby to Congress and street demonstrations resulted in the passage of a law whose quality, according to women involved in the process of reform from the beginning, is considered high because it represents an important step in advancing women's rights at work and ending discriminatory practices directed at women. In regards to the reform of the Labor law, Espina thinks "it is the most important law because it is consistently implemented. The other laws are not implemented because of lack of state organs to implement them."[41]

Gender Equality

The 1993 Law of Equal Opportunity for Women (also referred to as the LIOM, for its name in Spanish), its elaboration, legislative approval, and promulgation illustrates another successful step taken in the promotion of the rights of women since they achieved the right to vote in 1947. The passage of this law also supported the subsequent changes in gender issues during the period between 1989 and 1998. García Prince (2005) provides the best updated analysis of the Law of Equal Opportunity that focuses on its characterization, its impact on legislation and public policies concerning women, and its deficiencies.

García Prince (2005) recognized the positive impact of the 1989 appointment of a woman for the post of Minister of the Family and Youth and President of the Second Women's Advisory Commission to the Presidency (the second COFEAPRE) by the state. The Law of Equal

Opportunity for Women was among the goals of the minister and the Commission The law promulgated by decree of the Congress in 1993 promoted equal opportunities for women and banned women's discrimination. It contained seven titles and sixty nine articles that dealt with gender equality, equality in the access to education, women's labor rights, as well as women's political, economic, and social rights. In addition, Title III of the law called for the creation of the National Institute of Women established its constitution, objectives, and organization; its main objective being the planning, coordination, execution, and evaluation of policies and matters related to women's conditions (this institute was later transformed in the INAMUJER in 2001). Finally, Title IV allowed for the creation of the National Defender of the Rights of Women to monitor the application of the laws in women's rights.

According to García Prince (2007), one of the leading Venezuelan feminists involved in the process of approval of this law and Minister of Family and Youth at the time, the law was basically a program, which meant that it was not properly a law about rights, but more about what the state planned to do to protect women's rights. In the cases where the law refers to specific rights (in education, political participation, health, economic rights, and so on), the definitions are incomplete and vague. It seems to follow the lines of the documents that served as a base for it: the CEDAW, which describes some rights very broadly, but focuses on the responsibilities of the states to create them. For instance, the chapters that deal with women's equal rights to education (Articles 8, 9, and 10), labor rights (Articles 11 to 17), and political rights (Articles18 to 24) seem to be only programmatic in the sense that they do not substantiate the importance of these rights, but rather the obligation of the state to promote them. Similarly, the articles that refer to the economic rights of women (Articles 25 to 38) focus on the responsibility of the state to provide women access to the means of production, credits, housing

and so on, with especial interests on rural women. Feminist activists interviewed for this study also argued that the law suffered from structural problems that made it impractical; no one knows about the law and it is never implemented.[42] Friedman (2000) asserts that the law was an unnecessary, ill-prepared law proposed by a feminist *adeca* who forced it through Congress in an effort to demonstrate her importance as a women leader. [43]

In a detailed report on the impact of the law in Venezuela, García Prince (2007) points to the vagueness of the law in terms of stating who is the agent responsible for implementing the law or making it possible for women to achieve the rights it contains. An interesting observation by García Prince (2007) refers to the identification of the institutes, agencies, and organizations of the state that are in charge of the implementation of the law; these have either disappeared, changed names, or been replaced by others. This fact contributes to serious legislative flaws in the law that together with the lack of reference to the implementation agent, make the law impractical. In this regard, Espina adds that the LIOM is an example of a common feature of some women's laws passed and approved in Congress; "they tend to be unrealistic because of the lack of knowledge of those involved in the process of decision-making; meaning those who proposed them and those who approved them."[44] In addition, fifteen years after its approval, women assert that the law is unknown by the majority of women, which makes it also ineffective.[45]

García Prince (2007) summarizes other problems of the law in terms of the following: a) language, b) conceptualization, and c) interpretation. First, the law contains an andocentric bias found in the language used in the content of the law, for instance the use of *he* as the generic subject throughout the whole text (even when Spanish uses *she* to refer to women in the singular

form). Many feminists take issue with the use of male adjectives and pronouns to refer to women, because Spanish distinguishes between male and female forms of the same adjective/ pronoun[46]. Second, the law treats pregnancy as equal to illness, and maintains the idea that pregnancy is a natural condition of women (instead of a right that depends on the will of women (or women and their partners). Finally, it is plagued with deficiencies in the definitions of the agents which make it hard to be interpreted by the institutions in charge of implementing it (which in turn, as mentioned above, are not specified either). Similarly, according to García Prince (2007) the law is inaccurate in relation to what is understood as "equal opportunities" for women: the answer varies from the exercise of the rights of women to the guarantee by the state of the rights of women, to the provision of a complete social security system for women, to the recognition of women's equality before the law. In other words, the law is unclear on what is meant by the provision of equal opportunities for women at the same time that it omits the political rights of women contained in the CEDAW convention which served as basis for its proposal.

On the whole, although considered a step forwards in advancing women's rights and achieving gender equality, the substantive weaknesses of the LIOM have resulted in a law that exists on paper, little is known about it, and is unrealistic, which means it would need to go through a process of revision and reform in order to make it applicable. As will be shown in the next chapter, the LIOM was partially reformed in 1999 in order to adapt to the changes in the new administration.

Social Security

There is consensus among the feminists interviewed for this study in regards to the Organic Law of Social Security approved in 1997 that few people know about it.[47] It was promulgated by the Caldera administration (from the COPEI party) according to suggestions made by the World Bank, the International Monetary Fund, and the Inter-American Development Bank (Salcedo, 2007). Among the most relevant changes to the law, we find the privatization of the funds of the social security, increasing requirements to access the service, and the elimination of the Venezuelan Institute of Social Security (IVSS). However, with the transition to the new government in 1998 and the writing of the 1999 Constitution, the Chávez government found the 1997 law to contradict the national interests and the government's vision of the social security included in the 1999 Constitution; five *vacatio legis*[48] were applied to the law until a new law was formulated in 2002; it will be discussed in detail in the next chapter.

Political Participation

The reform of the Organic Law of Suffrage and Political Participation in 1997 (Official Gazette 5.200) opened a new window of opportunity for women to increase their participation in politics to decision-making positions where women have always been underrepresented. The women organized to introduce women's quotas was to take the opportunity of the favorable political climate of 1997 (Merz Repem, 2005). As described above, the country was working towards the process political and administrative decentralization. Women's groups used this climate and gave the proposal to the state Women's Council CONAMU that counted with the support of the Bicameral Commission for Women's Rights. They also gathered 20,000

signatures to support the proposal introduced during the discussion of the reform of the law of suffrage and political participation. The inclusion of Article 144 in the law established a woman's quota of 30% minimum in the lists of the political parties of candidates to political posts at the national, municipal, and parish level. However, as in the case of the Law of Equal Opportunity for Women, article 144 of the law of suffrage and political participation did not specify how to include women in the electoral lists, and most women ended up at the end of the lists with less opportunity to be elected (Merz Repem, 2005). The actual proposals submitted by organized women during the process of reform contained the inclusion of 50% of women in the electoral lists of the political parties; however, the legislature approved only 30% (Merz Repem, 2005).

As in other cases where the laws approved have been part of international efforts to achieve gender equality, the women's quotas were part of a commitment made by the Venezuelan state at the IV World Conference on Women in Beijing in 1995. The goal was to achieve equal representation of men and women with parity in power. In a follow up study done in Venezuela by Merz Repem (2005) ten years after the Beijing Conference, she described the impact that the 30% quota had on the increased access of women to positions of power within the state institutions as well as other political and social organizations that play a role in the decision-making process. Merz Repem (2005) evaluated the period from 1995 to 2003 and the implementation of the 1997 Suffrage and Political Participation Law in the light of the Law of Equal Opportunity for Women and their impact on the achievement of gender equality in Venezuela.[49]

Merz Repem (2005) found that compared to 1995, before the introduction of the quotas, the implementation of the women's quotas dramatically increased women's participation in

power positions after 1995. Between 1995 and 1998 there were more women in parliament because of the application of the quotas in the 1998 legislative elections --and there were only 2 women ministers out of 23 ministries appointed by the President. In terms of the political parties, only AD and MAS included women's quotas of 20% (30%) and 25%, respectively, while COPEI refused to change its internal norms. Changes in women's quotas positively influenced the participation of women in the Executive Board of the AD and MAS parties.[50] In addition Merz Repem (2005) observed increases of women representation in the posts for Congress, ministers, and in state and municipal councils. However, the increase cannot be regarded as significant, according to this author considering the fact that women's representation decreased in posts such as mayor, political parties, unions, and as magistrates in the Supreme Tribunal of Justice (TSJ). Moreover, women have usually held ministries with women-related roles (such as ministry of family, of women, of youth) reinforcing the idea of women's domestic role; in regards to the municipal councils, women have been able to hold more posts here because they have been more involved in the community associations and because the State has had less power at that level. Put simply, women's increased political participation at the municipal level and in some ministries might be explained by the perception of women's crucial role in the family and because of women's involvement in community associations and not by the application of women's quotas.

In her study, Merz Repem (2005) concluded that in the light of the two laws passed in order to increase gender equality (the LIOM and the Organic Law of Suffrage and Political Participation), the Venezuelan state has shown very little political will to create an egalitarian society. She affirms that women's organizations are the ones pushing for legislation reform in gender issues but their efforts have not been matched by the efforts of the state (2005:142). Her

results confirm previous studies by Friedman (1998; 2000) and a recent study by Llanos and Sample (2008): Venezuelan state institutions are still patriarchal in nature and in the particular case of political parties, they are not only resistant to renovating their leadership, but remain rigid institutions that represent an obstacle for women's political participation. Women interviewed for the study expressed that the lack of implementation of Article 144 of the Suffrage and Political Participation Law in the 2000 national elections shows the inability of women to defend their rights vis-à-vis the state institutions; this will be discussed in the next chapter

Violence against Women

In 1998 the Law on Violence against Women and the Family was passed achieving a major change: violence against women was regarded as a crime. Nonetheless, the law was meant to rule on domestic issues of violence against women only. Evangelina García Prince, María Cristina Parra, and Lisbeth Guevara introduced the draft proposal of the law titled "Domestic Violence and Sexual Harassment" through the COFEAPRE right before it disappeared in 1989. Later, when the commission was eliminated, its successor CONAMU, created in 1992, sponsored a commission made up of several NGOS to improve the draft proposal (Suárez, 1999).

García (1999) argues that women united towards the end of the 1990s to fight against discrimination, violence (domestic and sexual), and the feminization of poverty, among other issues. The international legal framework was used as a base for the proposals made by organized women. The existence of international declarations, treaties, and conventions for the protection of human rights, gave the women's movement the infrastructure needed to support their struggle for the rights of women. Venezuelan women's movement and women's NGOs

worked actively to get the state to ratify and commit to the international instruments (García, 1999). At the international level, the IV Conference on Women in Beijing in 1995 and the NGO forums, whose goals were to evaluate the obstacles for women's equality in all aspects: decision-making, health, education, violence, and human rights, were particularly important in informing women's discussions and proposals as well as calling on states to implement affirmative actions mechanisms for increase women's participation in all areas mentioned above.

At the national level, the commission appointed by the CONAMU presented the draft bill to Congress in 1996 and counted with the support of the Bicameral Commission on the Rights of Women and the CONAMU. Members of the CONAMU and the Bicameral Commission were in charge of pushing the proposal, and NGOs led a petition drive that collected 20,000 signatures of citizens who supported the idea that domestic violence was a crime. Because of the fear that, due to the impending presidential elections of 1998, the discussion and approval of the law would be left out of the legislative period, a coalition formed to campaign (through the printed media and communication media in general) in favor of the passing of the law, which was achieved in August 1998 and entered into force in January 1999. The coalition of women's groups that formed around the passing of the 1998 Law against Violence against Women and the Family included many organizations that had become service providers for women, AVESA, the Liga Feminista de Maracaibo, the Women's House Juana Ramírez, the Women's House in the Federal District, the CONG, and CISFEM. Theses organizations had made the issue of domestic violence visible during the late 1980s. In the 1990s, the effort of these groups with the support from Bicameral Commission, the CONAMU, the women from the political party MAS, and the FUNDAMUJER, supported the discussion in Congress of the issue of violence. Other groups that formed part of the coalition behind the reform included the, CIM, FEVA, CEM-UCV,

CONG, UNCEF, CFP, and the Minister of Justice (Suárez, 1999) and private organizations like FEVA, AVESA, and PAFLAM. [51]

In regards to the process of reform on violence against women, women from the CONG would work on women's issues and propose changes and reforms discussed among them that they would later discuss with the, women working inside the state institutions and committed to the feminist agenda, the so called femocrats (Rakowski and Espina, 2007). This way of working illustrates the process of most gender policy reform in Venezuela; the most important locus of discussion of women's rights was not the legislature, but the university research groups and the NGOs of women. In addition, it shows the ability of organized women to build coalitions among themselves (because of some implicit pact) regardless of political affiliation. Discussion of this type of forums has been the norm among feminists involved in the process of gender legislation. Women interviewed for the study claimed that apart from the legislature, women in research groups in universities, NGOS, political parties, forums in universities such as the *Cátedra Libre Manuelita Sáenz* would meet to discuss reforms and proposals on gender legislation.[52] The ability of women's groups to form coalitions of women to push for legal reform and build networks among women from inside and outside the state is referred to as the institutionalization of the women's movement; which according to Garcia Ramirez, Rosillo, and Valdivieso, (2005) has allowed women to continue achieving legislative gains for women (p. 130).

In terms of the nature, achievements, and weaknesses of the Law on Violence against Women and the Family, Suárez (1999) offers a detailed account of the opinion of Lisbeth Guevara, one of the drafters of the law and Coordinator of the commission assessing CONAMU. Guevara asserted that the law had a constitutional nature and described it as conciliatory, preventive, penalizing, and educational (in terms of aiming at controlling and eradicating

violence) (Suárez, 1999). Among the most important aspects of the law, Guevara mentioned the treatment of a threat as a crime, the inclusion of preventive measures to protect the victims and the ability to request the aggressor to leave the house or take the women to a shelter for 72 hours. In addition, it established the following bodies to receive and process the complaints: the peace and family judges, the town halls, the prefectures, the police stations, and the Public Ministry. In addition, article 32 called for the creation of specialized offices to receive complaints (Suárez, 1999).

Among the problems observed by Guevara were the lack of education on gender issues by those receiving the complaints, the victim's lack of access to justice due to the high cost of lawyers, and the lack of personnel who specializes on gender issues. In addition, those receiving the complaints sometimes did not apply the law and referred the victims to other entities or disregarded the importance of threats in comparison with signs of physical aggression. Last, but not least important, is what Suárez (1999) considers a problem that derives not from the political will of political leaders, but from the weaknesses of the institutional responses to domestic violence in Venezuela. In spite of the passing of the law and the creation of governmental organizations (and many non-governmental organizations) to deal with domestic violence, the stage of implementation was delayed because of the changes in the political leadership of the country. As with other laws on women (or any other law for that matter), the projects and plans derived from the law were not transformed into policies due to changes in the leadership of the state institutions involved in the issue of violence at all levels. In addition, the assignation of little budget and personnel to implement the law combined with the lack of continuous policies from one government to the next, and the lack of data available to determine the status of women, resulted in an implementation phase plagued with inefficiency.

To sum up, in terms of the legal gains of the 1989-1998 period we can say that it was very significant in terms of legal change. The reforms achieved shared a collective consensus to push the state to commit to the international legal framework for women's rights in order to impact national legislation. However, only three of the laws passed were the result of a sound and informed process of law-making by women outside and inside the state (in research centers and NGOs and in state bureaucracies and commissions): the partial reform of the Labor Law in its Title VI, the Suffrage and Political Participation Law, and the Law on Violence against Women and the Family. In contrast, there is consensus among the feminist activists interviewed for this study, as well as the academic articles written on this topic, in regards to the Organic Law of Social Security and The Law of Equal Opportunity for Women, in that there is little knowledge about the laws and they are never implemented. [53] These two laws reflect a common practice by some women inside the legislature whose interests are not based on the content of laws that really benefit women, but on their own personal interests thus making proposals of laws that are either impractical or plagued with deficiencies or by derailing the passage of laws that are really needed for women to advance their rights. This phenomenon is documented by Friedman (2000) and referred to as the actions of instrumental feminists; women whose real interest in promoting gender laws is advertising their own political decision-making power.

Women's Groups Activism during Democratic Deinstitutionalization

As shown above, during the period of democratic deepening, and subsequent deconsolidation, key women participated in the process of gender policy reform. Although the Venezuelan women's movement has been heterogeneous and plural, organized women made efforts to maintain a united women's movement mobilized around a common feminist agenda.

One characteristic of the Venezuelan women's movement is the fact that the women leading the changes have been involved in politics in contrast with other countries where the initiative has come only from civil society groups outside the state (García Prince, 2003). According to García Prince, the women who have struggled for advancing women's rights in Venezuela have been those involved in the political process of the country, with links to the political parties. In addition, women from academia, professional women in NGOs, and women in popular organizations have participated in this struggle working from their different disciplines in academic and professional circles as well as neighborhood associations. Each group has contributed to support the process of reform and to push for change.

Women have framed the issue of gender inequality as an issue of human rights that deserves the attention of the public sector and the creation of public policies by the state. In addition, women inside and outside the state have lobbied at the national and international level for the creation of a legal framework that eradicates, prevents, and sanctions the discrimination of women at all levels. In terms of women's group's strategies, their reliance on international human rights treaties and conventions to push for gender policy reform constitutes an example of women's groups framing capacity to mobilize support and legitimize their campaigns.[54] During this period, activist women were successful in identifying the problem of gender inequality affecting women's political participation and gender violence as a violation of women's rights which materialized in passage of the partial reform of the Labor Law in its Title VI, the Suffrage and Political Participation Law, and the Law on Violence against Women and the Family.

In addition, many of the women's NGOs that participated in the coalition behind the reform of the Law on Violence against Women and the Family have come to fill the vacuum left by the State by playing the role of service providers for women; they have provided women psychological, medical, legal help in the area of domestic violence, sexual violence, and women's reproductive and sexual health. In these areas, women's NGOs were and have been instrumental in the education and formation of key sectors of society that deal with domestic violence, sexual violence, and women's reproductive and sexual health (Muñoz, 2002). Their work as service providers during this period played a key role in the education of lawmakers and others involved in the process of gender policy reform as they joined in the advocacy coalitions to lobby Congress.

Support for this is offered by García Prince (2005), who states that the most popular and significant women's groups committed to the development of laws that are gender sensitive are the women NGOs and the women's research centers. Among the most important women's private organizations we find FEVA (established in 1956 and restructured in 1965), AVESA (1984), PLAFAM (1986), and FUNDAMUJER (1992). In addition, research centers/groups such as the CEM and GIGESEX[55] also provided service to women in the area of gender violence, prevention of unwanted pregnancy, promotion of sexual and reproductive rights of women. In regards to the service provided by these organizations, FEVA (the Venezuelan Federation of Women Lawyers) has contributed to the legal advice of women in all areas of women's rights. AVESA has focused mainly on education to prevent and deal with problems related to sexuality; it has worked in the area of sexual education, gender violence and reproductive and sexual health.[56] PLAFAM is part of the International Parenthood Federation and focuses on offering education, medical and legal help to poor people in the area of sexual and reproductive health of

women, men, and teenagers.[57] FUNDAMUJER was created in order to support the work of a Women's house in Caracas in the area of gender violence; it has now become an organization in charge of informing, educating, sensitize the population on issues related to violence against women. In addition, FUNDAMUJER provides training of professionals dealing with battered women (social workers, nurses, doctors, judges, and lawyers). Since its creation, FUNDAMUJER has established links with other organizations (AVESA and CEM) and has provided advice to state agencies and commissions.[58]

Finally, the cooperation that existed between women from civil society organizations (and women's studies centers) and the state agencies in charge of promoting public policies for women contributed to the successful passage of important laws advancing women's rights. As García Prince (2005) states, parliamentary commissions on women's rights have played a significant role in gender reform as they are a significant bridge and connection for women outside the state to put women's issues in the legislative agenda for public discussion; these commissions are really strategic in the struggle for achieving equality as established in the constitution (p. 108).

Analysis

The process of decentralization, mainly electoral, put in place in 1989 transformed state-society relations in the 1990s. It changed the rules of the game and opened the door to diverse actors of civil society to the decision-making process; middle-class women were among these groups. The period 1989-1998 was characterized by political instability caused by the economic and political crisis of the system.

Institutional Variables

The deinstitutionalization of the party system was in part a product of the political and economic crises; but it was accelerated by the decentralization process. The change in the electoral rules produced party fragmentation, less cohesive and less discipline parties, and changes in the number and type of parties. It also weakened the presidential powers and assigned a greater role to regional party leaders. This, in turn, increased the role of the legislature. Lawmakers became more specialized and discussion of women's issues in the legislature became common.

The creation of institutionalization of feminist politics was a factor that played a crucial role in achieving gender policy reform as outlined on Table 2. As state-society relations changed, many women's groups from civil society sought to access the state; the latter also promoted civil society initiatives in the areas of health and education. Organized women outside the state began providing service to women in the areas of sexual and reproductive health and violence against women. Women from these organizations worked on legal reform and were able to access the state through the state bureaucracies and advisory commissions on women's issues; appointed women were also supportive of the reforms and the process led to successful gender policy reform.

Nonetheless, changes in the economic model did affect the institutionalization of feminist politics as the state eliminated a women's commission and a ministry in order to comply with IMF policies aimed at shrinking the state. Nevertheless, as shown above, the negative measures were reversed by efforts from organized women, inside and outside the state, directed at the

incumbents in order to create new women's commissions and agencies. Women refused to accept the loss of such an important institutional resource.

Table 2. Major Institutional Changes, Women's Activism and Strategies, and Legal Gender Reform during Democratic Deinstitutionalization

Political Structures of Democratic Deinstitutionalization (1989-1998)	Institutions providing access to the state policy-making process	Women's Activism	Women's Strategies	Gender Policy Outcomes
Decentralization of policy-making process initiated by COPRE in 1984 Changes in electoral rules Deinstitutionalization of the party system Church-State cooperation	Institutionalization of Feminists Politics: 1989 -1999 Bicameral Commission for the Rights of Women 1989 COFEAPRE and added agency to Women's Office Appointment of women activist to Ministry of Family and Youth; elected female legislator 1992 CONAMU (commission) 1993 the Institute of women by the law, INAMU created by law (not implemented) 1994 CONAMU continues work (by presidential decree)	Women's organizations: neighborhood associations, NGOs, grassroots organizations decline (advocacy, social service organizations) FEVA, AVESA, PAFLAM, FUNDAMUJER CONG continues working, some work among women's groups but dissolves in 1990. Feminists created research groups in universities: CEM, CISFEM, GIGESEX Reform from outside and within the state Main activism for legal reform by core group;	Coalition building among women's groups declines; splits among women's groups; locus of gender legal reform is feminist groups, concerted efforts between women in academia and women (political and femocrats) to push for legal reform Struggle by women's groups to maintain the state agencies and commissions on women (especially sought to establish the women's agency by national law) Women's groups use lobby, target presidents, street demonstrations, target the state use of international meetings and proposals to discuss women's issues inside legislature in terms of gender equality and women's rights as human rights	1990 Labor Law 1993 Law of Equal Opportunity for Women (that creates the INAMU) 1997 Law of Social Security 1997 Organic Law of Suffrage and Political Participation 1998 Law on Violence against Women and the Family

During this period, the achievements in of gender policy reform shown on Table 2 were clearly the product of the existence of political alignments between women outside the state in feminist circles and NGOs and women inside the state, the political women and the femocrats, who had been appointed by the Executive to lead the different state bureaucracies created to work on proposals for new law, implementation of existing laws, and creation of polices to address women's inequality. Among the most influential commissions of this period was the Bicameral Commission for the Rights of Women which served as a mechanism to present draft proposals inside the legislature as well as to provide support for their passage. In addition, the similar role of the COFEAPRE and later CONAMU proved beneficial for women's groups and their goals in pushing for gender policy reform as additional channels of women's representation in decision-making bodies and access within the state. Thus, the above confirms the proposition that the institutionalization of women's movement increases the likelihood of gender policy reform.[59]

Strategy-related Variables

In spite of an environment for change created by the decentralization process, changes in the economic and political model affected the women's movements in the 1990s. Women, although active in organizing around legal reform, advocacy groups, and service providers, decreased collaborating among women groups across class and party lines like they had done before. Evidence of this is the dissolution of the CONG in 1990.[60] In other words, organization around women's issues continued, but efforts at unifications declined. Therefore, during the beginning of the period we saw the emergence of new women's NGOs and women's studies centers in universities as well women's organizations formed in the late 1980s whose purpose

was to educate, raise awareness, and provide training on women's issues.[61] The split undergone by the women's movement during the 1990s left a small group of women to push for gender policy reform. Espina and Rakowski (2002) have argued that in Venezuela there has not been what could be called a continuous women's movement, but rather the continuous effort of a *core group* of women committed to their ideas and able to organize and form alliances when there is an opportunity for gender policy reform.

Women members of this core group who were eager to influence state gender policy reform started working along side the government thorough the women's offices and commission to introduce drafts laws to be discussed the legislature. Some of the proposals were the result of concerted efforts among women from outside and inside the state. The support from femocrats was always instrumental for gender policy reform. [62]

Common to the successful laws passed during the period 1989 to 1998, namely, the partial reform of the Labor Law in its Title VI, the Suffrage and Political Participation Law, and the Law on Violence against Women and the Family we find that in terms of the process, women outside the state for the most part organized to prepare the proposals to be presented and defended by women inside the state. In other words, successful gender legislation during this period in the areas of labor, political participation, and prevention and eradication of violence can be attributed to what Magdalena León has called the "triangle of power," (quoted in Garcia Prince, 2005) meaning the concurrence of direct efforts by women in government, organized women in civil society, and women in the Legislative power.

In terms of the framing strategies, women heavily relied on the existence of an international legal framework for human rights to emphasize gender equality and respect for women's rights as human rights in order to attract and mobilize supporters, as evidenced in the

process of reform of the Law on Violence against Women and the Family. In addition, women's group's efforts at unification, coalition building and network maintenance in the process of gender policy reform contributed to the passage of three of the most important gender reforms of the period, that is the partial reform of the Labor Law in its Title VI, the Suffrage and Political Participation Law, and the Law on Violence against Women and the Family.

In contrast, the other two laws analyzed in this period, namely the Organic Law of Social Security and The Law of Equal Opportunity for Women, remain unknown by many women, and are impractical, which hinders their implementation. The process of passage of these two laws was significantly different from the other three mentioned above, since these latter were introduced by individual petitions in Congress and did not count with the support of a broad coalition of women, inside and outside the state, to push for their promulgation, let alone their implementation.

In short, the most important factors influencing gender policy reform in this period seem to have been the institutionalization of feminists politics in the form of the COFEAPRE, the Bicameral Commission for the Rights of Women, and the CONAMU that provided channels for organized women outside the state to introduce draft laws into the legislature that were also supported by the existence of women appointed to women's ministries. In addition, the process of drafting the proposals that took place among organized women in NGOs, academic centers, and even street assemblies, was crucial in informing the state commissions on the content of the laws.

Finally, the discussion of the laws and the resulting proposals were positively influenced by the creation of an international legal framework for human rights, product of international conferences, treaties, and conventions on human rights and women's rights, that helped women's

groups frame the problem of labor rights, political participation, and violence against women as issues of gender inequality, discrimination, and violation of women's rights thus mobilizing support and legitimizing their campaigns. Therefore, the creation of state bureaucracies for women combined with the women's group's strategies described above help explain success in gender policy reform.

Chapter 4

REGIME TRANSITION: THE CHÁVEZ ERA (1998- 2007)

Hugo Chávez came to power in 1998 with the support of a coalition of small parties. The former paratrooper, and coup plotter, won the election on a populist and nationalist platform and obtained 56% of the popular vote (still some scholars point to the fact that there was a high electoral abstention in the 1998 elections). During this period, major transformations pointed to a redesign of Venezuelan political institutions. Beginning in 1999, the Congress was dissolved and a referendum passed with 72% of approval votes to create a National Constitutional Assembly to write a new Constitution. At the end of 1999 a referendum was activated to request popular approval of the new constitution which was approved leading to presidential elections in December 2000. The impact of the new rules of the game can be seen on changes that go from a new type of participative democracy, as proposed in the new Constitution, to the redefinition of civil society actors and new state-society relations.

Among organized civil society, women's groups stand out as having successfully achieved the inclusion of many of their proposals in the 1999 Constitution, and in that respect contributing to the creation of a more egalitarian society. Notwithstanding the gains achieved by women and other human rights groups, a great majority felt excluded by what they considered the discriminating and polarizing practice of the Chávez government.

Consequently, things started going wrong as some civil society organizations began confronting the government. The first round between the government and civil society organizations began when the government stopped the social programs of *Agenda Venezuela*[63] in which several organizations had participated and unified all social assistance coming from the

Executive under the *Fondo Único Social*[64] (González de Pacheco, 2003). Soon after, the government announced another strategy: the creation of Plan Bolivar 2000, a plan of social assistance administered by the Armed Forces (FAN) and carried out by the military and civilians (the military were not too happy with their new role).[65] Chávez called on the military to do social work due to the lack of support from governorships, Congress and the Supreme Court, which were in the hands of the opposition. Among the strongest critics of the government's policies were the members of the Catholic Church, especially Archbishop Porras, who feared that Chávez would implement a Cuban-style government in Venezuela. For the Church, a contentious point of Chavez's policies had always been Chavez's militaristic and socialist bent.

Major Institutional Changes during the Transition

One of the most important institutional changes of this period is the writing of a new Constitution. The 1999 Constitution created five instead of the usual three governmental branches, or "powers" (Wilpert, 2003). In addition to the legislative, executive, and judicial powers, the new constitution added an electoral power and a citizen or popular power. The citizen power is meant to act as ombudsman for the country, assuring the other four powers' compliance with their functions established in the constitution. The legislature was changed from a bi-cameral system to a unicameral one by dissolving Congress and naming a National Assembly. According to Wilpert, (2003), the argument behind this change was that Venezuela needed a legislature that would be more responsive to the country's needs by being able to pass laws more quickly. However, those opposing this measure argued that the change favored the centralization of the government. In practice, the National Assembly has not been faster in approving laws than the old legislature. Other important and controversial institutional changes

were the expansion of presidential powers and the increase of the presidential term from five to six years and to allow his or her immediate and only reelection. Chávez argued that the extension of the presidential term would allow him the tasks of rebuilding Venezuela because a single five year term was not enough (Wilpert, 2003).

In the 2000 national elections Chávez won again with 60% of the votes and Chávez supporters won two thirds of the seats in the National Assembly. President Chávez was delegated decree power for one under the Enabling Act passed by the National Assembly in 2000. Towards the end of 2001, he enacted 49 decrees that sparked fierce opposition from powerful sectors of Venezuela society, including the Catholic Church, because of the exclusionary nature of the decision-making closed to actors outside of the government circles. This conflict led to a coup and counter coup in 2002, an oil strike towards the end of 2002 and the beginning of 2003 and the activation of a recall referendum on Chávez' government in August 2004, which he won again. Overall, after a year of Chávez's coming to power and significant changes in state institutions, crisis ensued leading to such a degree of political instability that many feared democracy was threatened. Political polarization seemed to have reached a point of no return.

According to Ellner (2003) though, political polarization had begun before the 1998 presidential elections as the traditional parties AD and COPEI lost their legitimacy and created discontent among the population and distrust in the decaying political system. After the transition, polarization increased as the middle class united behind the not so popular traditional political parties AD and COPEI to oppose Chávez and both sides started using inflammatory rhetoric towards his/her opponents (Ellner, 2003). According to Salamanca (2004), the government targeted the traditional parties, the Catholic Church, and civil society, among other

groups; civil society groups, including women's groups, were not able to escape political polarization (García Ramirez, Rosillo, and Valdivieso, 2005; Espina, 2007), as will be shown below.

Institutional Opening: Political Opportunities for Women

Opinion about the degree of opening of institutions available to civil society organizations varies. Some argue that the Convocation of the National Assembly opened a historic chapter for civil society in Venezuela since many civil society groups managed to include their proposals in the 1999 Constitution (Salamanca, 2004). Others assert that civil society groups were not able to participate or even elect enough representatives and/or submit sufficient proposals in the National Constitutive Assembly. According to García Ramirez (1999) only 15 women participated in the whole process through different commissions; however, only one woman formed part of the National Constituent Assembly (ANC) created to write the 1999 Constitution (Combellas, 2003). Interestingly, even the groups whose proposals were included in the 1999 Constitution claimed that some proposals were forced upon them in spite of their lack of consensus, for instance, the length of the presidential term, the possibility of reelection, and the extreme presidentialism. Accordingly, some civil society organizations campaigned against the approval of the new constitution to be determined by a referendum (Salamanca, 2004).

The issues discussed included the perceived centralization of power around the president and the government's discriminatory practices against civil society actors who did not side with the government. In fact, as Salamanca (2004) stated, the idea of *participatory democracy* in theory gave civil society the hope of new forms of participation --more direct forms of participation (as opposed to the indirect means of representative democracy), but in practice,

civil society seemed to have lost the right to participate, since the focus was on the individual[66] (Salamanca, 2004) and on the condition that he/she supported the government (Espina, 2007).

Therefore, many scholars have agreed with the fact that since 1998, civil society organizations have become more active politically, however, they tend to disagree about the causes of this increased mobilization. Some argue that mobilization has increased due to the threat from the government, thus they have become politicized, however, they often found themselves unprepared- or unwilling in the middle of the political arena when the parties collapsed (González de Pacheco, 2003). Others assert that new opportunities have been created by the Chávez regime, which has mobilized civil society actors and increased their political participation (García-Guadilla, 2003).

In regards to the political opportunities available for women's movements, unlike other civil society groups, Friedman (2000) states that women across civil society, political society, and the state organized to take advantage of the political opportunities present at a time of crisis of the democratic system (p.233) as evidenced in the previous period of economic and political instability. Similarly, but for different reasons, during the beginning of the transition to a more participative regime in 1998, women organized in order to take advantage of the process of writing the 1999 Constitution. In fact, during the regime transition in 1999, the CONAMU was about to be shut down by the journalist in charge of the Presidential Secretariat because of lack of funds, and women's groups and the women working in the CONAMU mobilized to convince the President to create the women's institute INAMUJER that the 1997 Law of Equal opportunity for Women, they also proposed long-time activist María León for the post of Director of newly created INAMUJER (the budget was reduced though) (García Ramirez, Rosillo, and Valdivieso, 2005; Espina, 2007).

Women in government (political women and femocrats) called on all women from the extinct CONG and those who had worked in previous governments to prepare proposals for the changes in the constitution. Many women in INAMUJER and in the National Constituency Assembly had been former members of the CONG and knew, based on their success in gender policy reform during the previous period, that the best strategy to impact gender policy reform was unity in order to protect the earlier gains and include new ones.

The 1999 Constitution: Proposals and Achievements

García Ramirez (1999), a feminist activist involved in writing the proposals to be included in the 1999 Constitution, stressed the fact that the propositions should be discussed in the light of international and national instruments that advance women's rights (the 1979 CEDAW ratified by Congress in 1982, the 1994 Convention Belem do Pará ratified by Congress in 1995, the Social and Reproductive Rights established in Cairo in 1994, the 1993 Law on Equal Opportunities for Women, and the 1997 Law against Women and the Family). Her account of the detailed proposals indicate that the women's movement was interested in broadening Article 61 of the 1961 Constitution which established non-discrimination based on sex to add non-discrimination based on ethnicity, age, physical and/or mental incapacity, sexual orientation, language, and political opinion, among others. According to García Ramirez (1999), although the 1961 Constitution recognized non-discrimination, discrimination was still present in at least three aspects: sexual, social, and ethnic. Women were still discriminated against as Article 37 of the 1961 Constitution did not allow for women to pass on her nationality as men could. In addition, Afro-Venezuelan women, Indian women, homosexuals and disabled people were also discriminated against.

The proposals put forward by women also included reforms to Article 65 of the 1961 Constitution that referred to the right of citizens to hold religious beliefs, but pointed to the fact that no religious ideas should be used to make decisions about how to carry out the duties of a law or to stop anyone from exercising his/her rights. In addition, it emphasized the need to ensure the individual's right to health and education as a means to develop his/her full spirit and citizenship. In addition García Ramirez (1999) argued that, in terms of education and health, the Venezuelan state violated the rights of women by discriminating against women through an educational system that was traditional, full of stereotypes, used sexist texts and pedagogical practices. On the contrary, women called for educational practices that focused on teaching children about gender equality, human rights and peace (p. 9).

Similarly, in terms of the reproductive and sexual rights of women, the proposals established that the State violated women's rights when decisions about their sexual and reproductive rights were considered through religious lenses and when religion informed the decisions of legislators, state officials, and judges. In the proposals, women demanded the National Assembly to discuss women's sexual and reproductive rights devoid of religious believes and pointed to secular character of the State as established in article 65 of the 1961 Constitution it (Ferrara-Bardile, 1999).

Finally, the proposals suggested the distinction of women from children, since this practice was degrading to women as it portrait them as inferior individuals; it also called for the diffusion, among citizens, especially women, of the existence of the 1993 Law of Equal Opportunities for Women. Put simply, the proposals included all elements of what has been referred to before as the feminist agenda (Espina, 2007).The women's proposals related to sexual and reproductive rights (art.76), the recognition of the economic value of the household job (art.

88) and the provision of social security for the housewife (art. 88)[67] were successfully included in the 1999 constitution. The inclusion of these articles is of major importance for women's for two reasons pointed out by feminists: a) Article 76 establishes the protection of *maternity* and thus pregnant women from the moment of conception as opposed to the protection of the *child* from conception which the 1961 constitution stated, b) Article 88 eliminates the private-public divide by recognizing women's work inside the home as adding economic value (Ferrara-Bardile, 2001). The elimination of the phrase "from conception "of article 76 was not possible due to "infernal pressure of some bishops and the Archbishop of Caracas" (Ferrara-Bardile, 2001:17). The article states then that "…The State will guarantee integral assistance and protection to maternity, generally, from the moment of conception, during pregnancy, birth and after giving birth as well as integral planning family methods based on scientific and ethical values."[68]

Another achievement of women in the 1999 Constitution was the incorporation of non-sexist language in the text of the constitution by including the use of the masculine and feminine versions of all political actors it mentions.[69] Two important feminists, Viki Ferrara-Bardile and Gioconda Espina were members of the Style Commission that oversaw the writing of the Constitution. Viki Ferrara-Bardile was personally invited by the President of Commission and Gioconda Espina was appointed by INAMUJER and the Permanent Commission of Family, Women, and Youth. Their efforts at including non-sexist language in the new constitution were influenced and legitimized by UNESCO's resolutions in 1987 and 1989 recommending to avoid the use of terms that refer to one sex only, calling on all state parties to promote the use of reference to both sexes, and providing guidelines for the use of nonsexist language by Language and Documents Service of the UNESCO (1990).[70] In addition, - Ferrara-Bardile (2001) mentions

the influence of the recommendations of the European Council of Ministries in 1990 especially calling Latin American countries to promote the use of nonsexist language in society at large and to adapt the language of legal, educational and public administration texts coherent with the principle of gender equality and promote the use of nonsexist language in the mass media (p. 5).

Accordingly, the inclusion of non-sexist language in the 1999 constitution is considered by some as evidence that women as well as men can equally participate politically since the opposite is regarded as making women invisible and a way to actually exclude women (García, 1999, Ferrara-Bardile, 2001; Wilpert, 2003). Besides, feminist support for the use of non-sexist language in the 1999 Constitution stems form their recognition that language is not innocent and that the use of sexist language contributes to women's discrimination (Espina, 2005; Chacon, 2007).[71]

Another achievement for women was that the 1999 constitution included all international treaties as having equal standing within the Constitution (art. 21), which means they must be enforced immediately by the appropriate judicial actor (Suárez, 1999). In terms of women's rights, the constitution uses the concept of discrimination as it is conceived in the CEDAW which means that discrimination implies bias as such and also bias that produces inequality.[72]

In regards to the process of inclusion of the proposals, Combellas (2003) offers a noteworthy account on the how and what of the National Constituent Assembly (ANC) created in order to write the 1999 Constitution, from the point of view of his experience as a former member of the ANC. I will focus here on the aspects of the process relevant to women. First of all the process of writing the 1999 Constitution took place in the Deputy Chamber of the Congress from August until December 1999. It was in the hands of people elected through direct vote by an open system of candidates. Thus, candidacy was open to civil society, political

parties, and private individuals, The make up of the ANC was decided through a referendum; 131 members were elected among which there was only one woman (supporter of Chávez). The proposals on which the ANC members based their discussions were the ones the Bicameral Commission of the previous administration had compiled in the period 1989-1999. Other proposals came from President Chávez, from political parties --AD, Proyecto Venezuela, Convergencia, and from civil association Primero Justicia.[73] In addition, a varied group of civil society organizations including women, human rights groups, environmental groups, and the Catholic Church, among others, introduced proposals that were discussed in commissions with open doors in an independent way and with the help of their own advisors. Notwithstanding, the open, broad, and participative character of the first stage of the discussion; the second stage was hurried into approval under pressure from the president and the result imposed on the members of the ANC without the chance to make modifications (Combellas, 2003).

The Impact of Polarization on the Women's Movement

In contrast with women's groups' mobilization and unification during the early 1990s, the political polarization that began before the 1998 presidential elections, increased in 1999 after the transition and reached a climax in the period 2002-2004. This period was characterized by increased political polarization and confrontation that affected the women's movement and their ability to impact gender policy reform (García Ramirez, Rosillo, and Valdivieso, 2005; Espina, 2007). The political crisis fragmented "the pacts" that had united women in the past in spite of partisan differences, but that had become fragile during the later part of the pervious period as collaboration among women's groups declined. According to feminist activists,

political polarization made the women's movement even more fragile and less effective than in the previous period (García Ramirez, Rosillo, and Vaidivieso, 2005).

The 1999 transition created news ways of organizing among women, new meeting spaces and new ways of relating to the state. García Ramirez and Rosillo (2005) argue that the new "participatory democracy" called for the organization of civil society and in the case of women this meant organizing at the grassroots level through the use of "meeting places," thus overcoming the organizational characteristic of networks of the previous period. Nonetheless, these new ways of organizing fractured even further the women's movement. The purpose of these meeting places was "to relate the women from the base communities to the State in order to, among other things, rescue the historic memory of Venezuela, create a new network of solidarity among women, and fight poverty."[74]

García Ramirez, Rosillo, and Vaidivieso, (2005) argue that although new organizations have been created during this period by the government, it has been difficult to get them to support the fight for the feminist agenda because their efforts are focused on supporting the political leader, President Chávez, and his political agenda. New women's organizations include the Meeting Points created by INAMUJER, networks of women's users of credits provided by the women's bank BANMUJER, women's land committees, and water committees, women's organizations supporting the political parties in support of President Chávez, and the social programs created for women called "missions." These latter deserve careful attention here since they have been created by Presidential decrees under the Enabling Law, and are regulated by special laws and dependent on the Ministry of Popular Power for Participation and Social Protection. The *Misión Madre the Barrio*[75] provides support for housewives in critical need; *Negra Hipólita*[76] is directed to addressing the needs of children, (pregnant) adolescents, adults,

and disabled people in extreme poverty or homeless. In 2007, the mission *Negra Hipólita* was transformed into a foundation.

The state argues that these programs are the means to guarantee and protect the social rights of citizens as established in the 1999 Constitution (article 86 establishes the right of citizens to social security, among others). Others argue that these programs have allowed poor women, previously excluded, to have access to economic, health benefits, education, food, and credits thus creating a new social fabric and a new political identity to defend the political project (García, 2005). Yet, creating parallel social programs instead of implementing the existing laws does not contribute to advancing citizens and in this case, women's rights. What is needed is the implementation of the existing laws, such as the 2002 Organic Law of Social Security (which remains incomplete, and has not been implemented yet since its promulgation) and the articulation of the existing laws with the new social programs.

On the side of the feminist camp, Espina (2007) and Espina and Rakowski, (2007) are especially critical of the social programs for women and of the new women's organizations. These activists, criticize the populist nature of the missions and how they have transformed state-society relations, since those benefiting from the social programs are considered "comrades, fellow citizens, and friends in the struggle" Espina and Rakowski, (2007: 3). In addition Chávez uses a clientelistic discourse by offering women these programs and so the new women's organizations are unable to support the fight for legal gender reform because they are either too busy supporting and defending the leader's agenda, putting the feminist agenda aside, or they are unable to recognize and challenge their subordination (Espina, 2007). In short, there is consensus among feminist activists that the new types of women's organizations do not allow them to take a critical stance about the patriarchal nature of the state and society thus hindering their ability to

make proposals that include a gender perspective. “The political-ideological manipulation of the social programs directed to women has divided the women’s groups since the social programs cannot be regarded as public policies in the technical sense.”[77]

These recent developments point to two important factors that impact gender policy reform during this period. On the one hand, the state has created a new constitution to carry out changes in redistribution of wealth and the inclusion of the poor and marginalized (where women are the majority), however, although the social programs can be considered measures of inclusion of marginalized groups, their creation has not been the result of the law-making process of the legislature, but presidential decrees. On the other hand, the programs and policies directed at women lack the creative and independent input of women’s groups (feminists or grassroots) since they all depend on the president’s agenda and are exclusionary in practice because the only ones benefiting from them are indeed government’s supporters. In other words, the centralized nature of decision-making during this period may lead to lack of legal reform on women’s issues understood as part of the feminist agenda and to the design of public policies addressed to specific groups of women in detriment of all Venezuelan women.

Additionally, the political polarization among the women’s movement has affected the way women activist regard the future of the Venezuelan women’s movement and the process of gender policy reform during this period. Some feminists involved in the process of legal reform regard this period as unsuccessful (García Ramirez, Rosillo, Valdivieso, 2005; Espina, 2007) while others think that the rights of women have not been advanced, but reversed (Merz Repem, 2005). Still others activists assert that some women working from the political arena have lost their capacity to educate other women about women’s rights; have been unable to make proposals that are different from those of the state, and have ignored the women’s agendas

(Espina and Rowoski, 2007; Espina, 2008)[78]. Admittedly, the support of women for the leader has led to the subordination of the women's agendas to that of the state (Espina, 2007) as a consequence of the negative impact of the creation of a personality cult of Chavez's leadership (Wilpert, 2005).

On the contrary, Maria León, President of INAMUJER stated that "the constitution had the face of a woman, as a political achievement, because during the Chavez's administration women have made social and political thanks to the current administration.[79] During the celebration of the 9th anniversary of INAMUJER and this time as Ministry of State for Women's Affairs, León stated that thanks to the "revolution, led by President Chavez, women's social and political recognition has taken place as illustrated by the CNE's resolution approving 50/50 political participation in electoral lists; the creation of the Ministry for Women's Affairs, the fact that four out of five state powers are led by women, and the increasing political participation of women in the missions (75%) and in the communal councils (70%). But most importantly, the fact that women's demands became institutionalized thanks to President Chávez."[80]

Also as a result of the polarization of the women's movement, during this period much of the work by feminist activists has dealt with the kind of women's organization that has proved successful in influencing gender polity reform. Many think that mobilization of women's groups has been led by a core group of women activists, rather than a women's movement, that in critical moments has been able to mobilize support from other women to act through the effective alliance made up among women in government, women in NGOs, and women in academia (Espina and Rakowski, 2002; Garcia Ramirez, Rosillo, and Vaidivieso, 2005; Espina, 2007). In the view of the feminist activists, the core group has been flexible and thus has attracted women from all ages and walks of life to support change when there has been an

opportunity. In contrast, others like García Ramirez and Rosillo (2005) think that the pact created by women in government, women in NGOs, and women in academia was an elitist one that, even if beneficial for the rest of the Venezuelan women in pushing gender policy reform, it was not always inclusive of other women outside the pact in the discussion of women's issues.

As described in Chapter One, during the first period (1970-1988) the core group mobilized behind the reform of the Civil Code in 1982 motorized by the civil organization FEVA. Then, during the second period (1989-1998), it gathered 25 NGOs under the CONG while working on the evaluation of the UN's Decade for Women to push for the reform of the Labor Law and the law against Violence against Women and the Family. In 1999, women gathered again during the writing of the new Constitution to defend all gains and introduce new ones (Espina, 2007; online interview with Elsi Arellano). While the gains of the first period were legal, they also included the type that aimed at transforming the patriarchal discourse of political leaders and to allow for the continuation of the movement (Garcia Ramirez, Rosillo, and Vaidivieso, 2005). The gains of the second period were legal and political and all within the framework of international legal instruments that the state has signed and ratified (Garcia Ramirez, Rosillo, and Vaidivieso, 2005). During this last period, the split among the women's groups has resulted in little legal reform on women's issues, but increased participation of women in government positions through the appointment of important feminists and political activists from the past to decision-making posts. However, dependence of women's organizing at the grassroots level by the state through the women's institute INAMUJER and the social missions directed at poor women is a staple characteristic of this period.

The Women's Movement after Polarization

From 2004 to 2006, women gathered again during important events related to women's rights and gender policy reform. First, they united forces to reject the formulation of a nullity for some articles of the 1998 Law against Violence against Women and the Family introduced by the Attorney General in 2003 and to work on the draft rules of procedure to implement the 1998 Law against Violence against Women and the Family. Second, they started working on the proposals for the partial reform of the Penal Code (submitted by women's groups in 2004 before the National Assembly) and the draft rules of the 2000 Law of Social Security System (Espina, 2007). In the same way, the director of INAMUJER continued pushing the issue of political participation by calling for replacing the 30% women's quotas in legislative lists established in the 1997 Organic Law of Suffrage and Political Participation for 50/50 political participation for women and men. Finally, organized women called for the implementation of laws that prohibit the use and abuse of stereotypes of women's images in advertisements of all sorts.

Since 2004, the meeting place for the core group has been the women research center CEM at the UCV (Universidad Central de Venezuela) where women inside the core groups meet with experts, NGOs, women from the National Assembly, the Judiciary, political leaders, and so on to agree and reach consensus among all of them. *Chavistas* and *non-chavistas* [81] came together as in the past putting partisan differences aside because they realized that what unites them is democracy and their goal of achieving equality (Espina, 2007:6). Garcia Ramirez et al. (2005) affirm that women in academic circles in Universidad Central de Venezuela, Universidad del Zulia, Universidad de Carabobo, and Universidad de Los Andes have lately become coordinators, facilitators, and generators of reform initiatives of all women committed to pushing

the feminist agenda regardless of partisan differences (p. 154). The following section describes the achievements and failure in gender policy reform during the transition.

Gender Equality

In 1999, the 1997 Equal Opportunity Law (LIOM) was reformed in its title VI that called for the creation of the women's institute. Consequently, the INAMUJER was created and the Defender of Women's Rights was created under the direction of INAMUJER (García, Rosillo, and Valdivieso, 2005). Alongside the creation of the INAMUJER, a presidential decree eliminated the representation of civil society inside the women's institute. According to Arellano, "it deepened political discrimination among women and violated the right of civic participation; what we find here is a contradiction between the political discourse of participatory democracy and the reality of the Venezuelan state." [82]

In 2002 the National assembly started discussions on a Law for Equality and Equity, but it was delayed until 2008 because of lack of interest of political leaders (García Ramirez, Rosillo, and Valdivieso, 2005). In July 2008, the National Assembly approved in its first discussion session the law that will substitute the 1997 LIOM and that Espina (2008) calls the "Marelis law" (after the name of the woman in the legislature pushing for it).[83] Similarly to the previous LIOM, the new law is going to be hard to implement because it suffers from the same weaknesses of the LIOM: it lacks the agent and the mechanism to implement it. In the view of Espina (2008) Venezuelan women are not lacking in laws, but on the implementation of the existing ones.

Social Security

As stated in the previous chapter, the government in 1998 decided to mandate the 1997 social security law five *vacatio legis*[84] to avoid its implementation. In December 2000, the Organic Law of the System of Social Security was promulgated and it derogated the previous one. This new law seemed consistent with the presidential promises and Article 88 of the 1999 Constitution. Nonetheless, opinion of women interviewed for the study was not optimistic as many considered the law to be one of those laws that exist only on paper.[85] This law creates a system of social security and regards it as a human right and a social right that must be guaranteed by the State, which represents a move away from the attempts to privatize the social security. It calls on the People's Ombudsman to create the Defender of the Social Security; it guarantees the right to health and pensions to protect motherhood, fatherhood, sickness, accidents, and so on. However, the law has not been implemented until this writing. Some believe that the lack of implementation by the state is the result of a lack of political will that hides behind the excuse that its implementation is technically impossible (Salcedo, 2008); others argue it is a law that, although created in response to the constitutional right of citizens to social security (art. 86), it is impossible to put in practice because of the lack of capacity of the state to eliminate the old system and create the new one (Combellas, 2003).

In 2004, women's groups gathered to work on the regulations of the 2000 Law of Social Security System that grants minimum wage payment to housewives who do not have social security and who are enrolled in the institute that administers the social security benefits (IVSS) (Espina, 2007). The proposals were presented to the Permanent Commission of the Family, Women and Youth in the National Assembly. Nonetheless, women interviewed for the study asserted that amidst the context of regime change, as political polarization increased, the

implementation of public policies derived from specific laws become politicized "as the constitutional right is violated by its implementation through social missions such as *Negra Hipólita* for a certain number of women identified with the government and not all the women as established by the Constitution;"[86] the Organic Law of the System of Social Security is an example of this as the beneficiaries of the 60-80% of the minimum wage must be housewives appointed by their communities and then evaluated by the Ministry of Popular Power for Participation and Social Protection in order to obtain the stipend (INAMUJER, 2007). In addition, parallel social programs have been created to address the needs of poor women as stated above and such programs, referred to as missions, require that the beneficiary be a political supporter of the government (Interview with Arellano and also Espina, 2007).

Women's Political Participation

The major achievement of the 1997 Suffrage and Political Participation Law was its requirement of 30 percent women's quotas for all political parties for their legislative slates. However, failure to implement the quotas in the 2000 and 2004 regional elections demonstrated an important reversal in the legal advance of women's rights as this negatively affected women's participation in political positions (Merz Repem, 2005). In 2000, the National Electoral Council (CNE) decided "not to apply" Article 144 of the law arguing that it was contrary to the principle of equality established in the 1999 Constitution (Merz, 2005). In addition, the Supreme Justice Tribunal (TSJ) decided to endorse this decision in spite of pressure by women's groups, and despite contravening Article 21 number 2 of the Constitution, which establishes the use of positive measures for disadvantaged or discriminated against groups (p. 130). Women's groups organized and introduced an appeal before the Constitutional Chamber of the TSJ against the

decision of the Electoral Chamber, (endorsed by the CNE), however, the appeal did not succeed (Merz, 2005; Heredia, 2006)

Merz Repem's (2005) study asserts that among the reasons used to explain the lack of implementation of women's quotas in 2000 were the lack of resources to create a campaign in favor of the application of women's quotas among the political parties, and the impact of political polarization on the political parties that prevented them from endorsing the women's appeal introduced before the TSJ against the CNE's decision. This author concludes that very low political will on the part of the leaders of political parties and state institutions to increase women's political participation has actually reversed the political participation of women (Merz, 2005). Her measure of "political will" included the application of women's quotas for all political parties for their legislative slates and the institutional follow up to guarantee that equality had been achieved and the systematic presentation of results disaggregated by sex.

The failure of women's groups to reverse the CNE's decision in 2000 typifies what García Ramirez (1999) describes as the quick sand effect of laws or public policies, regional or national, which seem to change depending on changes in the political leadership, for this reason women's rights seem to be advanced and reversed, and in spite of women's activism, in Venezuela and the rest of the region, some decisions, taken behind closed doors, go in detriment of the already (historic) achieved collective gains.

In terms of the direct impact of the failure to apply the women's quotas in 2000, we find that in fact in 2002, there were only 2 women governors out of 23 states and no women ministers. In the regional elections only 12.6% women were candidates and 8.9% were elected, that is 29 women out of 339 candidates (CISFEM, 2007). Access to power by women decreased between 1995 and 2000 falling 3.49 points in the index developed by Merz Repem (2005).[87]

However, this trend began to change in 2003 with an increase of 4.06 in the index for women's participation. In 2003 there were 5 women ministers out of 19 ministries as a result of their inclusion in the ministerial Cabinet. In this regard, it is important to point out how the trend to assign women to traditional portfolios has also been changing progressively. Traditionally, women have been appointed to the state agency in charge of developing women's policies, however, they have rarely had the rank of a ministry; they have always been dependent on the executive. I addition, women have led ministries in the areas of health and education and women in the family that are considered traditional portfolios for women. For instance, consider the Minister of State for Incorporation of Women to Development in 1979; the Minister of State for the Promotion of Women in 1989; the Minister of Family and the Minister of Youth in 1995; the Minister of Labor and the Minister of Youth in 1998. Interestingly though, the trend seems to have changed since 2003 with women leading the ministries of labor, health and social development; but also the environment; and science and technology. In the 2008 report by Llanos and Sample, part of this is explained by commitment made by states at the Fourth World Conference on Women (p. 19). Other explanations are "the inconsistent goodwill" of those in power. [88]

In 2005 women's appeal before the CNE and the Supreme Court was turned down again and article 144 was not applied again for the 2005 legislative elections. The Supreme Court ignored the appeal filed by organized women and supported this second time by the director of INAMUJER and the Venezuelan University Network of Women studies (REUVEM). At the same time, organized women continued pushing in favor of replacing the 30% women's quotas with the 50/50 quotas for women and men alternating in all posts and all lists. In 2005, the director of INAMUJER (supported by the women's network REUVEM among others) submitted

a request before the CNE to replace the 30% quotas with 50 % quotas alternating women and men. Espina (2007) argues that the recognition by all women leaders (from both sides, pro- and against Chávez) that the elimination of the quotas since 2000 had negatively affected them, has positively influenced the campaign for the inclusion of 50/50 in posts of political representation; it was more publicized and received more attention from political leaders. However, it is important to highlight that Espina (2007) states that women present in the discussions about the electoral lists, actually nominated men and women only as substitutes for other men; they did not oppose discrimination against women done in the way the lists were traditionally made.

Eventually, three out of five members of the CNE board suggested that the political parties to include 50% women quotas, alternating men and women, in the parties'. However, as Espina (2007) states, because it was just a suggestion, women did not even get 30% and even the ones elected for the National Assembly were so because they were in the lists due to their political support for Chávez and because the opposition withdrew their candidates.[89] In the opinion of feminist activists, women in the political parties did not perceive themselves as ready for public office and thus machismo was able to win (Espina, 2007:4).

In spite of the unfortunate impact that the derogation of article 144 has had on women's political participation since 1998, women's political participation in ministerial Cabinets and state powers (branches of government) increased in 2007 as a result of executive appointments. In 2007, 3 out of 5 state powers were headed by women: the Judicial, Legislative, and Electoral powers. Llanos and Sample (2008) argue that this trend has been observed in other Latin American countries; the inclusion of women in the Cabinet may be a way for candidates to keep the promises of including more women in key positions or to improve the image of politicians amidst crisis of legitimacy, "in these cases, women's participation may be seen as a source of

innovation or transformation of "old-style" politics (Llanos and Sample, 2008:18). In addition, 18.5% of ministerial posts were held by women in 2007.[90] However, Venezuela's 18.5 % of women appointed in ministerial positions is considered very low when compared with Costa Rica (37.5), Chile (36.4), Ecuador (32), and Nicaragua (31. 2) (Llanos and Sample, 2008) in spite of the perception by some Venezuelan women that there is a remarkable higher number of women represented in the current administration (Chacon, 2007; Espina, 2007).

It was only in 2008 that Chávez called on the PSUV (the macro-political party created in 2007 to united the political forces that support Chávez) to use the 50/50 quotas for women and men in the party's elections; the outcome was seven women and eight men within the party's board (Chacon, 2007). Furthermore, in 2008, the CNE issued resolution number 050401-179 in July 2008[91] approving the norm of 50/50 quotas for women and men with parity for the regional legislative and municipal council elections because in past elections only 10.6 % of women had been elected to all political posts due to the lack of implementation of affirmative measures to increase women's political participation.[92] Espina (2008) expressed her joy for the measure achieved after ten years of struggle by women; Tibisay Lucena, long-time feminist activist and president of the CNE, called it a "historic decision."[93]

Notwithstanding the importance of this recent development in Venezuela, it is important to take into account other considerations that impact women's political representation in Latin America in countries with legal quotas (as opposed to voluntary ones). For the quotas to be effective there must be clear rules on the position that the women would occupy within the party lists, as well as clear sanctions for the lack of compliance. In the Venezuelan case, article 144 of the Suffrage and Political Participation Law does not establish a particular position for the women, but calls on their incorporation to the parties' lists in a minimum of 30 per cent. In

addition, although the article establishes that noncompliance will result on the lack of official inclusion of the party's list, these sanctions are either not enforced or the women are put at the end of the list with little possibility to get elected.[94] However, with the CNE's resolution, women have achieved more than what article 144 of the law calls for, but the resolution needs to be made into a law.

Violence against Women

As in the previous period, the existence of international declarations, treaties, and conventions for the protection of human rights and women's rights, gave the women's movement the infrastructure needed to continue the fight for the rights of women in particular and contributed to making the issue of violence against women more visible (García Ramirez, 1999; Heredia de Salvatierra, 2006).[95] The Law on Violence against Women and the Family was passed in 1998, but it became effective only in January 1999 García Ramirez (1999). In 2001 the INAMUJER created a help line to assist victims of domestic violence from 2001 until 2006 it has received an average of 21.382 until 2006.[96]

During the period of polarization that affected the women's movement, the law remained as it was, but it actually suffered a reversal in its achievements. In 2003, the Attorney General introduced an annulment for three of the most important articles of the law: suspended the preventative measures against the aggressor (Article 39); eliminated the possibility of expelling the aggressor from the house, and reduced the number of legal instances receiving the victim's complaints leaving the victims unprotected. Many groups of women including academics, NGOs, INAMUJER, and the Defender of Women's Rights made efforts to reverse the decision before the Supreme Court (Heredia de Salvatierra, 2006), and protested outside the office of the

Attorney General against the measure that represented a setback in the protection of women and the eradication of domestic and sexual violence.[97] Astonishingly, the Supreme Court delayed the answer and there was a judicial vacuum until 2006 when there were two modifications of the law that led to the promulgation of the Organic Law of the Right of Women to a Life Free of Violence in 2006 (discussed below). For three years, the women protected by the preventive measure suspended by the Attorney General, were left defenseless and according to Espina (2007) this is what triggered organized women to propose a new law before the National Assembly.

Organized women created a coalition that included academics, NGOs, INAMUJER, the Defender of Women's Right, and the Public Ministry to work on a draft proposal for a new law on violence that was introduced to the National Assembly in 2006. The proposal was negotiated through the Sub-Commission of the Rights of the Women and the Permanent Commission of Family, Woman, and Youth. In addition to the discussions taking place at the National Assembly, the debates for the modified law included "street parliamentarism", meaning discussions with women on the streets, organized in communal council in neighborhoods, as well as discussions led and organized by academics in university centers and NGOS (Chacon, 2007).

In 2006, the effort by women working on the modification of the law on violence and the rules to implement it achieved a success when the Supreme Court included a broader interpretation of flagrancy that did not require catching the aggressor in the act of violence, but the evidence of violence was enough to constitute a crime. The 2006 law became the most advanced law of this type in the world; the law classified domestic violence as a violation of human rights and defined nineteen (19) types of violence with their respective sanctions, including the threat of violence.

In spite of the success at the passing of the 2006 Organic Law of the Right of Women to a Life Free of Violence, a report by Amnesty International done in 2008 shows that in terms of its application, the authorities have done little to implement it; it is estimated that one woman is attacked every 15 minutes in the country. The help phone line received 4.500 calls, but Amnesty International states that only 1 out of 9 women report abuse. On the side of the INAMUJER, there were only three women shelters in 2007 and currently there are only two. Critics of the lack of implementation pointed to the lack of specialized tribunals to deal with the cases, and the lack of training on gender violence on the part of the public officials in charge of receiving the complaints. Amnesty International concluded that although the law had the potential to protect women's lives, reality depended on the political will and adequate resources to implement the law.[98]

As Heredia de Salvatierra (2006) aptly puts it, the issue of violence against women is more structural than formal, because the law exists, what is lacking though is the infrastructure and the resources needed to protect women: care centers and shelters, support for (and coordination with) NGOs working on the issue of violence against women, campaigns on the rights of women and how to access justice, and education on women's rights for women and of gender perspective for those dealing with the victims of domestic and sexual violence.

At the end of 2008, the state agencies through the direction of INAMUJER have started addressing these weaknesses and began the creation of special tribunals, the education and training of public officials (judges, policemen, municipal authorities) as well as the realization of campaigns to educate, prevent and eradicate violence.

Sexual and Reproductive Rights: The Unresolved Issue of Abortion

The issue of the decriminalization of abortion had been discussed among women's groups since the 1970s with a lot of upheaval[99] as shown in Chapter Two. Although the issue of abortion has been framed as a public health issue, its discussion had been plagued by opposition from conservative sectors of society, but mainly by the Catholic Church and NGOs sponsored by the Church.[100] Organized women have introduced three proposals when there has been revision of the Penal Code. However, according to Arellano "the influence of the Catholic Church has been determinant on the issue of abortion as well as on the lack of visibility of other sexual crimes; the biased position of the Church reinforces the inappropriate definition of such crimes as 'crimes against moral values, good manners, and good families."[101]

The idea of the proposals presented during this period (1999- 2007), as many women activists claim, was not to legalize abortion, but decriminalize its practice. The current Venezuelan Penal Code allows abortion only when the life of the mother is in danger. Therefore, women fighting for reform of the Penal Code have framed the issue in terms of an "interruption of pregnancy" (Espina, 2004). When women reunited in 2004, they worked on the proposals for the reform of the Penal Code; the proposals included the decriminalization of abortion (to be considered a crime only when performed without the woman's consent) and the definition of sexual crimes as established in the Rome Statute. In 2004, the Broad Women's Movement (MAM)[102] introduced a proposal for the reform of the Penal Code in which the MAM argued that the penalization of abortion did not solve the problem of women dying because of the practice of clandestine abortions. The proposals emphasized the need to prevent the death of women who have abortions because of pregnancies product of incest and rape. The MAM claimed that in Venezuela, statistics available for 1997-2001 indicated 381.948 (*sic*) cases of death caused by

abortion and in 2002, an average of one woman died every week of unsafe abortions, affecting more poor women and teenagers (Espina, 2004).[103]

The MAM used the examples of other Latin American countries where abortion norms had been liberalized because of the implications on the health of women. In addition, it cited the entire legal international framework for the protection of human rights (and the national legal instruments) arguing that forcing a woman to remain pregnant was a violation of human rights. The proposal introduced before the National Assembly to the Commission on Family, Women and Youth was led by the Director of the CEM in the Universidad Central de Venezuela, Magdalena Valdivieso, and included most women's organizations and research centers. It was supported by more than 10 organizations requesting the National Assembly for the decriminalization of abortion and adultery.[104] Women's organizations introduced the proposal in 2004 and in 2005 met a female deputy from the political party MVR to request her to introduce the proposal for the decriminalization of abortion in the discussion of the partial reform of the Penal Code to be discussed in the National Assembly.

The Catholic Church opposed the proposal of decriminalizing abortion; the president of the Venezuelan Episcopal Conference (CEV), Monsignor Porras, stated in a press release that the decriminalization of abortion would entail abandoning "an ethical value fundamental for judicial and social order." To the CEV's statement, the female deputy pushing for the proposals in the National Assembly replied that the President of the CEV did not have the moral authority to talk about such an issue since rape and pederasty were crimes commonly committed by priests around the world, but also in Venezuela.[105] In addition, the influence of the Catholic Church in opposing the decriminalization of abortion and the recognition of sexual crimes was so biased

that it reinforced the idea that those were “crimes against morality” instead of issues of public health that affect women’s health.[106]

Another female deputy pushing for the reform, the president of the Permanent Commission of Family, Women, and Youth, argued that the proposal was the result of 30 years of serious work and investigation carried out by many women’s organizations such as the MAM and the institute of women (now INAMUJER).[107] In short, the proposals for the decriminalization of abortion was framed as an issue of public health that caused the death of women (especially among poor and teenaged women) and as a right of the state to guarantee the sexual and reproductive rights of women.[108] The proposals were also supported by members of the Commission on Sexual and Reproductive Rights of the Society of Gynecological and Obstetric Services. Women’s groups failed in their proposals about abortion and the inclusion of sexual crimes as established in the Rome Statute (Garcia Ramirez, Rosillo, and Valdivieso, 2005). The partial reform of the Penal Code passed with a simple majority (86 out of 165 votes),[109] but the proposals by women did not pass because they did not garner enough support from all legislators.

Several explanations have been offered for the failure of the women’s movement to achieve gender policy reform in the area of sexual and reproductive rights of women. The perception of some of the women involved in the process of reform is that there is lack of consensus among women’s groups in civil society about the issue of abortion in spite of the broad support of most women (Espina, 2007; 2008, Álvarez, 2008).Others claimed that at the time of the proposals there were was a media campaign to divide women into those in favor and those against abortion and that the media wanted to downplay the nature of the proposals made by women to reform the Penal Code.[110] Moreover, other women’s perception was that during this

period (2004-2006), the reform of the Penal Code was not a priority of the National Assembly and therefore the proposals introduced by women's groups did not seem to advance. For instance, there was no evidence that the state was promoting the creation of mechanisms to actually address abortion such as the creation of norms for the Ministry of Health.

Despite the lack of success in advancing women's sexual and reproductive rights, in terms of the decriminalization of abortion, women interviewed for the study asserted that in the third period, due to rifts between the Church and the State, the discussion of women's issues became more visible (in fact they regard that coverage of women's issues in the media increased in the last years).[111] In the view of one interviewee, when the Church and State were allies (from 1970 until 1998), women's issues were invisible unless they affected the interests of the state or the Church; in fact, both institutions enforced women's subordination and discrimination.[112]

In the course of the three periods analyzed here, gender policy reform regarding the decriminalization of abortion has been affected by the influence of Catholic Church and its supporters. As presented in Chapter Two, the first and only discussion of abortion took place in1974 during the celebration of the First Women's Congress organized by the COFEAPRE. Opposition came from the women members of the COPEI party, who left in the middle of the discussion. However, interest in discussing how to address the problem of deaths caused by unsafe abortion led to two proposals that were never carried out: a legal one that called for the reduction of the sanctions to women who underwent abortion and for those assisting them; and further studies on the problem and the creation of a commission to regulate abortion along with measures to provide women access to birth control methods in order to control fertility.[113] In contrast with the failure to the decriminalization of abortion, other issues framed as advancing women's equality, eliminating discrimination, and protecting the human rights of women have

not been opposed by the Church. Moreover, contrary to what would have been expected, the rift between Church and State that characterized the period 1999-2006, did not impact the reform of the Penal Code in the area of abortion (or adultery), which is the focus of the next section.

Church and State Relationship

Propositions from the literature on the influence of the Catholic Church on gender policy reform state that Church-State conflict can actually increase the discussion of divisive issues such as abortion in the legislature, but that Church opposition to issues such as abortion decreases the chances for its reform. Therefore, it was expected that because of the strained relationship between Church and State that characterized this period (1999-2007), the open discussion of abortion in the legislature would increase, and possibly a reform be achieved. In fact, feminists' perception of women's issues discussions in the legislatures is that from the beginning of 2000 the possibility of discussing the decriminalization of abortion did increase. Nonetheless, as shown above, the influence of the Catholic Church and a conservative sector of society (including NGOS funded and supported by the Church) was strong enough to hinder the advancement of women's sexual and reproductive rights.

Even after 2004, when women reunited again to push for change and wrote the proposals for the reform of the Penal Code, Church-State conflict did not open sufficient political space to change the status of abortion during this period, a point reinforced by women interviewed for the study.[114]

In terms of strategies, a common feature of the most recent proposals on decriminalization of abortion and non-discrimination based on sexual orientation is the fact that activists have presented such issues, considered controversial in a Catholic society such as

Venezuela, separated from other proposals that call for the protection of women's human rights like the issue of violence against women. Thus, in terms of the strategies used by women to introduce the issue of abortion, activist women perceive that the idea of disaggregating issues and presenting the divisive ones separately was a useful strategy to gather support. Thus the reforms to the Penal Code presented in 2004 and later in 2007 (discussed below) were presented separately by the MAM and the MAM and the ESE groups, respectively, with the second being more radical than the first one.

In terms of the framing of the issue, women united behind the issue of abortion presented it as an issue of public health focusing on the numbers of women who die as a result of clandestine abortions due to the penalization of abortion and did not refer to it as abortion, but as "interruption of pregnancy." The proposal focused on the decriminalization of abortion, not its legalization; however, the coalition of women to push for the proposals for the partial reform of the Penal Code failed again.

Interestingly, the influence of the Catholic Church and the lack of political will by political leaders seem to explain that periods of Church- State conflict did not produce gender policy reform on the issue of abortion. During Chávez's regime the relationship between the State and the Catholic Church deteriorated precipitously with the writing and passing of the 1999 Constitution, however, relations had not always been bad between Chávez and the Catholic Church. In fact, during the regime transition in 1999, the Church supported the government programs to end corruption and redistribute resources in a more equitable way among the people. Moreover, Chávez's anti-globalization policies and anti-Americanism found echo among the progressive sector of the Catholic Church. However, during the passing of the 1999 constitution the Catholic Church expressed dissatisfaction with specific changes in the Constitution that dealt

with the right to life. The 1999 Constitution states that the State will guarantee "maternity from conception" and the Church argued that from a legislative point of view the language opened the door to abortion and other anti-natal policies and in this way the state failed to protect the "life of the child from conception" as the 1961 Constitution established (Kozloff, 2007). Nevertheless, the Church made sure that the phrase "from conception" be not removed from the text as some pro-choice supporters would have preferred (Ferrara-Bardile, 2001).

Later in 1999 the relationship between President Chavez and the Catholic Church turned bitter around the issues of education and democracy and reached the highest point of conflict when Chávez stated that some members of the church had allied with the "rancid oligarchy" linking them to the previous corrupted administrations and calling some bishops *evil* (Kozloff, 2007).[115] The Church responded in turn describing Chavez's government a dictatorship and comparing Chávez with Castro, Mussolini, and Hitler.[116] From that point on, members of the high hierarchy of the Church in Venezuela, especially, Archbishop Porras, became harsh critics of the administration.

Chávez, in turn, asserted that a small group of the Catholic Church had allied with the corrupt oligarchy of the previous regimes and that they needed to be exorcised because the devil had gotten into their robes.[117] In fact when a member of the Church hierarchy become more critical of Chávez, the latter responded with hyperbolic rhetoric, but made clear that he praised the Pope, but not the small groups of clergymen in Venezuelan who had joined the opposition. In one of Chávez's visits to Pope John Paul II they discussed abortion and the Pope recommended discussing the article in the constitution that dealt with guaranteeing protection of "maternity" instead of "the child" from conception. In 2005, Chávez traveled again to Rome to meet the new Pope Benedict XVI. The maximum authority of the Catholic Church had made clear that

Cardinal Castillo did not represent the Church when he called for civil disobedience, but expressed concerns that in Venezuela things were turning very authoritarian based on reports sent to Rome by Castillo. However, during Chavez's meeting with the Pope, the latter expressed concerns with the status of religious education in some schools in the country as well as with maintaining the protection of the right of the child to life "from its inception." In a demonstration of Chavez's intention to turn the page over, he expressed that his conflict with the Church was directed to a small group of people and that he had decided to let it rest because of his responsibility to his country and to the doctrine of Christ. Immediately after that, the Church replaced on of harsh critics of Chavez with an Italian named Giaginto Berlocco, and the new nuncio was instructed to seek a less confrontational attitude towards the government. Berlocco distanced himself and the Church form Castillo when the latter called people to delegitimate the government in an attempt to demonstrate the willingness of the Church to cooperate with a climate of peace.

In turn, Chávez praised Berlocco's position on the issue and welcomed the appointment of others cardinals, Urosa and Savino. By and large, although the relationship Church-State was bitter for the most part of the period since 1999, the relationship appears to have improved towards the end of the period in 2006. Some argue that this is in part because of the various trips Chávez made to the Vatican city to meet the Pope and because the top hierarchy of the Catholic Church made an attempt at soothing the relationship with the government of a country where 70 percent of its population is Catholic.

In conclusion, the relationship Church-State seems to have reached the point where both sides have agreed to cooperate with each other. Therefore, if a conflictual relationship did not move the issue of abortion forward, a stable relationship is less likely to do it. In fact, as Espina

argued "Chavez does not want to discuss the issue of abortion again because he is done fighting with the Church and that would mean starting a fight."[118]

Women's Groups' Recent Proposals for Reform

In 2007 another opportunity for change brought together women's groups: the Constitutional reform initiated by President Chávez. Women gathered to work on proposals to present to the Reform Coordinator and the Peoples Ombudsman. This time the core group created a new movement -- the Women's Broad Movement (MAM), which included women, gays and lesbians, and the group ESE.[119] The proposals were discussed by feminists and members of diverse groups in the CEM. The MAM and the ESE group introduced a proposal before the Reform Commission and the People's Ombudsman that included 12 proposals. The proposals of the ESE group included the implementation of Article 88 of the Constitution (on the economic value of housework), the decriminalization of abortion, and the modification of article 76 to allow abortion before the third month of pregnancy and shared parenthood for same sex parents; modification of article 21 to include non-discrimination based on sexual preference, sexual identity, or sexual expression. However, the members of the MAM were not optimistic about the inclusion of the proposals despite the support of the president of the Permanent Commission of Family, Women and Youth, Gabriela Ramírez and the INAMUJER (which added another agenda for women). The proposals introduced by the ESE groups were considered radical by some of the women pushing the reform, just as is the past, some women involved in the process of presenting proposals for reform were not completely convinced of their own positions.[120]

Three main reasons were provided by Espina (2007) for their lack of confidence in the inclusion of their proposals: a) the political leaders (including women in power) only focused on the political transformation of the country and the feminist agenda would be left aside; b) the presidential commission was almost all male; c) opposition from the Catholic Church regarding abortion and gay/lesbian's rights would trump reform because Chávez was not interested in starting another fight with the Church (Espina, 2007). In the end, the only proposal included for the proposed constitution was the modification of article 21 to include non-discrimination based on sexual orientation. Nevertheless, the entire Constitutional reform was defeated in a popular referendum in December 2007 (Espina, 2007).

Analysis

During this period, amidst a climate of change, instability and political polarization, organized women united to push for and achieved the inclusion of many of their proposals in the 1999 Constitution, protested negative measures affecting women's political participation and women's protection from violence, called for the implementation of existing laws, and introduced proposals for a new law on violence against women and the reform of the Penal Code.

The results have varied depending on the type of institutional arrangement and the strategies used by women's groups to impact state gender policy reform. In general, women's groups were successful in advancing women's constitutional rights as many of their proposals were included in the new text. They were also successful in making modifications and achieving the promulgation of the 2006 Organic Law on the Right of Women to a Life Free of Violence that classified domestic violence as a violation of human rights.

However, in terms of women's political participation and social security for women, the results have not been satisfactory. In the first case, the derogation of article 144 of the 1997 Suffrage and Political Participation Law establishing the 30% women's quotas was not reversed for the 2000 and 2004 legislative elections. In the second case, the execution of article 88 of the constitution through the implementation of the 2000 Law of Social Security remains delayed as the implementation of the law has been rendered by many as impracticable. The same fate is expected for another law being discussed during 2008, the Law on Equality and Equity, pending the process continues, as its discussion was postponed inside the National Assembly.

Moreover, until this writing, the status of abortion remains unchanged in spite of the push for reform by women's groups and the proposals introduced by a broad women's movement during the recent process of reform of the Penal Code. So, what explains the different policy outcomes? What combination of institutional arrangements and women's strategies leads to success in gender policy reform? In the next section, I examine the institutional and strategic variables that may explain gender policy reform during the period of regime transition (1999-2006) as outlined in Table 3.

Institutional Variables

The political climate after Chávez election was characterized by hope, on the part of civil society groups and even the Catholic Church that regime change would contribute to the process of decentralization begun in 1989 and the deepening of democracy. Among the major institutional changes of this period, the writing of the 1999 constitutions constituted the opportunity to create a new type of democracy and society. Women's groups were among the

groups that benefited the most from the inclusion of their proposals in the 1999 Constitutional approved by referendum in December 1999.

Table 3. Major Institutional Changes, Women's Activism and Strategies, and Legal Gender Reform during Regime Transition

Regime Transition from representative to participatory democracy (1999-2007)	Institutions providing access to the state policy-making process	Women's Activism	Women's Strategies	Gender Policy Outcomes
Writing of the 1999 Constitution Creation of a National Assembly (dissolves Bicameral Congress) Centralization of power around the executive Decision-making closed Church-State conflict Political polarization affects women's movements 2002-2004	Institutionalization of feminist politics: creation of state bodies for women Elected women in Constitutional Assembly Elected women to the National Assembly 1999 creation of INAMUJER as established in the 1993 Law of Equal Opportunity for Women Appointment of long time activist as Director of INAMUJER Creation of the Permanent Commission of Family, Women, and Youth Appointment of women to positions of decision-making	Women organized a broad movement for proposals to the 1999 Constitution A split opens between groups: feminists vs. popular groups: issues of strategic vs. survival interests emerged Organization of grassroots women done by the state	Women's groups target state; state bodies and allies in office Femocrats and political called the CONG members to organize for the proposals to the 1999 Constitution Concerted efforts between women in academia, political women, and femocrats to maintain the agencies and commissions Creation of meeting points, networks of government's supporters and beneficiaries of state funds Locus of gender legal reform: feminist groups in universities Grassroots organizations created top-down Creation of the Women's Broad Movement (MAM): Proposals to reform the Penal Code	Constitutional reforms included in the 1999 Constitution 1999 reform of the law of equal opportunity creates INAMUJER Reform of 2002 Organic Law of Social Security (lack of implementation) Creation of social policies addressing poor women's needs: *missions* Passage of the 2006 Law on the Right of Women to a life Free of Violence Failure of 2004 proposals for the reform of the Penal Code Failure of 2007 reform for the Penal Code

A new chapter in Venezuelan democracy started from 1999 onwards that changed state-society relations in fundamental ways. In spite of the initial excitement for change, soon after the convocation of the National Constituency Assembly appointed to write the 1999 Constitution, many groups from civil society, including the Catholic Church, were concerned about the move towards centralization and the increased power of the military of the Chávez administration. The Catholic Church was particularly concerned about the way the new Constitution stated the protection of maternity and not of the child.

Increased political polarization led to fierce confrontation between the government and the traditional political parties, the Catholic Church and civil society groups; this in turn led to the exclusion of many of these groups from the construction of a new "participatory democracy" by the State. From then on, participation by civil society groups in decision-making positions such as the INAMUJER (former CONAMU) where many women were active in the past through their participation in women's NGOS and as service providers to women, was eliminated IN addition, redistribution of state resources for women was conditioned on support for the Chávez political movement which led to the mobilization and polarization of women from civil society groups. The creation of INAMUJER in 1999 by law constituted the culmination of the process of feminist institutionalization started in 1974 with the creation of the COFEAPRE. However, this time, the creation of the women's institute excluded some women from the policy decision-making of the revolutionary "process" led by President Chávez and thus it was regarded as useful and beneficial for supporters of the "process" only.

In addition, state bureaucracies and commissions underwent substantial changes during this period that affected the capacity of women to impact gender policy reform by using the institutionalization of the women's movement. The budget of INAMUJER was reduced after its

creation and the Bicameral Commission on the Rights of the Women was eliminated; the Permanent Commission on Women, Family, and Youth inside the National Assembly was created to replace the former.

The mission of the new INAMUJER was to formulate, coordinate and evaluate public policies with a gender perspective that would include all Venezuelan women. However, as an example of the recentralization of decision-making characteristic of this period, the design of some of INAMUJER's public policies directed at women depended on executive initiative in the form of projects related to the revolutionary process. For instance, the creation of Meeting Points for organizing women at the grassroots level in communal councils and through social missions directed to poor women were not demands made by the women's movement and, as stated before, excluded women who were not supporters of the "process."

Nonetheless, the INAMUJER also played an advocacy role by supporting the proposals of the women's movement during the writing of the 1999 Constitution, the appeals to reverse the decisions of the Supreme Court on the cases of lack of application of the women's quotas and the elimination of the preventive measures of the law on violence against women. INAMUJER and The National Assembly's Permanent Commission on Women, Family, and Youth also supported the proposals submitted by MAM and the ESE group in 2007 during the Constitutional reform initiated by President Chavez. The directors of INAMUJER and the President of the Commission were feminist activists (femocrats) with many years of experience involved in the process of legal reform.

In general, the women's commission and institute provided support to the proposals introduced by women, but advance on legal reform during this period was little compared to the period from 1989-1998. On the whole, women's organizing efforts declined as the movement

split due to political polarization, but in spite of partisan rivalries, women's groups' mobilization did not stop to fight for a feminist agenda as well as new forms or organizations among women's groups.

Women's Strategies

During the period 1999- 2007, examples of alliances created among women's groups are noteworthy as strategies used to impact gender policy reform. Based on their past experience of unification, women created a coalition to push for the establishment of the Institute of Women (INAMUJER) when the CONAMU was eliminated. Later, women united to present proposals to the National Constituent Assembly in 1999 to be included in the new constitution. In like manner, a coalition of women united since 2004, as a response to the introduction of an annulment on several articles of the 1998 Law on Violence against Women and the Family by the Attorney General in 2003 to prepare the draft proposal on a new violence law and push for its discussion and approval by the National Assembly in 2006. All things considered, women's success in including their proposals in the 1999 Constitution and the passage of the 2006 Organic Law on the Right of Women to a Life Free of Violence as shown in Table 3 can be attributed to the coordination of activities led by organized women that involved the collaboration among women's NGOs, women in academia, and women in government's commissions and agencies.

Nonetheless, the concerted effort of organized women during this period failed at reversing negative measures of the past as evidenced by the lack of application of article 144 of the Suffrage and Political Participation Law during the 2000 and 2004 legislative elections. As a response, a broader women's movement led by the director of INMUJER mobilized for the inclusion of 50/50 women and men parity and alternating in the lists of all political parties for

their legislative slates until finally a resolution by the CNE in 2008 declared it a norm for all political parties.

Last, but not least important, was the mobilization of a broad women's movement to introduce proposals for the partial reform of the Penal Code in 2004 and 2007. In this particular case, I looked at institutional causes that hinder the decriminalization of abortion by pointing to the fact that during the period 2002-2006, increased discussion of abortion inside the National Assembly took place in the context of Church-state conflict. Yet, opposition by the Church and some conservative factors in society still managed to freeze advances in women's sexual and reproductive rights as neither proposal managed to pass and women's groups were unable to take advantage of the rifts between the Church and state.

In terms of framing used by women's groups and coalitions of women throughout this period, the proposals presented for the 1999 Constitution were informed by important international documents that prevented discrimination and called for the use of non-sexist language in constitutional texts (the CEDAW and a UNESCO resolution). Also important were the use of the 1995 Plan for Action and the Declaration of Belem do Pará for the formulation of proposals that called for the increased political participation of women as a means to increase gender equality and the visibility of the issue of violence against women as a violation of human rights. In the cases where the coalition of women, or the so called *Movimiento Amplio de Mujeres* (MAM) mobilized, they used the international as well as the national instruments that established the importance of achieving social, economic, and political gender equality through the recognition and protection of women's rights. In addition, the formal action by women was reinforced by public campaigns, petition drives, and street demonstrations by women supporting the proposals.

In the cases where women have been less successful in their push for the implementation of the Social Security Law or the LIOM, the explanation seems to be that these efforts have not mirrored the broad coalition of women that characterized the cases mentioned above that included the strategy of unification and the use of international treaties to frame the proposals. Women groups have not organized behind these reforms the way they have for the others especially because few women know about these two laws as expressed by feminists interviewed for this study.

All things considered, in spite of the access women have gained to the state through state bureaucracies and women's commissions, the inconsistent political will to implement the existing laws as well as the influence of the Catholic Church in reinforcing social prejudices in society hinder women's social and political participation and the ability to make decisions that positively impact their lives as shown in Table 3 with the lack of implementation the Social Security Law and the failure of the proposals for the reform of the Penal Code.

Apart from the climate of political polarization that impacted women's organizing during the period 2000-2004, the perception of women that the institutionalization of feminists politics has been co-opted by the government affected women's capacity to influencing gender policy reform and created an important divide among the women's movement. The division resembles the traditional dynamic between strategic vs. practical interests proposed by Molyneux (2001). Feminists, on the one hand, criticize the government as designing policies that do not address women's legal inequality, violate the constitutional rights of all women by providing social benefits to government's supporters *only*, and are tainted by a populist and demagogic discourse that in fact increases women's subordination to the patriarchal state. Women's supporters of the Chávez's administration, on the other hand, argue that the social and political gains achieved by

women since 1999 are the result of the important changes taking place during the revolution that especially address women's issues. In any case, the division among women's groups is illustrative of class differences that were not so important in the period of institutionalized democracy and that first cracked the movement in the late 1990s, and ended up splitting it during the period of regime transition. Notwithstanding its division, the phenomenon is also instructive of the ability of Venezuelan women, throughout the three phases of Venezuelan democracy studied, to unite efforts around common issues when an opportunity for reform is believed to occur.

Chapter 5

CONCLUSIONS

The focus of this research has been to explain what drives gender policy reform in general; when and how? To answer these questions I have looked at changes in state institutions during institutionalized democracy, democratic deinstitutionalization, and regime change that have provided (or not) access to women's groups to be able to influence gender policy reform. Thus, in order to explain when and how gender policy reform is more likely to happen I have examined different forms of state mechanisms and women's group's strategies to assess their relative strength in the process of gender policy reform.

As evidenced in Venezuela, and confirmed by scholars in other Latin American countries, during the process of democratic consolidation women's groups were marginalized and demobilized by political parties. Therefore, I started with the assumption that during institutionalized democracy the impact of women's group on legislative gender reform would be rather small and largely dependent on the influence of changes in the international context such as the women's conferences since 1975 and the United Nation's decade of women (1976-1985), human rights international norms, conventions, and treaties on the democratic state to conform to the demands and goals of these international commitments. In the same way, another assumption was that the process of democratic deinstitutionalization, mainly characterized by the demise of the party system, as well as regime transition would increase the impact of women's groups on legislative gender reform as the control of the political parties on access to decision-making decreased and the context of change provided opportunities for women's groups to effectively access the state.

Accordingly, I used the political opportunity approach as a complementary approach to institutional analysis in order to describe the dynamics between institutional change and women's group's strategies to explain gender policy reform. The institutional approach emphasized the range of political institutions and the political opportunity approach took into account the openness of such institutions, the availability of allies for the movement, conflict between elites, and the impact of political alignments. Therefore, I evaluated women's group's strategies under different institutional arrangements in order to explain gender policy reform. Through process-tracing across three political stages in Venezuelan history, I examined the interaction of political structures and women's strategies for four variables to determine their relative strength in explaining gender policy reform.

In terms of institutional changes I looked at party bureaus and their ability (or lack thereof) to incorporate women into the new democratic regime and provide channels of representation for women's groups to advance gender policy reform. I also, considered the impact that state bureaucracies, advisory commissions, appointment of women, and elected women politicians had on gender policy reform. In addition, I analyzed the influence of changes in Church-State relationship during the three periods on women's ability to push for a feminist agenda inside the legislature. In terms of the political context in which the institutional changes took place I examined whether the process of decentralization, which attempted to deepened democracy by opening the political system to diverse groups of civil and political society, would impact the process of policy reform by increasing women's groups' participation in positions of decision-making. I also observed the impact of the collapse of the party system on women's ability to access the decision-making process. Finally, I assessed the impact of the transition on women's activism and strategies from the writing of a new constitution onwards.

I used four propositions derived from the literature that have been used to explain gender policy reform in many countries. The propositions about the institutional structures included the following:

1. Access of women's groups to decision-making processes increases the likelihood of state gender policy reform. Women's groups' access to decision-making processes can take different forms: through party bureaus, state bureaucracies, autonomous commissions, and elected female politicians. Each form provides space for women's issues and their strategies; each form provides different opportunities for policy reform depending on the institutional context. The likelihood of gender policy reform increases when institutions are more open.

2. Church-State relations directly influence state gender policy reform in the following ways: Conflict between Church and State is more likely to produce legislative action on controversial gender issues because it creates room for reformers (or reformist coalitions) to impact legislation without the state blocking the reform. On the contrary, periods of Church-State cooperation are less likely to lead to discussion of (and drive support for) controversial gender issues, and when discussed they are eventually defeated because of lack of governmental incentive to support reform and risk the Church's political ire.

The strategy-related propositions included the following:

3. The disaggregation of women's issues, the exclusion of divisive issues, and the use of international legal instruments increase the possibility of policy change. Proposals made on specific issues (domestic violence) while leaving out divisive ones (abortion) and based on internationally agreed norms by states promotes the

participation and support of all women's groups and public officials and increases the prospects of gender reform.

4. Greater unity among women's groups increases the prospects of state gender policy reform. The influence of a coalition of women's groups from within and outside the state to shape state policy proves beneficial in gathering the support of the groups' allies in and outside the state for gender reform.

Institutional and Strategic Factors Explaining Gender Policy Reform during Institutionalized Democracy

During the period of institutionalized democracy Venezuela's stability was due in part to an ideal two-party system that was designed to contain conflict. However, the overinstitutionalization of political parties allowed them to become the *only* channels of mediation between state and society as the parties controlled groups of civil society and their access to the state. Women who had a history of organization before the transition were marginalized, especially the activists belonging to the parties from the Left, and women's groups in general demobilized and fragmented.

One way in which women were incorporated to the state during democratic consolidation was through the creation of women's bureaus, especially those in the AD and COPEI parties; however, these did not allow women to achieve leadership positions and women's issues were subordinated to the party's interests. Because of the rigidity and exclusionary characteristics of the political parties, women's groups that formed during this period sought autonomy from the political parties, but targeted the state for demands. Some professional women went into academia while others founded women's organizations and popular organizations.

Naturally, as the women inside the main political parties AD and COPEI had been activists in the past and knew the political leaders in power, they sought direct access to the state through them by using their political alignments with the incumbents. As evidenced during the period 1970-1988 in Chapter Two, three of the incumbents (two from AD and one from COPEI) were willing to address the requests made by women in their parties for the creation of an advisory commission, a ministry for women's affairs, and a women's office in return for political support. The creation of the COFEAPRE, the first women's advisory commission by President Pérez (AD) in 1974 accomplished the celebration of the First Venezuelan Congress on Women in 1975 from which the first women's agenda emerged as well as the idea of legal reform on women's legal status, labor, abortion, and the Civil and Penal Codes. The creation of the Ministry of the State for the Participation of Women and Development by President Herrera Campins (COPEI) in 1979 as well as the commitment to legal reform of the appointed female minister resulted in the organization of a movement for the reform of the Civil Code which was successfully achieved in 1982. In 1984, the National Women's Office was created under President Lusinchi (AD) developing advisory commissions for policy reform on women's issues in an effort to coordinate the work of women's NGOS, women working inside the state, women from civil society, from the political parties, and from academia.

In addition, another executive appointment of women to state bureaucracies proved to be a crucial intuitional factor explaining gender policy reform. In 1986, the former director of the National Women's Office was appointed Minister of the Family and she transformed the National Women's Office into the Directorate of Women's Advancement as a means to continue the work with the advisory commission and provide advice to the Minister of the Family. The successful reform of the Civil Code in 1982 illustrates the importance of the creation of state

bureaucracies as well as the appointment of women to important decision-making posts during institutionalized democracy as institutional mechanisms that increase the likelihood of gender policy reform.

In contrast, women's access to decision-making processes through the political parties' bureaus did not provide women space for their issues and interests to be discussed as these were marginalized to the party's interests. Nonetheless, it allowed women inside the party bureaus to get familiar with the policy-making process characteristic of the period of institutionalized democracy --decisions taken inside the legislature were actually discussed outside among the leaders of the main parties (*cogollos*) and the legislature was only the locus of decision legitimatization-- and shaped their strategy of targeting the state and creating alliances among women's groups across parties and class that included the political women, the femocrats, and the autonomous women from civil society.

In conclusion, in spite of the rigidity and exclusionary characteristics of the political parties and their bureaus during institutionalized democracy, the state provided alternative access to women to the state decision-making positions at the request of women allied to the political leaders of the main parties. Women's political alignments positively influenced the creation of state bureaucracies and advisory commissions as well as the appointment of women to decision-making positions who pushed gender policy reform from inside the state apparatus, but also established links with organized women outside the state to achieve legal reform.

However, the state also imposed limits on women's influence on policy-making; Church-State cooperation during this period proved to be determinant in the lack of discussion on the issue of abortion inside the legislature. Therefore, the institutionalization of political parties and the entrenched interests of the Catholic Church, during periods of Church-State

cooperation, impeded women' access to the state policy-making process and the discussion of women's issues that clashed with the religious interests of the group or the state's interest.

Nevertheless, the creation of state bureaucracies and the appointment of women to decision-making positions can only explain part of the process of gender policy reform during the period 1970-1988; the other included the organization of women around a woman's agenda. The institutional characteristics of this period shaped women's organizing and strategies as shown by women's push for the institutionalization of feminist politics to have direct access to the state. Nevertheless, women's participation in international conferences on women sponsored by the UN informed organized women outside and inside the state apparatus that the creation of women's offices and agencies was part of the recommendations and norms being discussed at the international level as a means to increase gender equality. Thus, women felt their demands were legitimated by the existence of an international legal framework being developed on women's rights and they targeted the state and focused on legal reform at the national level.

The influence of international norms on key areas of discrimination against women, women's advances in health, education, and jobs, were used by women's groups in pushing the state, especially the incumbents, into adopting new policies in compliance with the state's international commitments. Thus, the drafting of the proposals prepared and presented by women's groups highlighted the norms agreed to at international and regional meetings and the treaties signed and/or ratified by the Venezuelan state that included increasing gender equality, the elimination of gender discrimination, and the protection of women's social, economic, and health rights.

However, the impact of international norms alone cannot explain gender policy reform since norm influence and implementation varies across the region depending, precisely, on

differences in state institutions and women's groups' capacity to influence gender policy reform. Therefore, women's strategies also included the coordinated effort among women outside the state and the allies of the movement inside the state apparatus to produce proposals for the reform of the Civil Code, the Labor Law, and the Penal Code.

Women used the strategies that they had used before the transition to democracy, collaboration across parties and class to work around an issue. The first proposals of this period came out of the First Women's Congress in 1974 as stated in Chapter Two; proposals were discussed among all women participants, except for the issue of abortion. After the creation of the COFEAPRE, the two Ministries and the National Women's Office, the writing of the proposals for legal reform was conducted mainly outside the state to be later presented to the women's commissions and ministries in order to introduce the petitions in Congress. In addition, the women's group built a coalition of women from all sectors of society who supported the proposals through organizing petition drives, public demonstrations and picketing outside Congress. As demonstrated, the movement for the reform of the Civil Code illustrates the alliances among women (the political women, the femocrats, and the women from civil society organizations) built around the idea of the democracy and the family; a very useful frame to garner support from all sectors of society. As a consequence of the broad support from the state and from women, the reform of the Civil Code was achieved in 1982 along with the promulgation of the approbatory law of the Convention on the Elimination of all Kinds of Discrimination against Women (CEDAW).

Another strategy used during the period of institutionalized democracy was the creation of a network of women's groups to continue working around specific proposals: In 1985, an umbrella organization was created to coordinate the work of 25 NGOs working on the evaluation

of the decade of women and on the proposals of important laws in the areas or labor, gender equality, and violence against women. The process of writing the proposals was similar to previous efforts at legal reform. They CONG worked outside the state and with the government through the advisory commissions created by the Women's Office. In terms of the frames used, women focused on gender equality and the protection of maternity, issues that would garner support from all sectors of society.

The eventual success of the proposals afore mentioned, which will be discussed in the next section, contrasts with the process of reform of the Penal Code which failed to get enough people on the reform bandwagon as the women's groups presented the proposals in terms of allowing abortion if pregnancy was the result of rape, incest, or in cases where the fetus presented malformations. Opposition by legislators in Congress led the proposal to be filed until another opportunity came up in 2004. The issue of abortion had caused some controversy among participant members of the COPEI party in the Women's Congress in 1974 and until it was introduced again in Congress in 1985, it had never been broadly discussed. Description of the process of reform of the Penal Code is scant in the literature on women's struggle for legal reform in Venezuela. Apart from the proposals that came out of the 1974 Congress and during the late 1980s, there is little discussion about it suggesting that women felt that perhaps such as divisive issue should be left out if they were to advance women's rights in other areas. In fact, Espina asserts that "each women's issues must be discussed separately; otherwise, the issue gets diluted among the different priorities of the different interest groups with decision-making power."[121]

The failure to pass the proposals on the Penal Code demonstrates that in spite of the existence of institutional channels of representation of women's interests and reform proposals

pushed by women their successful reform is not guaranteed when the interests of women clash with those of the state or the Catholic Church, or when they lack the support of a majority of women inside and outside the state. This outcome confirms the propositions derived from the literature that assert that greater unity of the women's groups and leaving out divisive issues such as abortion increases the likelihood for reform. In the same way, the use of frames based on internationally agreed norms increases the likelihood of reform because they legitimize the women's struggle for legal reform but *only* on issues that do not touch the entrenched interests of the Catholic Church on the decision-making process of the state. Divisive issues such as abortion, regardless of the frames used by women and the international norms, trigger the Church's, and its supporters,' opposition and negatively affect women's groups' ability to build a coalition of women behind the process of reform or activate the alliances of women from within and outside the state.

Institutional and Strategic Factors Explaining Gender Policy Reform during Democratic Deinstitutionalization

The process of political and administrative decentralization that started in 1984 attempted to overhaul a system whose legitimacy had been declining since the late 1980s. The process of decentralization managed to influence state-society relations in significant ways as civil society groups emerged and mobilized in order to push for decentralization and the deepening of democracy becoming thus, legitimate actors of civil society. Women were among the groups that emerged during the period of institutionalized democracy and mobilized, together with other civil society organizations, to call for decentralization and democracy. In contrast to civil society groups, the political parties were initially not in favor of the decentralization, and efforts were

made by President Lusinchi (AD) to delay negotiations. However, the presidential candidates changed their positions during the electoral campaigns, and supported the process in the end when they realized the amount of support of the electorate for the decentralization reform.

The changes in electoral rules affected by and large the party system as well as the process of decision-making. On the one hand, the parties started to lose control of the access to the state as new groups were able to further influence the state. Changes in the electoral rules affected the number of political parties, their cohesiveness, their support base, and the nomination procedures, thus allowing smaller, fragmented parties to gain representation in Congress. On the other hand, the legislature began discussing and issuing more laws. When the women's issues discussed inside Congress were not considered a threat to the interests of the Catholic Church, there was no resistance to gender policy reform in the areas of women's rights, workers' rights, and gender equality. However, more than the actual decentralization policies, the process of reform of the state increased civil society group's mobilization and participation in the decision-making processes of the state.

Added to theses changes was the state's adoption of neoliberal reforms that led to the transformation of the political and economic model. The period was characterized by social and political instability as described in Chapter Three. Changes taking place during this period impacted civil society groups which had become very active during the 1990s in order to fulfill the gap left by the state inefficiency. Furthermore, the collapse of the party system that began in 1993 increased the loss of legitimacy of the traditional political parties that marked the beginning of a new era characterized by an active citizenry.

During this period, the creation of state bureaucracies for women's issues continued and thus women's access to state policy-making decision positions was maintained. Among the most

important changes influencing gender policy reform we find the creation by the state of the Bicameral Commission for the Rights of Women (1989-1999) whose main role was to improve existing gender laws, promote new laws, and support the work of NGOs providers of service to women. Major achievements of the work of this commission were the 1990 partial reform of the Organic Labor Law in its Title VI, the 1993 Law of Equal Opportunity for Women, the Approval law of the Convention Belem do Pará, to prevent, punish, and eradicate violence against women that influenced the passage of the draft project of the Law on Violence against Women in 1993, the approval of Article 144 in the 1997 reform of the Law of Suffrage and Political Participation, and the passage of the 1998 Law on Violence against Women and the Family.

In contrast, the COFEAPRE suffered important changes during his period due to the neoliberal measures adopted by the government to shrink the state and was closed and reinstated, at the request of organized women's groups, and finally eliminated in 1992. This demonstrated that although there had been political will on the part of the incumbents to provide women access to the state in the form of women's commissions, the commissions were very fragile because they were dependent on the commitment of the incumbents. Therefore, women inside the COFEAPRE pushed for the creation of the Women's Institute (INAMU) by law to avoid its dependence on the inconsistent will of political leaders; it implementation did not take off until 1999 though.

Nonetheless, the appointment of an important political woman as Minister of Youth (and later Family) constituted an important factor in explaining the successful gender policy outcomes of this period as the ministers created additional advisory commissions on women issues, organized meetings with women's NGOS, and created additional space for women from civil society to access the state decision-making process on women's affairs. Additionally, the

creation of a council for women's issues in 1992, CONAMU, allowed even more access to women's groups outside the state who organized to work on the decentralized women's centers created by CONAMU at the level of the municipality. In contrast with the first period of institutionalized democracy, the period of democratic deinstitutionalization was characterized by a climate of political instability and transformation of the economic and political system in which the state bodies for women were enlarged and became more rooted inside the state apparatus, as illustrated by the creation of the Bicameral Commission for the Rights of Women inside Congress, which oversaw major gender policy reform. Also, the women's advisory commissions on women issues created by the female minister and the CONAMU provided access and consultation to NGOs in civil society thus creating a direct link between organized women in civil society and women inside the state apparatus.

Therefore, this period was characterized by the convergence of direct efforts by women in government, organized women in civil society, and women in the Legislative power, the so called "triangle of power," that positively impacted gender policy reform This confirms the proposition that more access to the state by women's groups increases the likelihood of gender policy reform, but such access needs to be created and defended by activists.

These institutional changes shaped the type of organizations that emerged during this period. This is mainly what this study adds to the literature on democratization since it looks at the deinstitutionalization of the party system and democracy and how it affected women's groups' activism and strategies to access the state policy-making process.

As a result of the institutionalization of a state-civil society partnership on women's issues by the female minister, this period is characterized by very active women's groups in neighborhood associations, as service providers NGOS, and women's studies centers, among

others as well as in the NGOs network, the CONG. Examples of this kinds of associations are the feminists of the Universidad Central de Venezuela, the activists from the parties of the Left, professional women from FEVA, and the Popular Feminine Circles, CISFEM, and AVESA.

However, although women's organizations increased in numbers in the area of services to women in sexual and reproductive rights, violence against women, and sex education through training, education, and legal advice to women, collaboration among all women's groups decreased during this period. Although no official record exists indicating the reasons for the decline in women's groups' collaboration, an important factor influencing the social movement seems to have been the economic crisis and the political environment of political instability. This period was characterized by economic decline, conflict among political elites, and political instability (public riots and two attempted coups). Consequently, this period witnesses the divisions among women's groups and the emergence of divergent interests. A core feminist group regarded as elitist by women from popular organizations began working more actively in legal reform while other groups were more focused on providing women services, working for their communities, or working with the state. It was the feminist organized group that managed to push the feminist agenda inside the legislature as described in detail in Chapter Three.

Nevertheless, the political women inside the state apparatus took the role of calling on all women's groups and NGOs whenever there was an opportunity for legal reform; thus, although the locus for the struggle for legal reform took place in the feminist circles, at least in its preparatory phases, the final proposals were later pushed inside the legislature by the political women and the femocrats. The network of women that started working on the draft proposals for the reform of the Labor Law and the Penal Code --the CONG, dissolved, but organized women in women's studies research centers, women's NGOs, and other organizations continued playing

a major role in gender policy reform. Although not as a network, but as individual groups, women from outside the state were able to work with and influence the women in the legislative commissions committed with a feminist agenda. Women also used street demonstrations, petition drives, marches, and the coordinated effort of women from civil society, political women, and femocrats.

In cases such as the reform of the Labor Law, street protests and picketing in front of Congress were also useful for the reform to pass although the reform was led only by feminist activists. In the case of the Law of Equal Opportunity for Women, major support came from the woman president of the Bicameral Commission on the Rights of Women. Finally; in the case of the Organic Law of Suffrage and Political Participation, the initiative for the inclusion of women's quotas came from organized women in civil society who introduced the proposals and were supported by the women from the CONAMU and the members of the Bicameral Commission. In addition, the women's groups gathered 20,000 signatures to endorse the proposal.

Finally, this period of activism coincided with important changes in international norms that legitimized the action women's groups at the national level and allowed them to put pressure on the state to implement. The global recognition of the power of the idea of human rights mainly pushed by the 1993 Vienna World Conference of Human Rights; the recognition of women's rights as human rights in the areas of gender equality in power positions, women's reproductive and sexual rights, and the access of women to development, were among the themes discussed in the international forums and the goals of women to get the states to commit to; the women's quotas were part of a commitment made by the Venezuelan state at the IV World Conference on Women in Beijing in 1995.

In sum, the process of gender policy reform resembles the previous period in terms of the mechanisms provided to women's groups to access the state, that advisory commissions, ministries on women's affairs, and the appointment of women to important decision-making positions. However, this period presents an important change in regards to the previous period, that creation of a special commission inside Congress with expertise on women's rights. The influence of the Bicameral Commission of the Rights of Women on the passing of major legal reform during this period is without a doubt the most important institutional factor explaining successful gender policy reform. In addition, the existence of alliances among organized women in civil society organizations and academic centers and women inside the state bureaucracy was crucial in the successful process of discussion and preparation of the proposals to be introduced in Congress, and the support of the proposals in the legislature by political women and femocrats. Finally, the important amount of legal reform achieved during this period was the result of the effort by women's groups to unite and use the international legal framework on human rights.

However, it is important to note that as indicated in the case of the passing of the 1993 Law of Equal Opportunity for Women (the LIOM), support from women's groups was not broad, but the congress woman pushing for it managed to gather support from her political party (AD) to pass the law she held the post of president of the commission. This illustrates how political alignments can be useful when pushing for important legal reform, but they can also lead to the passage of some ill-prepared laws, which pass because they are not regarded as harmful to the interests of the state (nor the Church). However, in terms of their quality, they become weak legal instruments like the LIOM, which has had no impact whatsoever on women's lives, since most women know little or nothing about it and thus it is never

implemented because of lack of women's demands for implementation; a fact that begs the question of the importance of the quality and not the quantity of laws in advancing women's rights.

Institutional and Strategic Factors Explaining Gender Policy Reform during Regime Transition

The transition from representative democracy to "participatory democracy" in fact increased participation of civil society groups in the decision-making process at the beginning. Women were among the groups that participated and their efforts were rewarded with the inclusion of many of their proposals in the 1999 constitution. The 1999 Constitution marked the beginning of a new era; new rules, new players, and a fundamental transformation in state-society relations. However, in the process of transition, some of the new rules excluded civil society groups that had become active since the process of decentralization started in 1989. Furthermore, there was no room for the traditional political parties or the Catholic Church, considered the culprits of the economic and political crisis that lead to the demise of the Punto Fijo democracy.

In the process of consolidation of the new regime, the confrontation between the state and certain civil society groups, the traditional political parties, and the Catholic Church particularly, was about the perceived centralization of power by Chávez, his authoritarian and inflammatory discourse, and his moves perceived by some to transform Venezuela into a Cuba-like system. Therefore, the process of consolidation of the hybrid regime has been characterized by increasing political polarization.

In terms of women's access to the state, the state bureaucracies for women and the advisory commissions were eliminated, reduced, or underwent important structural changes. For instance, the CONAMU and its advisory commissions were eliminated; however, at the request

of women's groups the INAMUJER was created in 1999 by law after changes made to the LIOM. Nevertheless, the new women's institute eliminated the participation of civil society groups inside the board of directors, significantly changing the structure of the women's institute and its ability to maintain alliances with women from civil society and excluding important actors such as the women from the academic centers and women's NGOs from the decision-making process on women's issues.

Similarly, the Bicameral Commission of Women's Rights with its expertise on women's issues disappeared when the National Assembly was created. The Bicameral Commission was replaced by another commission inside the National Assembly whose concern was women, but also the family and youth. The transformation of the institutional mechanism of state bureaucracies and advisory commissions negatively affected the passage of gender legal reform, but also demonstrated the state's attempt to centralize the decision-making process on women's issues around those appointed by the political leader and committed to implementing the leader's agenda. Likewise, the creation of a Permanent Commission on Women, Family, and Youth inside the National Assembly illustrated the state's perception of women's traditional role in the family and under the direction of the paternal state.

These developments are examples of important political choices that shaped women's activism, strategy, and role in advancing gender legal reform at the beginning of the transition. On the one hand, the exclusion of civil society groups from the INAMUJER negatively affected the capacity of women from civil society to access the state and influence gender policy reform by reducing alliances between women in civil society and women in the state. On the other hand, the replacement of an expert commission on women's rights for a commission on women, family, and youth confirmed the state's interest in maintaining the discussion of women's issues

within the traditional paradigm concerned with the private role of women in the family instead of the female citizen whose rights need to be discussed among experts on human rights.

Nevertheless, the state appointed long-time activists and feminists to important decision-making posts such as the director of INAMJUER, the Defender of Women's Rights, the president of the Permanent Commission on Family, and Youth inside the National Assembly, and several ministries.

As stated above, the 1999 transition was characterized by increasing political and social polarization which resulted in the fragmentation of the women's movement as the middle class, where most feminists groups belonged, united to oppose President Chávez's increased recentralization of power and exclusionary moves towards important sectors of civil society. The broad women's movement that had been able to unite whenever there was an opportunity for reform split as a result of the political polarization; class issues emerged creating a divide between those who favored legal reform and those who favored increasing access to state resources. Also, new forms of organizations appeared under the direction of the paternal state as means to redistribute the state resources and include the historically marginalized groups, where women are a majority. In fact, the regime put in place, through executive decrees, social programs to benefit poor women and address their needs; examples of these are missions *Negra Hipólita* and *Madres de Barrio* and the women's bank BANMUJER. It is important to note though that such policies were not the result of organized women's demands or discussions in the legislature, but initiated by the state in a top-down strategy. However, in terms of gender policy reform which is our focus here, this period was characterized by few achievements and some reversals in previous gains.

For instance, the decision of the National Election Council --endorsed by the Supreme Court-- to ignore article 144 of the Suffrage and Political Participation Law in the 2000 and 2004 elections demonstrated the resistance by political parties to implement affirmative actions that have a real impact on women's political participation and the discriminatory attitude of political male leaders towards women's political participation. In like manner, the decisions of the Attorney General (endorsed by the Supreme Court) to eliminate important articles of the 1998 Law against Violence against Women and the Family reinforced the perception of the lack of political will to advance women's rights.

Finally, in terms of the sexual and reproductive rights, the women's movement has been unable to impact changes on the Penal Code to decriminalize abortion (or adultery) in spite of organized efforts and the use of strategies that worked for other women's issues. As evidenced throughout the three periods, the issue of abortion, absent from public discussion during the first two periods of Church-state cooperation, became more salient during the last period of Church-state conflict, but its status was not changed. However, in the context of State-Church conflict the proposals of the broad women's movement (MAM) introduced during the reform of the Penal Code in 2004 and 2007 (along with other groups like the ESE group) were discussed in the National Assembly, but defeated by opposition from the Catholic Church and conservative sectors of society.

Although in the opinion of feminists interviewed for the study, the discussion of women's issues in the legislature and the media increased during this period, the influence of the Catholic Church and the lack of political will by the state to incite the Church's ire, determined the unchanged status of abortion until this writing. This indicates the power of the Catholic Church

and its supporters on issues that are considered contrary to the “moral values” of the Church and the Catholic family.

Notwithstanding the negative impact that political and social polarization had on women’s groups at the beginning of the transition, women came together to offset several attempts by political decisions to do away with past gains. First, women defended the women’s institute created under the Punto Fijo democracy, CONAMU, and called for the creation of the Women’s Institute and the Defender of Women’s Rights as established in the 1993 LIOM. Second, women united to present proposals for the writing of the 1999 Constitution and successfully achieved the inclusion of many of them. Third, women’s groups organized, inside and outside the state, to formally protest the derogation of article 144 of the suffrage law in the 2000 and 2004 elections because the lack of implementation of the electoral quotas negatively impacted women’s political participation in positions of decision-making.

Even at the local level, where more women are engaged in social activism, elected women in 2007 for the posts of mayor and councilwoman was 7.2% and 18% , respectively; a very low percentage when compared with Chile 12,1% for mayor and Costa Rica 47.6% for councilwoman. Women’s mobilization finally achieved the 2008 resolution by the National Electoral Council to include a zebra-list (alternating one woman and one man) for national, municipal, and parish decision-making positions for that election.

Finally, organized women also protested the annulment of the preventive measures of the Law against Violence against the Family 2003 and as response women’s groups united behind the proposals for the draft law of the Organic Law on the Right of Women to a Life Free of Violence. The effort of organized women, from inside and outside the state, resulted in the promulgation of the Organic Law on the right of Women to a Life free of Violence. The 2006

law achieved the recognition of violence against women in the private and public sphere making the issue more visible and framing violence both as a crime and as problem of public health, and specifying 19 types of violence. During these four events women managed to form a coalition of women's groups, a broad women's movement in the style of the CONG back in 1985 together with the women from INAMJUJER to push for the reestablishment and implementation of existing laws or the creation of new ones

However, the fragmentation of the women's movement due to the political and social polarization from 2000 to 2004 is illustrative of class differences that were not so important in the period of institutionalized democracy and that first cracked the movement in the 1990s during the periods of political instability, and ended up splitting it during the period of regime transition characterized by social and political polarization. The new women's organizations that emerged were different from the feminist groups, NGOs associations, and popular groups typical of the previous periods. In contrast with the autonomy of the former, the new women's groups were created and organized by the state. In terms of their motivation, the feminist groups focused on gender policy reform and challenged gender hierarchy and difference. The new groups, in contrast, were interested in the social and economic programs the state had to offer in exchange for their political support. And although they challenged gender hierarchy, they were not interested in challenging gender difference because their loyalty to the leader included subordinating their needs to that of the "process."

Feminists groups based in university centers criticized theses programs for their populist nature and their lack of mechanisms to evaluate their impact or accountability. In the view of women fighting for legal gender reform, the programs created by the state during this period did not address women's legal inequality and made them dependent on the state and subordinated to

the patriarchy it embodies. In sum, political decisions shaped women's activism and organizations; autonomous organizations and some women inside the INAMUJER focused on gender legal reform, while grassroots state-funded organizations focused on increased access to state resources.

In terms of the impact that women's strategies had on gender policy reform, which is our focus here, the developments described above, in particular women's collaboration at all levels to push for the creation of INAMUJER, the inclusion of their proposals in the 1999 Constitution, the organized protest against the lack of implementation of women's quotas, and the passage of a new law against violence against women confirm the existence of alliances and networks among women's groups that can still impact legal reform in spite of structural changes undergone by the INAMUJER and the political polarization that split the movement. In addition, it supports previous conclusions on the importance of the institutionalization of feminist politics and the appointment of (feminist) women to political decision-making positions for successful legal reform. Finally, it demonstrates the limits of women's unification and framing strategies; divisive issues such as abortion do not promote the support of a broad coalition of women for reform due to lack of consensus among women's groups, opposition by Church and conservative sectors of society, and lack of political will to put women's interests on the agenda at the risk of confrontation with the Church.

More Laws or Better Laws?

Explaining how and when gender policy reform has taken place throughout three political stages of Venezuelan history implied examining specific institutional configurations that shaped and were shaped by women's groups' activism. The Venezuelan case provided an opportunity to

assess the relative importance of state institutions and women's strategies in order to confirm or refute findings from other cases. In general, the Venezuelan case confirms that gender policy reform is more likely to happen when there is greater unity among women's groups in the form of coalitions or networks of women organized to push for proposals that are supported by a majority inside the legislature and an organized women's movement in civil society. Majority support, in turn, depends on the nature of the issue and on the strategic use of frames by women's groups, which are crucial to appeal to supporters, detract opposition, and legitimize the demands by women. Therefore, the intervening variables referring to the framing capacity of the women's groups and greater unity among them seem to be critical elements in explaining of gender policy reform.

In like manner, in order for women's demands and interests to be incorporated into the state decision-making process, the institutionalization of feminist politics proved to be the mechanism that most likely influenced the passage of gender policy reform. The state created state bureaucracies and advisory commissions which were in charge of discussing women's legislation, working in partnership with NGOs and organized groups in civil society and providing advice to the President on women's issues, thus targeting the incumbents directly. Additionally, the state bureaucracies were staffed with appointed women and were more independent to introduce the discussion of women's issues inside the legislature and establish direct links with organized women outside the state. Therefore, the creation of state bureaucracies in which appointed or elected women participated in the process of decision-making, and promoted and supported the process of gender policy reform proved to be the most influential institutional variable explaining the successful gender policy reform. In contrast, the incorporation of women through party bureaus blocked women's access to the state decision-

making process during the period of institutionalized democracy when the political parties where very strong.

In addition, organized women in civil society were very important in preparing most of the proposals and gathering support from other women's groups outside the state through street demonstrations, campaigns, petition drives, and picketing to more effectively push for reforms. This form of activism was especially significant during the process of reform of the state initiated with the process of decentralization when many women's groups emerged and activism increased in the 1980s. Likewise, women's mobilization and successful legal reform increased as the political parties began their deinstitutionalization in 1993. Finally, during the regime transition in 1998, women's mobilization and push for legal reform reached one of its highest points with the inclusion of most of their proposals in the 1999 Constitution. Therefore, successful gender policy reform increased as the process of decentralization began "thawing" the Punto Fijo democracy and the political parties began their deinstitutionalization. Finally, the impact of the beginning of the regime transition provided the women's movement great influence on the text of the 1999 Constitution, but less impact on gender policy reform as the regime moved towards consolidation and recentralization of decision-making power around the Executive.

Table 4 below summarizes the policy reforms in terms of success or failure in order to determine the relative strength of the institutional and strategic variables that explain the success or failure of gender policy reforms during the three political contexts analyzed. The reforms of the Civil Code in 1982, the Labor Law in 1990, and the Organic law on the Right of Women to a Life Free of Violence in 2006 can be considered very successful as outlined in Table 4. The laws correspond to each of the three periods analyzed in which the common institutional variables

were the existence of state bureaucracies staffed by appointed women with alignments to the political leaders. Additionally, during the process of reform, organized women outside the state created alliances with women inside the advisory commissions to push for the reforms; women also united across class and party lines and organized a broad women's movement that led to the creation of networks of autonomous women's organizations such as the CONG (from 1985 to 1990) and the MAM (since 2004 to the present) with links to the women inside the state. Also, the process of the reforms coincided with the periods of unification of the women's movement as well as the influence of changes in international norms that legitimized the demands of women based on gender equality at work and in the family and violence against women as a violation of human rights. The nature of the issues discussed allowed women to draw support from a majority inside and outside the legislature, even in the face of Church-state conflict. Thus, in spite of the fact that the relationship between Church and State went from cooperation to conflict, changes in this relationship did not affect the passage of these gender policy reforms.

In contrast, the failure to decriminalize abortion in spite of similar institutional mechanisms, that is, state bureaucracies and unity among women's groups, and periods of conflict between Church and State, can be attributed to the following factors: a) failure by women to get the support from all women inside and outside the state in spite of the fact that the issue of abortion was discussed separately from the others and the women framed the issue in terms of an interruption of pregnancy and a problem of public health; b) the influence of the Church on divisive issues such as abortion that clash with the "moral values" of the Church and the political interests of the state. Therefore, support for a proposal needs to be broad enough to include civil and political society in order to increase the likelihood of passing as long as the issue is not at odds with the entrenched interests of the Catholic Church.

The passage of the Law on Equal Opportunity for Women (LIOM) in1993 and the law of Social Security in 1997 and later in 2002 can be regarded as successful, but lacking real impact on women's lives. On the one hand, the LIOM is plagued by weaknesses; it is program that outlines the role of the state guaranteeing the equality of women, but is not specific about which rights need to be protected in order to achieve equality. The only reason why it passed in Congress was because the female president of the Bilateral Commission on Women pushing for it garnered the support of her political party. Moreover, the law is not publicly well-known. On the other hand, the 2002 law of Social Security has the potential to advance women's rights, especially the rights of housewives whose work has been recognized as having economic value even in the Constitution, but the lack of implementation and the creation of parallel social programs such as the missions to guarantee the rights of the housewives affects its capacity to advance women's rights. The shortcomings of these laws can be explained by the fact that neither process of policy reform counted with the support of a majority of women inside and outside the state since it coincided with periods in which the women's movement was polarized and divide and the proposals did not come from organized women. Accordingly, the passage of these laws demonstrates that achieving gender equality entails more than just getting the laws passed, but ensuring that legal equality is transformed into real equality through high-quality laws and their implementation.

Finally, the passage of the 1997 Organic Law of Suffrage and Political Participation and the 1998 Law on Violence against Women and the Family are considered partially successful. The process of reform managed to draw majority support by women' groups, however, the capacity of the laws to advance women's rights in the area of political participation and protection from violence against women was negatively affected by political decisions that

reversed the gains established by the laws. On the one hand, the lack of application of women's quotas established in article 144 of the 1997 Organic Law of Suffrage and Political Participation negatively affected women's political participation in decision-making positions. On the other hand, the elimination of the preventive measures of the 1998 Law on Violence against Women and the Family left battered women unprotected for three years until the 2006 Organic Law on the Right of Women to a Life Free of Violence was finally passed and reversed the damage. Therefore, the quality of the laws is very good, but the partial reversals by the state make them laws that are only partially successful as they were easily manipulated by political interests.

In sum, gender policy reform that involves the careful preparation of proposals informed by changes in international norms on gender equality and counts with the support of civil and political society, on issues that are not divisive, leads to the successful passage of laws characterized by their high quality and capacity to advance women rights. In contrast, gender policy reform that is ill-prepared as a result of lack of information on changes in international norms on gender equality and lacks support from some sectors of civil and political society leads to the passage of laws that become weak instruments with no potential to really advance women's rights.

Table 4. Policy Outcomes and Factors Explaining the Passage of the Laws

		INSTITUTIONAL	**MECHANISMS**		**WOMEN STRATEGIES**	**CHURCH-STATE RELATIONSHIP**
	PARTY BUREAUS	STATE BUREAUCRACIES	ADVISORY COMMISSIONS	ELECTED FEMALE POLITICIANS		
POLICES						
1982 Civil Code **(Success)**	+	+	+	-	Unification/ framing	cooperation
1990 Labor Law (Success)	+	+	+	-	Unification/ framing	cooperation
1993 LIOM **(Success)**	+	+	+	-	--	cooperation
1997 Organic Law of Suffrage and Political Participation **(Partial Success)**	+	--		-	Unification/ framing	cooperation
1997, 2002 Social Security **(Success)**	Only in 1997	+	+	Only in 2002	-	cooperation and conflict
1998 Law on Violence against Women and the Family **(Partial Success)**	+	+	+	+	Unification/ framing	cooperation
2006 Organic law on the Right of Women to a Life Free of Violence **(Success)**	--	+	+	+	Unification/ framing	Conflict
1984, 2004, 2007 reform of Penal Code **(Failure)**	Only in 1984	+	+	Only in 2007	--	Cooperation and conflict

Finally, gender policy reform on divisive issues that counts with the opposition of the Catholic Church and important sectors of political society with decision-making power is likely to fail even when it counts with the support of organized women's groups from outside and inside the state. Accordingly, only three of the propositions derived from the literature can be confirmed in terms of their effect on gender policy reform, namely:

1. Access of women's groups to decision-making processes increases the likelihood of state gender policy reform. Women's groups' access to decision-making processes can take different forms: through party bureaus, state bureaucracies, advisory commissions, and elected female politicians. Each form provides space for women's issues and their strategies; each form provides different opportunities for policy reform depending on the institutional context. The likelihood of gender policy reform increases when institutions are more open.

2. Periods of Church-State cooperation are less likely to lead to discussion of (and drive support for) controversial gender issues, and when discussed they are eventually defeated because of lack of governmental incentive to support reform and risk the Church's political ire.

3. Greater unity among women's groups increases the prospects of state gender policy reform. The influence of a coalition of women's groups from within and outside the state to shape state policy proves beneficial in gathering the support of the groups' allies in and outside the state for gender reform.

The Venezuelan case also provided an opportunity to generate hypotheses on the process of gender policy reform. Especially instructive is the case where the divisive issue of abortion was discussed in the contexts of Church-State cooperation and Church-State conflict. In general,

regardless of the strategic use by women's groups of coalition-building and frames based on the need to address an issue of public health that causes high numbers of deaths, the Catholic Church's opposition negatively affected the passage of gender policy reform. More specifically, the issue of abortion affected women's groups' ability to build a real coalition of women behind the process of reform or activate the alliances of women from within and outside the state and effectively reduce the entrenched power of the Catholic Church on the state decision-making process, because some women were divided on this issue.

This in turn, points towards the limits of state-women relationship in that the former provided access to the process of policy reform, created spaces for women's activism inside the state, worked in partnership with women's groups, and in general institutionalized the feminist struggle; however, when more entrenched interests as those of the Catholic Church clashed with women's interests, the state was unable to offset the Church's opposition and prioritize women's demands. In addition, the lack of implementation of the policy outcomes described as partially successful in Table 4 indicate that even in the face of reforms, lack of political will by the state to implement existing laws negatively affects the capacity of gender policy reform to advance real gender equality.

Thus, three hypotheses generated from the Venezuelan case in regards to the dynamics between the institutional configurations and women's strategies are the following:

> A. *The likelihood of gender policy reform increases when women's groups have access to decision-making processes in the form of state bureaucracies, advisory commissions, and as elected female politicians, especially when institutions are in a state of flux, such as in the context of democratic deinstitutionalization and regime transition.*

B. *Regardless of the quality of State-Church relationship, the entrenched power of the Catholic Church in the decision-making process of state legislative reform decreases the likelihood of gender policy reform on issues whose nature is perceived as clashing with the interest of the Catholic Church.*

C. *Although greater unity by women's groups and the strategic use of international agreed norms increases the likelihood of gender policy reform, the ability of women's groups to effectively impact gender policy reform depends on the existence of alliances between women inside the state apparatus and women outside the state and not so much on the degree of opening of state institutions.*

So what can the Venezuelan case add to the literature on women's mobilization and impact on gender policy reform? Gender policy reform happens when the state not only provides access to women's groups to decision-making processes in the form of state bureaucracies for women and advisory commissions, but when there is a fit between organized women in civil society, women inside the state, and political will to make women's interest a priority compared to other groups' interests. The generalizability of these propositions ultimately rests on additional research, however if this case is compared with experiences in other countries, I can affirm that the success and failure of gender policy reform is not dependent on a unique set of circumstances particular to Venezuela.

A Comparative Perspective

Through the literature review I have been cognizant of important changes in gender policy reform in different countries; in this section I provide an institutional analysis of such

changes as well as women's responses and strategies to impact gender policy reform in order to find similarities or differences in the process of gender reform in Venezuela and other countries. I also reflect on the applicability of the hypotheses derived form this case study to other cases. In this sense, the case of Venezuela serves as an instance to assess propositions made by previous studies and contributes to our understanding of what political structures best contribute to gender policy reform. The process of gender policy reform in Venezuela confirms the findings by Htun (2003), Drogus and Stewart-Gambino (2005), and Desai (2001), in Argentina, Brazil, and Chile, and India concerning the direct influence that the institutionalization of feminist politics has had on legal gender reform (and on the women's groups) during democracy. Additionally, it supports studies by Htun (1998), Keck and Sikkink, (1998), and Htun and Jones (2002) where international norms have been found to be the most influential factor explaining the liberalization of gender issues in many countries Latin American in the 1980s, but only when the issues are not divisive or clash with the state or religious (Catholic Church) interests.

Gender policy reform depends among other things on the nature of the issue and on political clout of interest groups within the decision-making processes. For instance, in regards to the issue of abortion, the members of the FSLN in Nicaragua were willing to advance women's rights when they took power, but they feared a political backlash from organized religious groups and thus decided to be cautious about women's reproductive rights by leaving the law unchanged which remained less liberal than Honduras, Costa Rica, Bolivia and Venezuela where abortion is allow on social and medical grounds (Molyneux, 2001).

Htun (2003) points to the fact that during periods of Church-State conflict in Brazil and Argentina, in the 1970's and 1980s respectively, divorce was legalized because a coalition of men and women pro-divorce was able to produce policy change by taking advantage of the

cracks in the Church-State relationship and defeating the Church. In contrast, the antiabortion movements in these two countries never garnered enough support to defeat the Church and opposition grew instead.

These examples indicate the lack of political will by political parties to advance women's rights by not supporting issues that might risk the political support of important interest groups. It also shows the inability of women's groups to form a coalition behind proposals whose nature are perceived by the Catholic Church as a threat to the moral values and the values of the family. In fact, as Molyneux (2001) aptly puts it, "abortion has never been a popular issue anywhere in the world, let alone in societies that are deeply religious or socially conservative in character" (p. 72).

A comparative examination of the role of the institutionalization of feminist politics in the process of gender policy reform reveals that similar to what has been described in the Venezuelan case across three political stages of democracy, institutionalized democracy in Argentina, Chile, Brazil, and India provided access to women activists to the state. During the period of democratic institutionalization the Venezuelan state created women's advisory commissions and council as well as women's offices and ministries to address women's issues. In the Venezuelan case the creation of state bureaucracies was the result of women's lobby that proved crucial for gender policy reform. In Chile, the state created by law the SERNAM (Servicio Nacional de la Mujer) in 1991 to promote an agenda for women in the same way that CONAMU and INAMUJER did in Venezuela. In Argentina, during democratic consolidation the state created the National Women's Directorate within the Ministry of Health and Social Action and soon after a Woman's Subsecretariat and appointed a leading feminist as its director. In Brazil during democratic consolidation the state created the National Council on Women's

Rights under the Ministry of Justice and “staffed it with feminists with connections to women’s groups” (Htun, 2003:118).

The role of the state agencies in all countries was basically the same, to propose legal reforms addressing women’s inequality. Similarly in India, the state created a rape commission and later a Ministry of women after a lot of effort by feminist activists (Desai, 2001).

In all cases, women activists outside the state used the state bodies and the allied women inside the state to push for reform, but they enjoyed limited influence as the necessary conditions not always met: one condition is that the state is recognized as a place for social justice and with the capacity to implement and institutionalize reform; the other is that feminists organizations press for demands inside and outside the state. According to Desai (2001) these two are needed for successful reform to pass.

In terms of the impact of the political parties, the institutionalization of the political parties in 1970s in Venezuela negatively affected the participation of women in the decision-making process. Similarly, when regional political parties increased their power in Congress in India in the mid-1980s, women’s rights experienced major setbacks. For instance, the institutionalization of the Hindu party with a conservative focus on women’s rights and religious fundamentalist beliefs negatively affected the advance on women rights. Just as the Catholic Church’s entrenched interests in Venezuela hindered the reform of Penal Code, Hindu fundamentalism in India affected the advance of women’s rights that clashed with the political interests of religious groups. Therefore, women’s concerns began to be considered as a matter of cultural traditions and not as a violation of women’s rights as a result of the lack of political leadership to oppose religious interest and risk the political support of the most powerful party in Congress.

In terms of women's strategies, in contrast to Venezuela, Indian women formed autonomous organizations to confront the development state and as a response to the state failure in reducing poverty in independent India; they demanded land reform, minimum wages for agricultural work, and micro- credit for self-employment. Similarly to what happened in Venezuela autonomous women's groups organized protests and worked with the state through the national commissions in order to achieve legal reforms in the areas of rape and dowry laws. Women's groups used the international framework on women's rights developed by the United Nations in order to pressure the state into compliance with international norms (Desai, 2002). After independence, the Indian state sought to modernize and thus directed its efforts at addressing inequality through the development of capital-intensive industrialization and modernization of agriculture. However, the impact of the former policies on increased poverty triggered the demands of civil society groups, mainly influenced by the Left and the Gandhian movements. Unlike in Venezuela, middle-class women's groups organized poor rural and urban women around issues of survival and gender equality and mobilized them to access state resources. In response to increased mobilization, the state announced a series of policies to address increased poverty: distribution of land, provision of interest-free loans to urban poor, provision of employment at minimum wages. Women were especially active in demanding land for women, equal minimum wages for men and women, and child care.

However, during this period of state redistributive policies and due to the influence of the UN's decade on women, women's issues, such as violence against women, and subordinated status became salient and provided women a means to pressure the state to commit to changes in international norms; women activist who had organized poor women, shifted their attention away from grassroots activism, just like the Venezuelan feminist did in the early 1980s, and started

organizing around issues of violence against women and consciousness-rising campaigns. In both cases, the determining factor on women's interest was the result of the international focus on women's issues promoted by the UN's decade on women which encouraged feminist groups to translate international commitments made by the state into national legislation and public policies. In like manner, women's demands were directed against the state and the legislative bodies of the state. In India, an autonomous women's movement emerged and was able to work with the state and through state commissions and achieved a series of legal reforms. Women's groups were supported by a coalition of lawyers and other groups. Poor women organized the SEWA to set up a bank for poor women to start cooperatives and other self-employed activities. In spite of the divergent interests of women's groups, the Indian case reveals the ability of women in general to achieve important reforms that translated into women's improved lives' conditions.

Interestingly, the current split among women's movements in Venezuela, resembles the split that took place among the Indian women's movement democratic consolidation when the state designed a series of polices to address the practical needs of poor women. However, because the Venezuelan recent transition took place in a climate of political and social polarization, the rifts among the groups in Venezuela, unlike in the Indian case, put in evidence class cleavages that in the period of institutionalized democracy and deinstitutionalization of democracy had not impeded the organization of broad, inclusive women's groups to advance both strategic and practical interests. At the moment in Venezuela the feminists are critical of the popular women's groups because of their inability to challenge gender inequality and patriarchy, and their top-down organization by the state agency INAMUJER (what Drogus and Stewart-Gambino call the vertical linkages with government). Still, the feminists have continued seeking

legal reform and have used their ability to networking and have used issue-based alliances to push for further reform and implementation. On the contrary, grassroots women (mainly *chavistas*) have sought individual empowerment through their participation in state-funded social programs or by taking advantage of social policies addressed to them, but have prioritized support for the political process rather than the feminist agenda.

In Brazil, during the period of democratic consolidation, grassroots women activists in Catholic base communities created networks with the feminists groups, mainly in Sao Paulo. For instance, the grassroots feminist organization AMZOL, an outgrowth of the base communities, had worked or been trained by feminists organizations; Catholic, pro-choice, feminist organizations also created links with grassroots activists. In Brazil, the Catholic Church was not friendly towards feminism so the popular church did not organize women or addressed women's issues; in fact, it was silent on women's subordination. Therefore, grassroots women criticized the Catholic Church and regarded it as an obstacle to feminist identity. On the other hand, feminist groups regarded the Catholic Church as supporting an agenda oppressive of women. Thus, during consolidated democracy in Brazil, the Catholic Church has been more openly in opposition to the feminist agenda; as a result, the Catholic Church was able to win on the issue of abortion, but was defeated on the issue of divorce.

In addition, the position of the political parties, for instance the Workers Party, was to abandon support for feminist women on the issue of abortion in order to get the support of the allies within the liberationist Church. However, feminists did not blame the Church hierarchy but rather the attitude of poor Catholic laywomen who refused to even discuss the issue of abortion or contraception (Drogus and Stewart-Gambino, 2005).

In Chile, the institutionalization of feminist politics was regarded as a form of co-optation by the women at the level of the base community. The SERNAM was created by the state and grassroots women activists in Catholic base communities regarded this initiative as guided by the interests of middle-class women. There was a clear rift in the women's movements between the feminists and the popular groups. The latter regarded the former as too individualistic and a threat to family values while they defended their traditional values and class and community solidarity. The issue of the division was class rather than gender in the sense that as the gap between the rich and the poor widened, class identity overshadowed gender identity (Drogus and Stewart-Gambino, 2005). So, in Chile, the *pobladoras* rejected working with the feminists, with the government or government funded agencies. In fact, they accused the SERNAM of co-opting women. There was disagreement about the role of feminist institutionalization as some believed that working inside the state apparatus could put extra pressure on women's issues while others believed that autonomy was needed to effect fundamental change. In Chile, the feminist blamed the Catholic Church for interfering in issues such as the decriminalization of abortion.

Feminist women in NGOs and research centers started working with SERNAM as international funding decreased after the transition and they became more professional than grassroots women. On the contrary, grassroots groups did not adapt to changes during democracy and because they lacked research centers they were included in SERNAM's contracts. *Pobladoras* in Chile rejected the vertical linkages between the state and state funded women's organizations. In conclusion, during institutionalized democracy, the women's movement was more politicized and radicalized leading to forms of organizing that included individual empowerment rather than networking and issue-based alliances rather than a broad feminist agenda (in the same way that the women's movement in Venezuela during the regime

transition in 1999). Interestingly, the women's groups in Chile, *pobladoras* and feminists had not only divergent interests (practical and strategic), but different strategies in influencing state policies. While the *pobladoras* defended their autonomy from the state, the feminists chose to work with (and within) the state apparatus. This contrasts with the Venezuelan case where the opposite in happening: feminists work autonomously from the state (but still maintain the issue-based alliances with the women inside the state apparatus) while the *chavistas* favor the type of vertical linkages with the state.

In Mexico, activist women began reading feminist literature and discussing feminist issues in small groups forming the women's movement in the 1980s and organizing around a feminist agenda. Similarly to feminist groups in Venezuela, they shifted their attention from grassroots organizations and began conscious-raising campaigns and working with the state at different levels to influence gender policy reform. Their strategies included a coalition of women activists from the first phase, middle-class professionals, academics, and women from the parties of the Left, like in Venezuela. They also used the strategy of gathering signatures to pressure state bodies and organized conferences among women activists to discuss topics on women's issues. In the same way as shown in all other cases, the state responded to women's mobilization by creating state bureaucracies for women in order to discuss and legislate on women's issues and giving the autonomous women's groups an advisory role in the commissions.

In like manner to Argentina, Venezuela, India, Brazil, and Chile, women activists outside the state in Mexico used the state commissions and the allied women inside the state to push for reform. Likewise, their influence on gender policy reform was also limited by the entrenched interest of the state and the religious groups with decision-making power. In spite of major setbacks, women continued meeting and discussing women's issues, but they stopped working

with poor women on survival issues like they did at the beginning. Like in Venezuela, women followed changes in international norms on women's issues and formed networks with women abroad and at the national level to hold the state accountable at home for advancing women's political, social, and economic rights.

In conclusion, during democratic consolidation, women's movements in different countries have advocated for and achieved the creation of state bureaucracies by targeting the state. These state bureaucracies have resulted in successful legal reform. Most groups have used the institutionalization of feminist politics to access the state decision-making process. Yet, some groups have decided against working with the state and opted for more autonomous kinds of organizations. Even where most cases presented here illustrate the focus of feminist groups on legal reform, while the popular groups are more interested in access to state resources, it is important to highlight that both feminist and popular women's groups do create vertical linkages to the state in order to achieve their goals. The linkages in turn depend on the opportunities that the women's groups get or create and on the perception of the state, the political parties, and the Church as allies or enemies of the women's movement.

The comparison of the Venezuelan case with the findings of other studies reveals that class cleavages that produce rifts among the women's groups do not necessarily stem from their perception of autonomy from (or dependence on) the state, but on the interests that women's groups, which as shown are very heterogeneous, regard as most important to defend. Finally, as the Indian case shows, women's demands for access to state resources, as opposed to legal reform, does not necessarily imply their subordination to the patriarchal state and the lack of interest in challenging gender difference, but demonstrates the ability of some women's groups to push for practical gains for women, while others push for strategic gains, that is legal reform.

Thus, the three hypotheses generated above from the Venezuelan case in regards to the dynamics between the institutional configurations and women's strategies are confirmed by the Latin American cases, but require some adjustments in countries outside this region as follows:

D. The entrenched power of religious groups in the decision-making process of state legislative reform decreases the likelihood of gender policy reform on issues whose nature is perceived as clashing with the interests of the religious groups.

In addition, in comparison with the other cases, the Venezuelan case evidences that although women's interests are determined by their class position, the lack of popular contestation to the patriarchal subordination of the state might be the result of the political context of social and political polarization where the movements emerged and not necessarily the beliefs of popular women. What is more, the contribution of both groups to advancing women's social, economic, and political empowerment in Venezuela is more important than their differences, especially during periods of transformation such as the present time when state institutions are in a state of flux and women's groups face challenges, but also opportunities for further reform.

NOTES

[1] Vickers (n/d) operationalizes the "women-friendliness" of democracies in the following terms: 1) equal treatment of women; 2) removal of discriminatory laws and compensation for their effect; 3) support for care work for women and men thus facilitating women's paid and political work; 4) solution to concerns of specific groups of women (specifically, physical and economic security, and sexual and reproductive health and determination).
[2] Divorce was finally legalized in Chile in 2004 after almost nine years of legislative wrangling. Family laws were established in Chile in 1884 and for years, eighteen bills died in Congress before one managed to pass in 1995 -- introduced by a women from the Party for Democracy- where it lingered until it was approved in 2004. The blame was put on the Church which used television campaigns and lobbied against the bill and even threatened Catholic parliamentarians in favor of the bill with ex-communication (Ross, 2004).
[3] Understood here as men's cultural dominance over women.
[4] The REVM is an academic journal published since 1996 by the Center for Women's Studies (CEM) of the Universidad central de Venezuela and index in RENDISE. *Otras Miradas* is an academic journal published since 2001 by the Gigesex group of the Universidad de Los Andes; this magazine is indexed in LATINDEX and belongs to the RedalyC Network of Scientific Magazines of Latin America, the Caribbean, Spain, and Portugal.
[5] The Trienio (1945-1948) is considered the first democratic experiment in which AD and COPEI dominated the political arena; it was characterized by a highly polarized, weakly institutionalized political party system (Molina, 2006).
[6] The term *partidocracia* refers to the extreme power exercised by political parties on other political and social actors and spaces. An equivalent to it in English *Partyarchy* was first provided by Coppedge (1994) who derived it from the term polyarchy used by Dahl (1971).
[7] The word *cogollos* is a pejorative term used in Venezuela to refer to the groups made by the leaders of the main political parties.
[8] G. Espina interview with Esperanza Vera, former PCV member and feminist activist. Maracay, 2005
[9] Salamanca (2003) documents this event among the first manifestations of civil society emerging in the 1970s.
[10] Online interview with Venezuelan feminist activists. See also, Conger Lind (1992), Stoltz Chinchilla (1992), and Desai (2002).
[11]It was in fact at a small meeting of women activists that the idea of having direct representation in the state turned into this campaign (Friedman's interview with Isabel Carmona, 2000:135).
[12] The MAS party was founded in 1971 when the PCV party split, Argelia Laya was among those, women, journalists, intellectuals, and students on the left, who joined the MAS because it was regarded as an opportunity of organizing against the gender-biased of other political parties and with particular attention to women's issues. See Friedman, 2000.
[13] The Venezuelan Federation of Women Lawyers established in 1956.
[14] The Socialist Women, a women's group founded in 1972 by Argelia Laya with links to the socialist party MAS had attracted women form the left, journalists, intellectuals, and students identified themselves with feminism and who attempted to formulate their own views of women's interests based on the a socialist-feminist ideology. Their perception of a socialist government included state attention to maternity, infancy, women's education, women's political participation, legal gender equality, and the eradication of a male capitalist ideology. The movement met opposition from the MAS male-leadership and in spite of continuing effort at organizing, the groups disintegrated as the MAS party attempted to treat women's organizations much like the traditional AD and COPEI parties had by manipulating them (Friedman, 2000:156-157).
[15] The Divorce Law was approved in 1904 in spite of the Catholic Church opposition. Among the reasons used to pass the law were the facts that is was a necessary complement of the existing Law of Civil Marriage of 1873 and that it would protect women from unwanted relationships and increase gender equality. A deal was reached with the Catholic Church as the divorce law established legal divorce and separation of bodies, but not dissolution of marriage (Pellicer and Quintero, 2004).
[16] According to Espina and Rakowski (2002), the term "*femócratas*" (femocrats) is not negative; it simply means a feminist who works inside the state bureaucracy.
[17] (Ibidem) These offer services and advice to community and base groups.

[18] (Ibidem) The autonomous feminists reject identification with any political party or partisan position that is not feminist; they refuse to being co-opted by any interests group.
[19] This organization was created in 1974 to provide education to poor women.
[20] The Venezuela legal system is based on written laws, meaning that laws, which are the source of the rule of law; have to be codified into written. This means that after ratification by the Venezuelan state, the law needed to be written and promulgated by the legislative power.
[21] See Chinchilla (1992); Conger Lind (1992); Desai (2002) on the influence of international norms on liberalization of gender issues by states.
[22] Both Fernández from COPEI and Pérez from AD promised to carry out the process of decentralization if they won the 1988 elections (Mascareño, 2004:151).
[23] Email interview with Gioconda Espina, feminist activist, academic, and founder of the CONG. See also Merz Repem (2005); Heredia de Salvatierra (2006);
[24] A term used by Espina and Rakowski (2002) to refer to a feminist activist who works inside the state bureaucracy.
[25] Reelection was another issue that made incumbent governors more dependent on their performance than on the coattail of the presidential candidate, in fact, some were re-elected increasingly as time went by and now intra-party conflict was about the new regional leader and the old party leadership (Monaldi et al., 2006).
[26] Available at : http://www.fides.gob.ve/
[27] Fundación Empresas Polar. Asociación de Vecinos.
[28] This commission later became the Permanent Commission on Family, Woman, and Youth (Comisión Permanente Familia, Mujer y Juventud) in the present National Assembly
[29] ENP refers to the effective number of parties. The lower the number of parties, the less fragmented the system is (Monaldi et al. 2006).
[30] Online interviews with Ofelia Alvarez, president of FUNDAMUJER and Elsi Arellano, member of CISFEM-Trujillo.
[31] According to Monaldi et al., (2006) what contributed to this was the fact that since 1988 no president had a party majority in Congress, which increased conflict between Executive and Legislature. This trend was reversed, however, in the 2004 legislative elections.
[32] See Mascareño (2002).
[33] See Kelly and Palma (2004)
[34] The idea was to reduce the number of ministries and state agencies as part of the stabilization plan imposed by the International Monetary Fund, an economic package introduced by the Pérez administration called *The Great Turnaround* and which sparked the social explosion that culminated in the Caracazo in 1989. The liberalization experiment of Pérez was an economic disaster with political consequences; real modernization of the state did not take place. See also Kelly and Palma (2004)
[35] Online interviews with Gioconda Espina, Ofelia Álvarez, and Elsi Arellano.
[36] Organic Labor Law available at Congreso de la República de Venezuela en la Biblioteca http://www.analitica.com/Bitblio/congreso_venezuela/default.asp
[37] Espina had also been involved in the preparation of the Feminist Assembly in Brazil in 1985 and participated in the elaboration of the proposals to be brought to the 1985 UN meeting in Nairobi, Kenya after the evaluation of the decade of women.
[38] The magazine *La Mala Vida*, considered the first feminist agenda in Venezuela, only released 15 numbers (www.giocondaespina.com.ve)
[39] Cuadernos de Gioconda Espina (primera entrega 1984-1985).
[40] According to Espina (2007), this includes the guarantee of sexual and reproductive rights such as the right of women to interrupt her pregnancy and respect for sexual orientation; parity and alternating men and women in political participation; opposition to women, children and young people in the media; social security for all women.
[41] Online interview with Espina.
[42] Online interviews with Ofelia Alvarez and Elsi Arellano.
[43] Adjective meaning a female member of the political party AD.
[44] Online interview with Gioconda Espina.
[45] Online interview with Elsi Arellano.

[46] The issue of the use of the pronoun he as the generic subject in legal text has been pointed out by many Venezuelan feminists; this concern was addressed and fixed in the text of the 1999 Constitution as will be shown in the next chapter.
[47] Online interview with Ofelia Alvarez and Elsi Arellano.
[48] This term refers to temporal suspension of the application of a law (Caballenas, 1996)
[49] According to Merz Repem (2005), participation is understood as parity in representation of women and men in positions of political power in government and other political organizations.
[50] The presence of women in the Executive Board of AD went from 7 to 11 in the period 1998- 2000 Merz (2005).
[51] Most of these organizations have been involved in the issue of violence against women and are still very active in Venezuela.
[52] Online interview with Ofelia Alvarez and Elsi Arellano.
[53] Online interviews with Ofelia Alvarez and Elsi Arellano.
[54] The use of frames by social movements in order to organize experience, guide action, and mobilize support is discussed by Goffman (1974); Snow and Benford (1988) in Snow and Benford (2000).
[55] The CEM of the Universidad Central de Venezuela (UCV) is the off-spin of the Cátedra Libre Manuelita Sáenz; created in 1992 by women professors at the UCV. The GIGESEX of the Universidad de Los Andes was also the off-spin of the Cátedra Abierta Mujer formed in 1989 and the Area de Estudios de la Mujer formed in 1990; the GIGESEX was then created in 1997. Both research groups/centers also play the role of service providers for women victims of gender violence.
[56] http://www.avesa.org.ve
[57] www.plafam.org.ve
[58] www.fundamujer.org.ve

[59] Nonetheless, as pointed out by some feminists (García Ramirez, Rosillo, and Valdivieso, 2005) it is important to point to the fact that state commissions and women's agencies are very fragile institutional factors since they depend on changes in the Executive Power (meaning also Executive commitment to women's issues)

[60] Many women who were part of the CONG left it to form new NGOs while others became what Espina and Rakowski call femocrats (Espina and Rakowski, 2002:6)
[61] See for example AVESA, PLAFAM, FUNDAMUNJER, CESAP, CEM, and GIGESEX, among others.
[62] Femocrats are women who were either elected or appointed to government posts by the incumbents or his ministers. Some femocrats, once out of office, formed new NGOs, joined international NGOs, or went back to academia where they are still active feminist in the struggle for women's rights and the family (Espina and Rakowski, 2002:6).
[63] Agenda Venezuela was an economic plan pushed by Caldera in 1993 imposed by the International Monetary Fund that included liberalization of the economy, prices, and employment as well as the privatization of state companies, especially the opening of the state-owned firm (PDVSA) to private investment. Criticized by the left but praised by the traditional parties and the private sector as common sense. In attempted to contained social explosion by creating social programs directed at alleviating poverty (Petkoff, 1997; Kelly and Palma, 2004)
[64] An autonomous institute that concentrates and administers the economic resources to fund social programs created to implement public social policies through the coordinated action of state and non-state agencies (http://www.fus.gov.ve/). This was regarded by civil society organization as a populist measure to manipulate the poor.
[65] The role of the military in the new regime has always been controversial, (Kozloff, 2007). Apart from the Catholic Church's criticism of Chávez military policy, Scholars find that Chávez's dismantling of the institutions of civilian control of the military, threatens regime stability and increases the chances of civilian-military conflict (Trinkunas, 2002)
[66] See Salamanca (2004) for more on the way civil society was defined and the requirements to have access to the state.
[67] Article 88 of the 1999 Constitution establishes that "The State guarantees the equality and equitable treatment of men and women in the exercise of the right to work. The state recognizes work at home as an economic activity that creates added value and produces social welfare and wealth. Homemakers are entitled to Social Security in accordance with law." However, this article has not yet been put into practice for the majority of women.

[68] In Spanish the article states that "El Estado garantizará asistencia y protección integral a la maternidad, en general a partir del momento de la concepción, durante el embarazo, el parto y el puerperio, y asegurará servicios de planificación familiar integral basados en valores éticos y científicos." Constitution of the Bolivarian Republic of Venezuela. Published on December 30th, 1999, Official Gazette number 36.860. Available at http://www.constitucion.ve/constitucion.pdf
[69] Due to the fact that Spanish distinguishes gender in adjectives/ pronouns referring to job title, etc, the 1999 Constitution makes a reference in both the masculine and feminine version of the adjective/pronoun used.
[70] UNESCO resolutions 14.1of 1987 and 109 of 1989.
[71] For more on the function of language, see Salas. (2005). One of her thesis is that violence against women is promoted by linguistic violence)

[72] Article 21 states that "all persons are equal before the law and consequently: No discrimination based on race, sex, creed or social standing shall be permitted, nor, in general, any discrimination with the intent or effect of nullifying or impairing upon the recognition, enjoyment or exercise, on equal terms, of the rights and liberties of every individual."

[73] Proyecto Venezuela and Convergencia were two new political parties. The civil association Primero Justicia, later became a political party.
[74] Press release by INAMUJER "*Inamujer Inicia Plan De Formación De Féminas* (12-11-2006)
[75] Executive decree 4.342, Official Gazette 38.404, March 23, 2006.
[76]Executive decree 4210 of January 2006 and Executive decree 5.616, Official Gazette 38.776, September 25, 2007
[77] Online interview with Elsi Arellano
[78] papers published on her website: www.giocondaespina.com.ve
[79] Leon's statement during the celebration of the 7th anniversary of the creation of INAMUJER. *Inamujer Celebra Séptimo Aniversario* (21-10-06). RNV
[80] Leon's statement during the celebration of the 9th anniversary of the creation of INAMUJER. *Ministra León: Revolución Reivindica a la Mujer Venezolana*. (25-10-08) RNV
[81] The term *chavista* refers to supporters of president Chávez. Here the *chavistas* do not included the newly created grassroots organization, but rather the women supporters of Chávez who work in women's NGOS, the government and the research centers.
[82] Online interview with Elsi Arellano.
[83]Similarly, the 1997 LIOM was proposed by an *adeca* legislator in spite of the weaknesses and obstacles for its implementation.
[84] This refers to the period of time between the publication of the law and the enforcement of the law, a sort of temporal suspension of the enforcement of the law (Caballenas, Guillermo, 1996)
[85] Online interviews with Espina, Alvarez, and Arellano.
[86] Online interview with Elsi Arellano
[87] The index used by Merz (2005) shows that between 1995 and 2003, women's representation in political positions was almost the same; 13% in 1995 compared to 13.63% in 2003, thus showing a stalling in women's political participation in a period of eight years.
[88] IDEA 2008 report (p. 20).
[89]The opposition withdrew from the legislative elections in 2005, 48 hours before the elections; there was a 75.5 % abstention (Espina, 2007). For the author, this reflects the importance given to the presidential elections, which she regards as a demonstration that Venezuelans are more interested in "who is the man behind the public power (p.4).
[90] In 2007, women made up 24 per cent of Latin American Cabinets (IDEA, 2008).
[91] News available at www.cne.gob.ve/noticiadetallada.php?=4489
[92] Luigino Braccia Roa (2008) Mundial, July 21.
[93] Idem
[94] Other considerations refer to the size of the district and the type of list. In the first case, if the district is small only few slates are won by the party and because women are usually at the end of the lists, they do not get elected. In the second case, if the lists are not closed, the electorate can alter the lists instead of voting for the entire list (Mujeres en el Parlamento, *Dossier Informativo* available at www.parlamento.gub.uy

[95] The UDHR of 1948, the Latin American Convention of Human Rights of 1969, the Convention Belem do Pará of 1994, the CEDAW Declaration of 1979.
[96] www.inamujer.gob.ve
[97] Online, 2003
[98] In July 2008, the state was working on the creation of the first Violence tribunals (giocondaespina.com.ve)
[99] Online interview with Ofelia Alvarez
[100] Ibidem.
[101] Online interview with Elsi Arellano
[102] The Movimiento Amplio de Mujeres included the following women's organizations: CEM, GIGESEX, Colectivo de Mujeres Manuelita Sáenz, Movimiento de Mujeres de la UCV, AVESA, CISFEM, Círculos Femeninos Populares (CPPS), among others.
[103] http://giocondaespina.com.ve
[104] Frente Amplio de Mujeres available at http://www.debatecultural.net/Acciones/FrenteAmpliodeMujeres2.htm and http://www.mujereshoy.com/secciones/3238.shtml
[105] Statement by deputy Iris Varela, Vice-president of the Commission on Internal Affairs of the National Assembly. Available at http://www.fmnoticias.com/noticias.shtml and http://www.mujereshoy.com/secciones/3238.shtml
[106] Online interview with Elsi Arellano.
[107] Statement by deputy Flor María Ríos. Available at http://www.mujereshoy.com/secciones/3238.shtml (20-07-2005)
[108] Another issue in the proposals was the elimination of Chapter V which sanctions adultery when committed by women and men are only punished if adultery is committed in public. The women's groups argued that adultery was not to be penalized at all. In addition, the proposal asked for the elimination of the article that exempted a rapist or pimp when he married the victim.
[109] http://infovenezuela.org/cap4_es_2.htm
[110] In this regard, Valdivieso, Director of the CEM and a leader of the women's groups involved in the process of reform asserted that the issue of reform of the Penal Code wanted to be politicized. Available http://www.mujereshoy.com/secciones/3238.shtml The actual proposal is on available at http://giocondaespina.com.ve/GIOCONDA/mven/PDF/04.pdf
[111] Online interviews with Espina, Arellano, and Alvarez
[112] Online interview with Arellano.
[113] Friedman (2000).
[114] Online interview with Espina, Alvarez, and Arellano.
[115] Referring to Cardinal Castillo Lara
[116] To make things worse, Chávez met Archbishop Porras, in 1999 who made public after the meeting that the government had decided to cut traditional government subsides to the Church up to 80 percent (Kozloff, 2007)
[117] See Kozloff's Hugo Chávez's Holy War (2007)
[118] Poleo (2007). Interview with con Gioconda Espina.
[119] The ESE group was created in January 2007 and is coordinated by Gioconda Espina.
[120] The 1999 Constitution enshrines social right that positively impact women, among these are motherhood, for example, which is protected from "the point of conception," meaning that pre-natal care is guaranteed, but making abortion more difficult (Wilpert, 2003). What Espina argues is that women did not push for its elimination in the face of opposition form the Catholic Church.
[122] Online interview with Gioconda Espina.

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Appendix

INTERVIEW USED IN VENEZUELA (IN SPANISH)

ESTUDIO SOBRE LA CALIDAD DE LAS LEYES VENEZOLANAS DE MUJERES

La siguiente entrevista tiene como objetivo evaluar la calidad de las leyes para la mujer (reformas a leyes o decretos) aprobadas desde el año 1970 hasta el 2006 en Venezuela.

1. ¿Considera usted necesario la división en los temas de mujeres (aborto, violencia familiar, participación política) debido a que cada tema recibe una respuesta diferente y tiene más (o menos) oportunidad para que se lleve a cabo una reforma?
    - Si
    - No
2. ¿Dónde se discuten (o se han discutido) los siguientes temas?:
    A. aborto
    B. igualdad de la mujer
    C. violencia doméstica
    D. participación política de la mujer
3. Debido a que las leyes en América Latina tienen un contenido normativo, cuál cree usted que es el impacto de las leyes que regulan los temas de la mujer en la sociedad y en el individuo (por ejemplo la ley de igualdad de oportunidades o la ley sobre la violencia contra la mujer y la familia)?
4. Podría clasificar las leyes a continuación de acuerdo su importancia para alcanzar la igualdad de hombres y mujeres en Venezuela y la protección efectiva de los derechos de la mujer:
    A. Convención sobre la Eliminación de todas las formas de Discriminación contra la Mujeres.
    B. Ley sobre la Violencia contra la Mujer y la Familia (Ley Orgánica sobre el derecho de la mujer a una vida libre de violencia).
    C. Reforma del Título VI de Ley del Trabajo para proteger a la trabajadora embarazada.
    D. Reforma de la Ley del Sufragio para establecer una cuota del 30%.

E. Ley de Igualdad de Oportunidades.
F. El decreto presidencial que creó el Instituto INAMUJER y eliminó la representación de la sociedad civil organizada de mujeres de la Junta Directiva del Instituto.
G. La nueva Ley de Seguridad Social y la inclusión del Artículo 88 y el derecho de las amas de casa a recibir seguridad social.
H. La creación del banco de la mujer BANMUJER.

5. ¿Que opinión le merece la implementación de cada una de las siguientes leyes, decretos o reformas (puede nombrar algún resultado positivo):
   A. Convención sobre la Eliminación de todas las formas de Discriminación contra la Mujeres.
   B. Ley sobre la Violencia contra la Mujer y la Familia (Ley Orgánica sobre el derecho de la mujer a una vida libre de violencia).
   C. Reforma del Título VI de Ley del Trabajo para proteger a la trabajadora embarazada.
   D. Reforma de la Ley del Sufragio para establecer una cuota del 30%.
   E. Ley de Igualdad de Oportunidades.
   F. El decreto presidencial que creó el Instituto INAMUJER y eliminó la representación de la sociedad civil organizada de mujeres de la Junta Directiva del Instituto.
   G. La nueva Ley de Seguridad Social y la inclusión del Artículo 88 y el derecho de las amas de casa a recibir seguridad social.
   H. La creación del banco de la mujer BANMUJER
6. Cuál ha sido la influencia de la Iglesia Católica en le proceso de reforma de leyes sobre la mujer?
7. Cómo describiría la relación Estado-Iglesia en Venezuela desde un punto de vista estructural antes de 1999? Como afectaba la discusión de la despenalización del aborto?
8. Cómo ha afectado el cambio de la relación Iglesia-Estado durante la administración de Chávez al debate sobre los temas de la mujer? Cómo ha afectado la discusión de la despenalización del aborto?
9. Cuál es su opinión sobre la influencia que ejerce la Iglesia Católica en el proceso de formular y preparar políticas publicas? (especialmente en temas de mujeres)

10. Cómo ve usted la situación actual de la mujer en términos de participación política considerando la Ley del Sufragio actual? Cuáles son los obstáculos para la participación política de la mujer? Algún resultado positivo?
11. Considera usted que la cobertura de los temas de la mujer en los medios de comunicación venezolanos (desde 1970 hasta 2006) ha
    a. aumentado
    b. disminuído
    c. permanece igual
12. Puede decirme qué estrategias utiliza su grupo (en caso de que pertenezca a un grupo de mujeres) o los grupos de mujeres venezolanas para formular los temas de la mujer de manera de hacerlos más atractivos para conseguir apoyo?
13. Cuál de los siguientes considera usted que ha tenido más influencia en la transformación de los temas de género, desde el más importante al menos importante?

    A. Influencia de normas internacionales (por ejemplo, Convención sobre la Eliminación de todas las formas de Discriminación contra la Mujeres)

    B. Distintas configuraciones en el estado venezolano (instituciones más abiertas o más cerradas como las de Punto Fijo antes y después del proceso de descentralización de 1989 y durante la administración de Chávez, 1999- 2006)

    C. El deterioro de los partidos políticos (más acceso al Estado por parte de la sociedad organizada, nuevos partidos, nuevos grupos de sociedad civil organizada).

    D. Cambios en las élites del Estado (durante Punto Fijo y durante la Revolución Bolivariana)
14. Cuál ha sido el proceso de reforma de leyes sobre los derechos de la mujer?
15. Dónde se han llevado a cabo las discusiones para la reforma a los códigos (civil, penal)?
16. Cree usted que los grupos de mujeres están unidos por sus intereses de género o por otros intereses?
17. Cree usted que el movimiento de mujeres ha escapado a la politización y polarización del contexto actual de Venezuela (desde el 200 hasta el 2006)?
18. Está de acuerdo con la creación de una nueva red de organizaciones de mujeres? Quién debería coordinarla? Debería ser autónoma o del Estado?

---

19. Qué oportunidades y desafíos presenta el contexto político, económico y social actual para avanzar los derechos de la mujer?
20. Podría mencionar algunos casos en los que las mujeres no hayan logrado la aprobación de leyes por las que hayan luchado a lo largo de estos años? A qué cree usted que se debe la falta de éxito? (considere por ejemplo la despenalización del aborto).

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Inés Rojas