



WOMEN'S RIGHT TO JUSTICE IN VENEZUELA

Executive overview – January 2025

1. The Universal Declaration of Human Rights provides the right of access to justice in conditions of equality and without discrimination. It has been developed in various international treaties.
2. The Committee of Experts of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) has developed the right to access justice from a gender perspective. Precisely, General Recommendation No. 33, drafted in 2015, establishes the commitment of States to make visible and eradicate barriers of sociocultural origin, such as gender stereotypes and discriminatory practices; legal obstacles, such as biased legal instruments, unbalanced evidentiary requirements; and political obstacles, such as access mechanisms that perpetuate inequality and impede the guarantee of access to justice for women, directly affecting the exercise and defense of the rest of their rights.
3. Based on the most favorable standards of protection, the civil association Acceso a la Justicia, with the collaboration of 22 other civil society organizations, presents in this report the results of a multidisciplinary study on the situation of women's right to access justice in Venezuela.
4. The CEDAW Committee has specified that adequate and equal access to justice for women has six interrelated components that shall be addressed by States: a) justiciability: women must have unrestricted access to justice, as well as the capacity and power to claim their rights; b) availability: courts shall be available throughout the State, in urban, rural and remote areas, and their maintenance and funding shall be ensured; c) accessibility: justice systems shall be safe, affordable and physically accessible to women, and shall be adapted and appropriate to their needs, including those that address intersectional or compound forms of discrimination; d) good quality of justice systems: remedies implemented shall be appropriate, effective, and result in sustainable, gender-sensitive dispute resolution for all women; e) application of remedies: justice systems shall provide women with viable protection and meaningful redress for harms suffered; and f) accountability of justice systems: law enforcement professionals shall be held accountable for their actions.



5. Gender justice comprises a subsystem of the justice administration system that shall provide differentiated protection to women against the forms of violence that affect them. Deficiencies in gender justice, such as those that exist in Venezuela, constitute a source of institutional violence, defined in the Organic Act on the Right of Women to a Life Free of Violence (OARWLFV) as actions or omissions of the State that delay hinder or prevent women from having access to public policies and fully exercising all their rights. Gender justice shall contribute to the eradication of all forms of violence against women.
6. Law and serving justice are not neutral spaces, so permanent sensitization and training of the staff in charge of guaranteeing women's access to justice is required.
7. After the approval of the OARWLFV in 2007, the courts for violence against women were created. By legal mandate, these specialized courts would be installed in each state capital and localities where particular circumstances warranted it.
8. Specialized courts are not yet functioning in all Venezuelan states, and there are discrepancies in official information. The lack of transparency hinders the work of comptrollership and the civil society's demand for rights. There is no official data available and disaggregated on femicides, human trafficking, and sexual violence, among other forms of violence set by law, nor on the management of courts for violence against women and the Public Prosecutor's Office (PPO). The United Nations High Commissioner for Human Rights (UNHCHR) has repeatedly highlighted in its reports the need for statistical data on gender violence in Venezuela.
9. Civil society organizations, such as the Center for Justice and Peace (CEPAZ) and UTOPIX, have developed sustained efforts to count femicides and report more than 200 murders of women because they, simply put, are women during 2023.
10. In 2021, the Venezuelan State reported before the CEDAW Committee about meetings and coordination bodies to follow up on the judicial policy on violence against women. The creation of a single statistical system on crimes of violence against women was offered. To date, no information is available on this system or its progress.
11. The document *Las responsabilidades institucionales para la garantía del derecho de las mujeres a una vida libre de violencias: análisis de debilidades y propuestas para su superación* [t/n: The institutional accountability for ensuring women's right to a life free of violence: analysis of its weakness and proposals for overcoming them] published in 2010 by the Latin American Institute for Social Research (ILDIS), identifies deficiencies such as the lack of training, awareness, specialized staff and tenureship of the persons appointed as judges.
12. In 2014 and 2023, the CEDAW Committee made recommendations to the Venezuelan State to eliminate the barriers that hinder women's access to justice and reparations for damages suffered as a result of violence against them. It highlights the requirement of an adequate budget



and a monitoring and evaluation plan for gender justice policies, emphasizing the capacity building of its operators.

13. The CEDAW Committee has also insisted on an intersectional approach to ensure access to justice for women in vulnerable situations: Indigenous women, Afro-descendants, women with functional diversity, and, in particular, migrant women and asylum seekers.
14. In September 2024, the Committee on the Elimination of Racial Discrimination (CERD) joined the exhortations to the Venezuelan State to guarantee access to justice for Indigenous and Afro-descendant women victims of gender-based violence.
15. In its 2020 report, focusing on judicial independence and access to justice, OHCHR warned:

Victims of human rights violations continue to face legal, political and socio-economic obstacles to accessing effective justice, and women experience gender-specific difficulties. The absence of gender-sensitive and victim-centered processes and adequate protection measures have exacerbated widespread distrust in the justice system.
16. The recommendations made by international human rights organizations, with the support of Venezuelan civil society, should be taken into account to improve gender justice in the country. However, the authorities' actions and, above all, omissions indicate that the rights of women to a life free of violence are not a priority for the Venezuelan State.
17. The diagnosis carried out by Acceso a la Justicia identifies critical procedures faced by women survivors of gender-based violence: reception of complaints, quality of attention to victims, mechanisms of revictimization, defense options, access to dockets, efficiency and security in notifications, management of protection measures, collection of testimony through anticipated evidence, management of forensic medical expertise, mechanisms of procedural delay, detention measures for the alleged aggressor, adduce of shreds of evidence, quality of judgments, appeals processes, costs of the process and mechanisms of corruption.
18. The availability of justice consists of ensuring victims' territorial proximity to courts with their proper budget and maintenance. Accessibility refers to conditions of security and adaptation of the serving of justice to the needs of victims through an intersectional approach that addresses variables such as economic capacity and mobility.
19. 17 years after the Organic Law on the Right of Women to a Life Free from Violence (2007) came into effect, and following two reforms (2014 and 2021), not all of Venezuela has specialized courts. The state of Yaracuy lacks specialized courts, and the state of Miranda, despite its territorial size, is served by courts from the metropolitan area of Caracas. Only the states of Bolívar, Táchira, and Zulia have specialized courts in locations outside their capitals. In the case of the states of Sucre and Amazonas, jurisdiction is handled by municipal criminal courts.



20. In the report that the Venezuelan State submitted to the CEDAW Committee in June 2021, the Government indicated that

As of December 2020, special jurisdiction for crimes of violence against women is comprised of 22 Judicial Circuits in 19 states, with 106 specialized Courts. In all states, the exceptional competence of the Municipal Criminal Courts of First Instance in Control Functions is enabled.

However, in April 2024, the Gender Justice Commission of the Supreme Court Justice (SCJ) reported, through a video posted on the social network Instagram, that there are specialized courts in 18 country states and that the rest would be covered from 2019 by the municipal criminal courts. Such discrepancies in the official information on the creation and operation of the courts for violence against women hinder the work of control and demand for rights by victims and civil society.

21. Adequate physical conditions of the spaces where victim assistance agencies operate are fundamental to providing a dignified service. Acceso a la Justicia documented a generalized deficiency, including failures in elevators, air conditioning and ventilation, toilets, essential services such as electricity, water, and internet, and equipment and materials such as computers, printers, paper, and pens. Nor are there adequate spaces to provide respect, protection, security, and confidentiality to the victims, to the extent that some of them have to face physical proximity to their aggressors. All this is a consequence of the lack of maintenance and investment, aggravated in the regions compared to the country's capital.
22. Victims of gender-based violence are forced to endure up to 8 hours of waiting in inadequate and uncomfortable spaces, which do not have areas for the care of children or menstrual hygiene. They are warned that they cannot leave these spaces, as the beginning of each procedural act is uncertain and must be present when called. In addition, they are prohibited from using cell phones, which makes it difficult, for example, to contact third parties responsible for the care of their children.
23. The deficiencies in the physical infrastructure of the instances of care for victims of gender-based violence have a more significant impact on people with functional diversity, as they do not comply with accessibility requirements.
24. Regarding the provision of materials and equipment, former officials of the courts for violence against women agree to recognize the difficulties caused, for example, by the lack of printers in a judicial process that is eminently written. Some courts set a specific day and time each week to print out the pending cases for each court. They even go to the extreme of asking the accused to sign and put their fingerprints on blank sheets of paper where the printing will be done afterward, without the accused knowing what they will sign.



25. Given the shortcomings, informal mechanisms have been implemented that increase the costs for gender justice users. For example, they are asked to bring storage devices (pen drives) to save documents that the users themselves must then print out; in some cases, they send an assistant to accompany them to print, or several printouts are gathered in a single transaction that the users must pay for. They are also asked for blank sheets of paper, folders, and pens. In the case of offenders under conditional suspension of proceedings, depending on their economic capacity, they are assigned supplies such as ink cartridge refills and cleaning products as "social work." Those who do not have monetary resources are assigned tasks such as cleaning toilets and cells.
26. It is necessary to address and correct victims' lack of information about the content of the OARWLFV and how to access gender justice successfully. The State is committed by law and international treaties to publicizing the instruments for the protection of the rights of Venezuelan women. To this end, it is required to design and implement communication campaigns on the prevention and eradication of violence against women through the appropriate use of state media, including social networks.
27. The serving of justice in Venezuela should be free, as enshrined in the Constitution. However, the users of gender justice are forced to cover the costs derived from the deficiencies of resources in the instances of attention, such as office materials and photocopies of the proceedings. In addition to the actual costs of using gender justice, there are mobilization and food expenses to carry out proceedings, payment of caregivers for children, and fees for private legal assistance. When victims cannot afford such costs, they may experience feelings of guilt that re-victimize them.
28. Indigenous women require differentiated attention. In Venezuelan states with more indigenous peoples and communities, such as Zulia, Delta Amacuro, Bolivar, and Amazonas, gender justice must address cultural specificities such as language and alternative dispute resolution mechanisms. Still, the specialized courts do not have staff trained to provide such differentiated attention. In any case, the Constitutional Chamber (CC) of the SCJ, employing a judgment issued in December 2023, determined that the legitimate authorities of the original peoples and communities may only act in matters of gender violence as bodies receiving complaints. In addition, it ordered the disapplication of the indigenous jurisdiction for the trial of crimes of violence against women when the victims are indigenous children and adolescents.
29. The legal assistance days through mobile courts are positive but insufficient, as they focus on providing advice and are not enough to carry out procedural acts that allow greater progress in the processes corresponding to gender justice. In addition, by their mandate of specialty, the courts should not provide legal advice. In fact, that is not their role. The PPO and above all, the Ombudsman's Office should take care of it.



30. Women with functional diversity are also entitled to differentiated attention, mainly because they are exposed to more significant risks of sexual and obstetric violence.
31. Women who live in rural areas face obstacles in accessing gender justice, mainly due to the distances between their residences and the offices of the authorities. When they do not have the resources to travel, they have to go to local police and military headquarters, which do not always have staff trained in gender-based violence who can provide adequate protection, even in urgent cases where the physical integrity and lives of women are at risk.
32. Regarding women who are part of the LGBTIQ+ community, discrimination against trans women persists due to the lack of recognition of the gender identity of this population.
33. Protection measures can make the difference between life and death for a woman victim of gender-based violence. However, several factors work against this: judicial interpretations that restrictively condition the number of measures issued, the bureaucracy of the agencies fully empowered by law to establish or ratify these measures, and the lack of resources for their proper execution and monitoring. An extreme example of the shortcomings is that, due to a lack of personnel, the victim herself is assigned to notify her aggressor that a measure has been issued against him.
34. Protection measures are also threatened by irregular practices related to corruption, such as the conciliation between the parties promoted by some officials of the State security forces when formalizing the respective notification. This is expressly prohibited by law, as it can operate as a mechanism of impunity.
35. The Venezuelan State's most outstanding debt in terms of protection measures is shelter. Before the CEDAW Committee, the Government reported the existence of six shelters in Venezuela, which amounts to an admission of non-compliance with the law, which expressly states that there must be at least one shelter for each municipality. In addition, these six shelters only offer temporary shelter and do not allow sheltering of children over 12 years of age. There are no other options for survivors of gender-based violence to have security and better living conditions.
36. Access to the case docket is a critical issue that arises at two points in the process of seeking justice for women who have been victims of violence. The first occurs at the PPO due to the delay in assigning a file number for the investigation, which prevents those interested from knowing the status of the process and promoting it. The second occurs when a request is made to consult the docket in the courts for violence against women, for which three reasons have been identified: corruption dynamics on the part of the archive personnel, difficulties in the logistics of printing the proceedings, or that the docket is being "worked on" by the court staff so that it cannot be handed out for revision by the interested party.



37. Access to the case docket is fundamental for knowing and participating in the judicial process. Difficulties are detrimental to the victim and the aggressor's right to defense.
38. Gathering shreds of evidence is also a source of obstacles for victims because several institutions are involved. This activity requires coordination and communication, which, in many cases, is impossible.
39. The National Service of Medicine and Forensic Sciences (NSMFS) has a significant bottleneck. Physical expertise of victims is performed fast, but psychological expertise is delayed. Victims must wait months for an appointment and months more to get the results.
40. The expert opinions shall be ratified in the trial phase by the officials who conducted them. It implies an additional barrier since there is a high staff turnover, and the expert who conducted the examination is frequently no longer available to ratify it in the trial phase. The law addressed the problem of expert opinions by allowing the use of reports from public health system agencies, but there is considerable resistance on the part of the staff. It is argued that they may suffer reprisals from those involved and are concerned about the time it may take for them to appear as experts at trial.
41. To ensure high-quality gender justice, all system components must conform to international competence, efficiency, and impartiality standards. In addition, sufficient, adequate, and practical resources must be in place to provide sustainable dispute resolution.
42. The ongoing training of judicial operators is key to gender justice. In addition to knowledge of the law, they must be sensitive to violence against women and strive to mitigate the harm caused by structural and circumstantial flaws in the system.
43. Low salaries, reduced resource allocation, and migration have generated a deprofessionalization of gender justice that directly and seriously affects victims. Part-time schedules have been implemented because the staff is forced to have other sources of income. Some positions are occupied by people without sufficient academic training, especially when incorporated into the system through links with government assistance programs, such as the so-called missions.
44. Specialization in gender justice is crucial, but the National School of Magistrates only offers short training courses, lasting between 1 and 12 educational hours, and a diploma course of 120 academic hours.
45. An example of staff deficiencies is found in the victim attention unit in Caracas, where between 70 and 90 complaints are submitted daily, but there are only seven officials. Undoubtedly, there is not enough time to ensure adequate attention to each person.
46. The guarantee of independence in gender justice implies the absence of external influences that may affect the performance of prosecutors and judges. On the other hand, impartiality



refers to acting objectively and per what is established by law and jurisprudence, regardless of personal, organizational, or political biases.

47. Venezuela has not held competitive examinations to appoint judges and prosecutors for over a decade. Appointments are not made following the Constitution, which establishes competitive examinations for entry and promotion in the judicial career. Most of the judges in the country are provisional; that is, they exercise their positions without job tenures, which has repercussions on their autonomy and independence. This structural situation of the Venezuelan administration of the justice system hinders gender justice.
48. Some victims decide to publicize their cases on social networks as a coping strategy to obtain timely and satisfactory responses from gender justice. However, this can lead to retaliation from their aggressors and the lawyers representing them, for example, by invoking the provisions of the Anti-Hate Law (t/n: *Ley Constitucional contra el Odio, por la Convivencia Pacífica y la Tolerancia*). In addition, this strategy has an emotional cost for the victims or their survivors since the public exposure of the violence suffered can re-victimize them.
49. Every stage of the gender justice process is prone to corrupt practices that further increase the actual costs of the process. In the archiving area of the courts, "help" is often requested in exchange for speeding up procedures. Something similar occurs with the transfer of detainees. Depending on the economic profile of the parties, illegal charges can reach up to US\$1,000. The dynamics of corruption are so common in gender justice that civil society organizations recommend that users request written records of each procedure, with an express indication of the identification of the official who provided the service.
50. Some organizations highlight the loss of spaces for dialogue and coordination with government agencies due to the intensification of attacks by the government against civil society in Venezuela.
51. The diagnosis made in this report shows that the provisions of the OARWLFV are not being complied with. The cost of such non-compliance, as well as of the State's commitments in terms of prevention, investigation, prosecution, punishment and reparation, is paid by Venezuelan women victims of gender-based violence, as they do not have timely and effective protection.
52. The report *Some actions for the reform of the Venezuelan criminal justice system in the framework of a "two-track" scenario*, prepared by Acceso a la Justicia with the support of 14 other human rights organizations, puts forward a series of recommendations that serve as a road map for the rescue of the minimum normal functioning of the Venezuelan criminal justice system. Some of these recommendations apply to the special jurisdiction for violence against women. The transformation of the Venezuelan justice system requires a comprehensive review of all its components.



53. The documentation and accompaniment of victims carried out by civil society organizations and the technical assistance offered by international organizations such as the Office of the Prosecutor of the International Criminal Court (ICC) and the OHCHR can improve gender justice in Venezuela.
54. Regarding the guarantee of availability and accessibility, the courts for violence against women must be extended to all states of the country, not only in the capital cities but in all localities where the circumstances warrant it.
55. The special jurisdiction for violence against women must have physical headquarters in good condition and working order, with spaces that allow for dignified treatment of users and, above all, of victims. These offices must also be inclusive. In this context, their spaces shall be suitable for people with functional diversity.
56. Simple and accessible information shall be provided for all victims according to their specific needs in terms of educational level, language, and functional diversity so that all victims can be aware of the regulations, where to go for protection, and how to deal with possible difficulties in the process.
57. Investment in the special jurisdiction for violence against women is urgent. The costs of maintaining and operating the courts and the courts cannot be passed on to the users and victims.
58. Projects that promote and defend women's rights, including legal accompaniment for victims, need more support.
59. It is essential to design, implement and monitor public policies that include mental health as a crucial element in the care of women who have suffered gender-based violence.
60. The additional barriers faced by Indigenous, disabled, trans, and rural women in accessing justice must be eradicated. Women deprived of liberty who suffer gender-based violence and are not treated appropriately also deserve priority attention.
61. The provision of sufficient resources, including technological resources, to allow for the correct implementation of protection measures in cases of violence against women cannot be postponed. Devices for monitoring the proximity of the aggressor, panic buttons for victims, and risk-assessment software can be valuable tools for guaranteeing the purpose of these measures.
62. The Venezuelan State shall settle the debt it has accumulated in terms of the creation of sufficient and adequate shelters for survivors of gender-based violence. As set forth by law, at least one shelter house should be in each country municipality.



63. Access to dockets shall be guaranteed without excuses or undue delay. The SCJ has established electronic court dockets since 2018, and more expeditious progress shall be made in implementing it.
64. NSMFS and the Specialized Technical Unit for Comprehensive Attention to Women, Children, and Adolescents of the Public Prosecutor's Office shall receive the necessary budgetary support to increase their capacity to respond to victims.
65. The staff that make up the special jurisdiction for violence against women should be sensitized, trained, and well-remunerated. Training programs should be geared toward specialization.
66. The special jurisdiction for violence against women shall publish statistics on its actions that allow for social oversight of its work.
67. The right to defense of victims shall be guaranteed without impediments to private legal representation and the accompaniment of civil society organizations.
68. Normalized corruption practices must be eradicated, and efficient and secure mechanisms for reporting any type of irregularity must be created.
69. The Venezuelan State must fully comply with the Inter-American Court of Human Rights (IACHR) in the Linda Loaiza López case, especially concerning reparations and guarantees of non-repetition.

