



WOMEN'S RIGHT TO JUSTICE IN VENEZUELA

JANUARY 2025





INDEX

I. Introduction	4
II. Context	5
III. Methodology.....	10
IV. Diagnosis	12
1. On the guarantee of availability and accessibility	12
1.1. Special courts for violence against women available in Venezuela	12
1.2. Physical conditions of the victim assistance centers	13
1.3. Access to information by victims	15
1.4. Actual process costs	18
1.5. Vulnerable populations	20
2. On the guarantee of justiciability	23
2.1. Safety and security measures	23
2.2. Access to the docket	24
2.3. Expertise practice	25
3. About the sound quality guarantee	27
3.1. Deprofessionalization	27
3.2. Loss of institutional capacities	31
3.3. Lack of specialized staff.....	32
3.4. Other rights-violating practices	35
4. On independence and impartiality.....	37
4.1. Provisional Appointment of Judges	37
4.2. Media pressure on the justice system.....	39
4.3. Corruption	40
4.4. Reprisals against civil society organizations	43
V. Recommendations	45
VI. Conclusions	53



INTRODUCTION

The Universal Declaration of Human Rights provides the right to access justice in conditions of equality and without discrimination. It has been developed in different international treaties. For our research, the provisions of the Committee of Experts of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) are relevant. These provisions were inserted in General Recommendation No. 33 of 2015, which establishes the commitment of States to make them visible and eradicate barriers of Sociocultural Origin, such as gender stereotypes and discriminatory practices. Legal Obstacles, such as biased legal instruments and unbalanced evidentiary requirements, and Political Barriers, such as access mechanisms that perpetuate inequality and impede the guarantee of access to justice for women, directly impact the exercise and defense of the rest of their rights.

In this regard, the Committee has clarified that adequate and equitable access to justice requires six essential and interrelated components that States shall implement:

- a. **Justiciability:** Women shall 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, physically accessible to women, and shall be adapted and appropriate to the needs of women, including those facing intersectional or compound forms of discrimination;
- d. **Good Quality of Justice Systems:** Remedies implemented shall be appropriate, adequate and result in sustainable gender-sensitive dispute resolution for all women;
- e. **The Application of Remedies:** Justice systems shall provide women with viable protection and meaningful redress for harm suffered;
- f. **Accountability of Justice Systems:** Law enforcement professionals shall be held accountable for their actions.¹

In Venezuela, Section 26 of the Venezuelan Constitution enshrines

Every person has the right of access to the bodies in charge of serving justice to assert his [t/n: or her] rights and interests, including collective or diffuse ones, to the adequate protection thereof and to obtain the corresponding decision promptly. The State shall guarantee free, accessible, impartial, suitable,

¹ <https://acnudh.org/wp-content/uploads/2021/11/18-El-derecho-humano-de-acceso-a-la-justicia.pdf>.



transparent, autonomous, independent, responsible, equitable, and expeditious justice, without undue delays, formalities, or useless reinstatements.

It is important to emphasize that the review of the functioning of the special jurisdiction on gender-based violence is an exercise that has been carried out in several countries, and this is relevant because the results and proper development of gender justice depend on the transformation of a deeply rooted sociocultural paradigm, such as the inequality between men and women that is expressed in forms of violence as serious as femicides. The revision is constant because it is understood that the system and its response are in the hands of justice operators socialized to naturalize gender violence and that the law has proven not to be a neutral space. Hence, awareness and constant training are unavoidable conditions for achieving the eradication of gender violence and a serving of justice that genuinely materializes the right of women and girls to a life free of violence.

In this regard, the purpose of this report is to determine whether access to justice for Venezuelan women who suffer gender-based violence is effectively guaranteed under the standards set out in national legislation and international treaties ratified by the Country, under the spotlight of the daily practice reflected in the testimonies of victims, civil society organizations or humanitarian assistance organizations that offer companionship, lawyers and persons who have performed functions within the organizational structure of the Courts for Violence Against Women (CVAW). It is also expected to offer a proposal of recommendations to address the critical knots detected and advance in consolidating of a dignified justice system.



II. CONTEXT

With the approval of the Organic Act on the Right of Women to a Life Free of Violence (OARWLFV) in 2007, one of the most significant advances of this legal instrument was the creation of the specialized jurisdiction (Section 115) in this matter, made up of the Courts of Violence against Women (CVAW) (Section 116), which would be installed in each state capital, in addition to the localities determined by the Supreme Court of Justice (SCJ) through the Executive Directorate of the Magistracy (EDM).

To comply with the creation of this special jurisdiction, the SCJ assumed the mandate established in the Act. In May 2007, the Plenary Chamber (PC) created the Commission for the Analysis of the Content of the Organic Act on the Right of Women to a Life Free of Violence concerning the creation of the Special Courts. The tasks of this Commission were to analyze the Act and to conduct a statistical study of the causes of violence in the country to determine the states or population centers prioritized for the creation of the courts.

In April 2010 this commission was replaced by the National Commission of Gender Justice,² whose creation was also approved by the PC of the SCJ, composed of 6 Magistrates of the Supreme Court of Justice, the Executive Director of the Magistracy as Administrative Advisor, and the General Director of the National School of the Magistracy as Technical Advisor. This commission has the following attributions:

1. To develop and design adequate judicial policies to optimize the gender justice system.
2. Design a judicial policy that links the Courts of Violence against Women with the Community Councils (Family and Gender Equality Committees).
3. To compile judicial criteria in the field of Violence against Women.
4. Set contact with Magistrates, Judges, Prosecutors, and Public Defenders of other countries and our own to compare and share criteria and doctrinal advances in gender issues.
5. To collaborate with the Executive Branch in the planning and execution of public policies aimed at assisting women victims of gender violence.
6. Coordinate the courts competent to hear and judge cases of violence against women.³

² http://historico.tsj.gob.ve/informacion/resoluciones/sp/resolucionSP_0003543.html.

³ Jaimes Guerrero, Yolanda. *The special jurisdiction in the area of gender-based violence*. Caracas: Supreme Court of Justice, 2010.



Specialized courts are still not functioning in all Venezuelan states, and there are discrepancies in the official information on this matter, thus exposing a shred of evidence of the government's policy of opacity that hinders the work of comptrollers and the demand for rights by civil society.

In 2010, 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 Responsibilities for ensuring the right of women to a life free of violence: Analysis of its weakness and proposals for overcoming them] published by the Latin American Institute for Social Research (ILDIS),⁴ exposed problems such as the lack of training, awareness, specialized staff, tenureship of judges, among several others that still persist.

Likewise, the Committee of Experts of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW Committee), since 2014 and again in the 2023 revision,⁵ has insisted on the Venezuelan State with recommendations to ensure the guarantee of access to justice for Venezuelan women, in matters such as the formulation of a judicial policy aimed at eliminating the barriers that hinder access to justice, adequate remedies and the due provision of proper budget for the technical requirements, developing the respective monitoring and evaluation plan that would allow supervising its implementation and progress.

In addition, a critical evaluation of capacity-building programs for justice operators has been proposed in order to verify their results and review their quality. It also points out the need to expand the free legal aid available to women in situations of gender violence, to strengthen measures to ensure access to justice for women in vulnerable situations (Indigenous, African, disabled, and, especially, migrant women and asylum seekers, among others) and recommends that the Venezuelan State reconsider its denunciation of the American Convention on Human Rights to restore the jurisdiction of the Inter-American Court of Human Rights (IACHR Court).

All of the above in the context of a complex humanitarian emergency that has a differentiated impact on Venezuelan women, as demonstrated by the documentation and denunciation work that Venezuelan civil society has been carrying out in this regard, such as the “Con Ellas Alliance,” which in 2022 reported that, of the 18 million people with humanitarian needs, 9.5 million are girls, adolescents, and women.⁶

Regarding the expressions of gender violence suffered by Venezuelan women, there is no published data from the State on femicides, human trafficking, and sexual violence, among other forms of violence recognized by law, nor is it possible to access correctly developed data (reflecting time frames, gender, age, geographic location, etc.) on the actions of the CVAW or the Public Prosecutor's Office (PPO). In an important effort by civil society, organizations such as the Center for Justice

4 <https://library.fes.de/pdf-files/bueros/caracas/08788.pdf>.

5 <https://cepaz.org/observaciones-finales-del-comite-cesaw-un-llamado-de-accion-al-estado-venezolano/>.

6 <https://cepaz.org/wp-content/uploads/2022/10/20220928InformeSerMujerenVenezuela.pdf>.



and Peace (CEPAZ)⁷ and UTOPIX⁸ have monitored femicides that expose the incidence of this phenomenon in the country, reporting more than 200 femicides during 2023 alone.

This panorama indicates an alarming situation of non-compliance with the guarantee of women's right to a life free of violence, in a scenario where the Venezuelan State does not perform enough to ensure public policies of prevention, attention and criminal prosecution of these forms of gender violence.

As an organization, we have developed a work of documentation of violations to access justice, incorporating a gender perspective that has allowed us to make the problem visible in international scenarios, such as the CEDAW Committee with our Shadow Report,⁹ but also domestically with the revision of the rulings on gender violence by the Criminal Cassation Chamber (CCP) and the Constitutional Chamber (CC) of the SCJ between 2018 and 2022.¹⁰

The United Nations (UN) mechanisms reporting on the situation in Venezuela have pointed out some of the central problems of the justice system, including the differential impact on women and girls in cases of gender-based violence.

The United Nations High Commissioner for Human Rights (UNHCHR) has repeatedly highlighted the need for statistical data on gender-based violence in its reports. In addition, its 2020 report,¹¹ focused among other issues, on judicial independence and access to justice. It noted that:

Victims of human rights violations continue to face legal, political, and socio-economic barriers to accessing adequate justice, and women experience gender-specific difficulties. The absence of gender-sensitive and victim-centered processes and effective protection measures has exacerbated widespread distrust in the justice system.

Likewise, the Special Rapporteur on the Independence of Judges and Lawyers referred in 2009¹² and 2024¹³ to the situation of the Venezuelan justice system, highlighting the need for guarantees of impartiality and autonomy for judges and recently denounced the situation of legal professionals criminalized for practicing their profession.

The Committee on the Elimination of Racial Discrimination (CERD), in September 2024 and as part of its Concluding Observations,¹⁴ also urged the Venezuelan State to guarantee access to justice for indigenous and Afro-descendant women victims of gender-based violence.

7 <https://cepaz.org/en-2023-hubo-253-femicidios-consumados-y-134-femicidios-frustrados-en-venezuela/>.

8 <https://utopix.cc/pix/diciembre-de-2023-son-15-femicidios-en-venezuela-para-un-total-de-201-casos-en-un-ano/>.

9 <https://accesoaljusticia.org/informe-sombra-al-comite-para-la-eliminacion-de-la-discriminacion-contra-la-mujer/>.

10 <https://accesoaljusticia.org/mitos-realidades-violencia-contra-mujer-venezuela-historia-otro-fracaso-poder-judicial-2018-2022/>.

11 <https://documents.un.org/doc/undoc/gen/g20/242/34/pdf/g2024234.pdf>.

12 <https://www.ohchr.org/es/press-releases/2009/10/default-title-39>.

13 <https://www.ohchr.org/es/press-releases/2024/09/venezuela-un-expert-concerned-reported-retaliation-against-lawyer-perkins>.

14 <https://documents.un.org/doc/undoc/gen/g24/153/27/pdf/g2415327.pdf>.



All of the above affirms that there are recommendations and benchmarks that the State could adopt to address the opportunities for improvement in our justice system. Still, unfortunately, this has not been assumed as a priority, so we enter into this diagnosis of the special jurisdiction in the field of violence against women in Venezuela in a highly complex context that is challenging for research and human rights activism, but above all for the victims of violence who undertake the search for justice in conditions that can and shall be remedied to ensure the guarantee of judicial processes that respond to human rights standards and the aspirations enshrined in our Constitution.



III. METHODOLOGY

Based on a structured approach in working groups and interviews with experts, we consulted the experiences, diagnoses, recommendations and contributions of specialists, lawyers, survivors of gender-based violence, officials who worked in the courts of violence against women (CVAW), representatives of organizations oriented to human rights activism, and humanitarian assistance with stable services for survivors of gender-based violence (GBV), representatives of humanitarian action coordination bodies, feminist activists, etc., to learn first-hand about their testimonies.

It is essential to highlight that this consultation was carried out with participation premises that allowed us to ensure a vision that includes the situation not only in Caracas but also in the regions, as well as the differentiated impact faced by populations in situations of vulnerability such as Indigenous women, women with disabilities, among others.

Group consultations and interviews allowed us to gather information on some matters that we identified as critical nodes in the process of access to justice for survivors of gender-based violence, such as the following: process of receiving complaints; public defense options; access to the case docket; efficiency and security in notifications; establishment of protective measures; non-revictimization; collection of testimony through anticipated pieces of evidence; process of forensic medicine expert opinions; delay in setting hearings; holding and presence of deferrals; detention measures for the alleged aggressor; efficiency of transfers; process of adducing shreds evidence (experts, expert witnesses and costs); incidence of case reinstatement; rulongos; appeals; costs of the process; treatment in the attention to survivors; problems in the application of the law; capacities and benefits of the victim support unit (psychological attention); understanding of the process; stages and duration on the part of the victims; presence of corruption or unforeseen payments; among other aspects referring to the physical conditions and accessibility of the institutions involved, the incidence of the publicity of the cases and the attention received by members of populations in situations of vulnerability.

We consider it extremely valuable to highlight that we received contributions from twenty-two organizations dedicated to human rights activism and humanitarian assistance with stable services for survivors of GBV, representatives of humanitarian action coordination bodies, feminist activists, etc. It is important to highlight that this consultation was carried out on participation premises, which allowed us to ensure the presence of diverse organizations from Caracas and other regions. Ten organizations had a regional scope, five only in Caracas, and seven had a national presence.

Ten interviews were conducted with key individuals about this special jurisdiction for violence against women. These profiles included victims of violence, family survivors, former court officials, private defense attorneys, and civil society organizations that provide legal assistance and support.



The participants' contributions were systematized in a matrix with the analysis categories provided to highlight the relevant information, and these inputs were processed respecting the conditions of participation regarding anonymity and publicity outlined in the informed consent form prepared by the organization.

These data were analyzed based on contextualization and deepening of documentary inputs collected in a survey of available information on the issue. It was organized based on elements that respond to the critical issues identified and others proposed by the research participants.



IV. DIAGNOSIS

1. On the guarantee of availability and accessibility

It consists of ensuring victims the territorial proximity of courts with their due budget and maintenance. Accessibility refers to safety conditions and adaptation to the needs of victims, responding to criteria such as economic capacity, mobility, and non-discrimination with an intersectional approach.

1.1. Special courts for violence against women available in Venezuela

Currently, 17 years after the coming into effect of the Organic Act on the Right of Women to a Life Free of Violence (OARWLFV, 2007) and two reforms later, in 2014¹⁵ and 2021,¹⁶ the Courts of Violence Against Women (CVAW) have been implemented in 22 states of the country, being only the state Yaracuy, in theory, where these specialized courts have not been created yet. The state of Miranda is partly covered by the courts corresponding to the Metropolitan Area of Caracas. The Bolivar, Tachira, and Zulia states have courts in smaller cities other than their capital.

This information, which should be public and accessible on the page of the Supreme Court of Justice (SCJ), had to be collected and verified in each geographic location because, although there are resolutions of the creation of the courts in 22 states, some of them were published on the SCJ web page up to a year after their date of issuance. The reality is that when consulting with legal professionals in the states, for example, Sucre or Amazonas, we got that the competence in cases of violence against women is still in the hands of the municipal criminal courts because from the formal creation in a resolution to its actual existence in the state can take an undetermined time.

In the ninth periodic report that the Bolivarian Republic of Venezuela was due to submit in 2018 to the Committee of Experts of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) but finally submitted in June 2021, the Government argues that:

[the] special jurisdiction in matters of crimes of violence against women is comprised as of December 2020 by 22 Judicial Circuits in 19 states, with 106 specialized Courts, and in all states enabled the exceptional competence of the Municipal Criminal Courts of First Instance in Control Functions, established in binding Ruling No. 815 of November 29, 2018, issued by the Constitutional Chamber of the SCJ.

¹⁵ Published in Official Gazette No. 40,548 of November 25, 2014.

¹⁶ Published in the Extraordinary Official Gazette No. 6,667 of December 16, 2021.



However, in contrast to the above information, in April 2024, in a video for the official account of the Gender Justice Commission of the SCJ on the social network Instagram,¹⁷ this Commission reported that specialized courts are operating only in 18 states of Venezuela. The rest would be covered from 2019 under the figure of municipal criminal courts.

It leaves us with three different pieces of information from the official channels of the Judiciary and the national Government. It is important to highlight that as civil society, we are familiar with these situations because the lack of availability and discrepancy of official information is regular in the actions of the Venezuelan State and responds to a policy of opacity transversality to all the functions of the Public Power, which hinders the work of control and demand of rights.

1.2. Physical conditions of the victim assistance centers

Proper physical conditions in the space where victim assistance agencies operate in the gender justice system are essential to provide a dignified experience for complainants and staff. The precarious conditions of these physical premises not only affect the quality of the care provided but also the well-being of the staff and the possibility of being an attractive working space for new generations.

The testimonials of the people interviewed reveal a generalized lack of conditions, from fundamental operational aspects such as elevators, air conditioning and ventilation of spaces, absence of adequate toilets, problems with public services such as electricity, water, and internet,¹⁸ to the provision of basic equipment and materials such as printers, computers, blank sheets of paper or pens. There are also serious failures in specific aspects of the purpose of these institutions, such as proper spaces to provide respect, protection, security and confidentiality to the victims.

It is important to note that, especially concerning the Public Prosecutor's Office (PPO) and the CVAWs, the consultations and interviews conducted as part of this research expose a loss of investment and deterioration that intensifies with time. Centralization and bureaucracy also represent a challenge for the maintenance and repair of infrastructure. A former court official consulted for this report exemplified this problem with the case of some air conditioners. It took about 2 months of constant requests to the Executive Directorate of the Judiciary (EDM) to fix them. After the repair, they worked fine for only one week before being out of order again.

Regarding the specific conditions that these facilities require to achieve their purpose, we need to adapt their spaces to guarantee the victims' safety, confidentiality, and well-being. Currently, it is common for victims to have to cross paths with the aggressors in the hearings, or the spac-

¹⁷ <https://www.instagram.com/reel/C6UFMh9O79m/?igsh=N2Rybm1qdXl2NXpk>.

¹⁸ Representative of women's rights organization: "There are courtrooms in the courts. Yes, there are. But they don't have equipment, they don't have internet. The internet is paid for by the judges themselves. We have confirmed this."



es where they can disclose their concerns are cubicles without privacy¹⁹ or common areas for several staff members where they cannot have the required conditions. The lack of conditioned rooms for the holding of hearings generates significant delays, to the point that, in many cases, it leads officials to propose to the parties to hold the hearing in the judge's office as an alternative to reduce the wait, evidencing the rejection that it represents for the victim in terms of proximity and contact with the aggressor.

Another critical aspect pointed out in the consultations is that the long waiting times to which the parties are subjected, either for the anticipated evidence or for the hearings, means for the victims, in many cases, to spend up to 8 hours in a reduced and uncomfortable space, in others to be in them without drinking water available or bathrooms with minimum hygienic conditions for menstrual management. Worse still, if they come to these proceedings with their small children, they are placed on waiting under heat or hunger and asked not to leave the room because the start of the hearings is uncertain, and they must be present when called [t/n: to appear before the Judge.]

These conditions are not lost on the court staff: former officials consulted agree that these conditions were very adverse for the victims, especially those with small children, so many times, they shared their food with them or collected money to give them hydration and nutrition. In addition, there were no breastfeeding rooms available.

On the other side of this problem, while waiting for the hearing to take place, the victims are unable to use their cell phones, which makes it especially difficult for caregivers to attend to the needs of their children in the care of third parties, to report if their stay in court is extended, and to resolve the unforeseen events that this could cause them, resulting in one of the institutions that should have a greater gender perspective being incredibly hostile to women.

All of the above does not include the lack of accessibility from which most of these public buildings suffer, where people with disabilities are not part of any provision regarding access and mobility.

The alleged aggressors are also subjected to long waits in the dungeons or common areas and, in many cases, are transferred and presented to the hearings without minimum hygienic conditions, which generates terrible odors in the courtrooms, resulting in dehumanizing and undignified treatment.

¹⁹ Former CVAW official, expert in gender violence:

The space is not adapted, it is not a safe space for women who denounce. Women come to denounce and first they are there, visible. There is a very particular case that really got to me, which was in the victim's room, which has a window so you can see outside and the aggressor, the person the victim was denouncing, was standing right outside watching her.



Regarding the provision of materials and equipment, the persons consulted who worked as officials within the CVAWs agree in recognizing the problems generated by the lack of enough printers in a judicial process that is eminently written, from the designation of a specific day and time per week per court to make the pending printouts for the dockets to serious violations of due processes, such as the practice of asking the defendants to sign and put their fingerprints on blank sheets where the printing will be done afterward, without knowing what they are signing.

The practices that have made it possible to overcome these limitations have consisted of burdening the users with these costs by asking them to bring storage devices (*pen drives*) where the required proceedings are stored, and they must print them in the vicinity of the court; in some cases, they send an assistant to accompany them, or several printouts are gathered in a single procedure that the users must pay for. Likewise, they are requested to bring blank sheets of paper, folders, and pens. In the case of aggressors who are under conditional suspension of proceedings, they are assigned to "social work," depending on their economic capacity, benefits for the court such as refilling ink cartridges, cleaning products, and even uniforms or fans; those with fewer resources are assigned to work such as cleaning bathrooms and dungeons.

A noteworthy aspect of the consultations is that poor infrastructure conditions are worse in the heartland's small cities and towns. The victims report much more dignified and adequate spaces at the court headquarters in Caracas.²⁰ It exposes that the problem is more related to the lack of political will than to limitations in economic resources: it is those specially conditioned rooms that appear in the videos and photos for the social networks of these institutions, promoting a misleading narrative but are not configured as such in the other courts of the country.

1.3. Access to information by victims

As Canyelles i Gamundí (2023) points out, "Legal rationality, bureaucratization and protocolization that make the process unintelligible to people foreign to the law are substantial features that make up the culture of the courts."²¹ Therefore, undertaking the process of seeking justice in cases of gender violence is exceptionally complex for victims, and one of the key aspects identified by the experts consulted is that it is necessary to address and correct the lack of information for victims about the procedure, the law and where to go.

It is necessary to begin by pointing out the responsibility of the State, committed by law and international treaties on the matter, to publicize the instruments for the protection of the rights of Venezuelan women. Communication campaigns on the prevention and attention to gender violence are remarkably absent in the communication policy, taking into account the availability

²⁰ Survivor of violence:

The Caracas courts have a victims' room and a waiting room in the palace [t/n: Palace of Justice]. It is wonderful because it has a part where there is a park, there victims and children can play, it is very beautiful, it is a safe space, it is a lovely space, there are books, it is a very pleasant environment, there I also met other victims who were waiting. It would be a dream to have something like this in all the circuits, a special victims' room, and a waiting room for victims that is dignified because the victim deserves the care of their dignity.

²¹ Canyelles i Gamundí, Caterina. *Machismo and legal culture, an ethnography of the judicial process of gender violence*. 2023.



of channels directed by the national government and opportunities for mass broadcasting on private channels based on mechanisms provided for in the Act of Social Responsibility in Radio and Television in force since 2004.

Another space for mass communication that could be taken advantage of is the widespread presence of the government in social networks, as its interest and communication investment in platforms such as Instagram, TikTok, or X, which facilitate the amplification of messages and where, ideally, violence prevention should play a leading role.

Communication campaigns should have a comprehensive approach that allows a greater reach, not limited only to social networks, because in the country there are information deserts,²² and major problems of public services that condition the possibility of digital connection for Venezuelan women, revaluing the importance of media such as radio or community publications through posters or billboards.

The central element of these campaigns should be the Act, which, in the opinion of the experts consulted, is known by the population, but in a general way: they know of its existence, but do not know its content.²³ It should be taken into account that the greatest dissemination of this legal instrument took place after its enactment in 2007, and to date, two reforms significantly broadened its scope.

The responsibility of the reporting bodies and the forms of violence are also crucial messages that would bring potential users of the gender justice system closer to sensible information for reporting and breaking the cycle of violence.

Key stakeholders shall be trained and sensitized. However, it is also essential to promote accountability in their management and to have public information on their role in ensuring compliance with the law.

In this regard, the bodies that receive complaints, CVAWs and public health centers, among others, should deploy communication campaigns to ensure that in these areas of care and public spaces, their commitments and competencies towards potential victims are known, as well as to inform where to report if they fail to comply with them so that investigations and individual sanctions can be processed, if appropriate.

²² <https://ipysvenezuela.org/atlas-del-silencio/>.

²³ Ninety of the women surveyed stated that they knew what gender-based violence is about and said they were aware of the reform of the OARWLFV. However, when asked about the types of violence they are aware of, of the 25 forms of violence stipulated in the Act, only psychological, physical, and sexual violence were identified as the most common, representing only the forms of violence determined in the Act. <https://ulamujer.org/wp-content/uploads/2024/04/1.MUJERES-RURALES.pdf>.



Some people believe that the Act lies over there, for misuse and misapplication in the courts, that every time some elements are added to it, they serve as a greater weapon for women, and then, who is going to put up with them now, etcetera, etcetera? That is the colloquial language that people use. There is also an essential task for the State, which is to educate society about the use of the Act, what the document contains, how it can be used, what the tools are, how to identify those situations of violence in which the operation of this Act is valuable and important, and that everything operates as it is narrated there. (Representative of a human rights organization)

However, another scenario where it is imperative to publicize this legal instrument and what it establishes is with women who decide to lodge a complaint. At this point, officials are key to ensuring Venezuelan women continue their legal process.

A common testimony of the victims of gender-based violence interviewed highlights the feeling of helplessness they may feel due to the lack of knowledge of the complaint procedure and how the subsequent judicial process will develop. It must be urgently remedied because if victims feel overwhelmed in these specialized spaces with dedicated personnel who should be sensitized, there is little we can achieve in other scenarios where we have fewer actors with the knowledge and opportunity to make a difference.

Many of them speak in a technical language that if you don't talk it, if you don't know the criminal and legal jargon, you are exposed to the fact that you can't understand all the information they are giving you, it is as if they were speaking in another language, in another language that you can't understand a single word what they are saying. They don't try to explain it to you because they are always in a hurry, so the treatment is always very hurried. They never have time; sometimes, the prosecutors are not there, and the ones who attend are the assistants or the secretaries; it is tough; it should be different. (Activist for defending the rights of women, girls, and adolescents)

1.4. Actual process costs

"Justice has become very expensive. It is practically privatized," a representative of an organization dedicated to defending the rights of a vulnerable population.



White sheets; printouts; telephone recharges; transfer of the bailiff for notifications;²⁴ tickets and mobilization of the victim; care of children or elderly adults; copies of the file;²⁵ grant a power of attorney; retain legal assistance; prepare food and water for the day or have to buy it; folders and hooks for the docket; pencil and pencil sharpener for the psychological test; legal processing of the divorce and the custody of children and adolescents if necessary;²⁶ transportation and lodging for each procedure if you do not live in the city where the courts are located.²⁷ These are some of the actual costs of the process for the victims, which, depending on the case, can reach hundreds or thousands of dollars in a context where the minimum salary reaches an average of 3.50 dollars and the minimum income coined by the Government, which adds the food vouchers and the so-called economic war voucher, reaches 130 dollars,²⁸ when the cost of the basic food basket exceeds 500 dollars per month.²⁹

Although the victim is represented in the proceedings by the Public Prosecutor's Office, she is entitled to have private legal assistance and, according to the Constitutional Chamber (CC) of the Supreme Court of Justice (SCJ), this would imply the possibility of lodging a private accusation of her own in the absence of accusation exercised by the Public Prosecutor's Office.

However, few organizations provide legal assistance or accompaniment to victims of gender-based violence in the country due to uncertainty regarding key aspects such as the duration of the process and its costs. During the consultation, the participating organizations pointed out that:

Project funders do not pay for assistance but case management; we also have to pay for mobilization, which are resources we do not have. Court assistance is performed with our expenses, and we often cannot move forward due to logistical and resource issues. For example, phone recharges for officials, supplies of paper, and staplers cannot be financed.³⁰

24 Activist and defender of women's human rights:

Our attorneys have had to go to rural areas with their own funds practically to perform the function of the Prosecutor's Office and the judicial circuit, to be able to summon a witness so that a case can move. The attorneys do almost all the work if they allow it because they do not perform it, they do not have the personnel, they do not search, they do not move for such things and if it is not done then the hearings are postponed, there are more delays and the whole process is delayed.

25 Family member of a victim of femicide:

The last time copies were made, and that was not all, [the sum of] approximately \$50 was spent. So imagine the amount of money spent on copies. I could tell you that we have spent approximately 200 dollars or a little more on these dockets.

26 Survivor of violence:

I had to make a decision. With two judicial fronts I can't. I can't. I can't. I can't. I really can't. I really cannot. So I said, well, I dedicate myself to the prison and then go to protection. Because both, first, humanly, it is impossible. It is exhausting. You go to a court to do an errand and you arrive at 8:30 in the morning and you leave at least, at least, at noon, because you have to wait in the file, because there are a lot of files, just as cumbersome, in protection, you have to prove, you have to bring the copies that you were deprived of liberty again and that is money to consign them there.

27 Representative of a women's rights organization:

A woman who is a victim of violence in Santa Elena or Callao has to go to Puerto Ordaz, and not all women who lodge a complaint can go to Puerto Ordaz for a psychological evaluation. This also takes into account that the psychological evaluation is done at least three different times. We are talking about the person having to come and stay here for at least 15 or 20 days or go back and forth three times from her town to Puerto Ordaz.

28 [http://www.minec.gob.ve/presidente-maduro-anuncio-aumento-del-ingreso-integral-a-130-dolares/#:~:text=Presidente%20Maduro%20anunci%C3%B3%20aumento%20del%20ingreso%20integral%20a%20130%20d%C3%B3lares%20E2%80%93%20Minec&text=Prensa%20Ecosocialismo%20\(Minec\)%20%2F%20Caracas,%2C%2001%2F05%2F2024.](http://www.minec.gob.ve/presidente-maduro-anuncio-aumento-del-ingreso-integral-a-130-dolares/#:~:text=Presidente%20Maduro%20anunci%C3%B3%20aumento%20del%20ingreso%20integral%20a%20130%20d%C3%B3lares%20E2%80%93%20Minec&text=Prensa%20Ecosocialismo%20(Minec)%20%2F%20Caracas,%2C%2001%2F05%2F2024.)

29 [https://vpitv.com/lo-ultimo/en-mas-de-530-se-ubico-la-canasta-basica-de-alimentos-en-venezuela-para-septiembre-segun-cendas-fvm/.](https://vpitv.com/lo-ultimo/en-mas-de-530-se-ubico-la-canasta-basica-de-alimentos-en-venezuela-para-septiembre-segun-cendas-fvm/)

30 Representative of an organization dedicated to the defense of the rights of a vulnerable population.



As already mentioned in the aspect of physical conditions, court maintenance expenses such as printing, disinfectants, uniforms or cleaning of the facilities are transferred to the users of the system, highlighting, as noted, the case of the aggressors who are assigned various benefits as part of the "community work" they must perform (Section 87 OARWLFV).

The process, in general, is highly costly; all the procedures are indirect, such as transportation, airfare, and access to cash. Sometimes, you can have the money, but access to cash can be difficult. Some requests, such as for material resources for the service or the printing of some documents, such as formats by the agencies that do not have the equipment and provide instruments so that the women can print the materials that will be required in their process, generate considerable expenses.

But another expense comes to mind that perhaps is not computed, not only the retaining of lawyers to explain the causes, we have identified as a gap that women who are already in the criminal process and want to divorce do not have access to divorce because it is usually a civil activity that generates high expenses, so they are fighting with the aggressor in a criminal process but they cannot get a divorce. We have advocated to see if some social organizations could assume this process in the legal orientation. Still, no, they have referred us to Public Defense; however, Public Defense, we have already seen its delay, and the divorce as a decision seems to have also had to be driven by the survivor, so she has to pay for it.

This situation has been reported to us at various times by the survivor, they have asked us for help to separate from the aggressor, and we have not been able to find a mechanism to alleviate this; the same happens with custody issues, which are also one of the issues that end up mixed up in the process. (Representative of a humanitarian organization).

It is important to emphasize that the lack of free justice in the conditions set by our Constitution (Section 26) and the several vital economic costs that arise have a significant consequence on the families of the victims: when they cannot pay these expenses that condition the progress of the process, they feel guilty for not being able to continue the struggle for justice that their mother, daughter, sister deserves, burdening with this psychological cost the trauma of the loss of their relative and the feeling that they could not do everything possible. It is an extremely unfair and irreparable burden that shall not be lost from sight among the motivation required to transform the system.



1.5. Vulnerable populations

Bearing in mind that "sexist, racist, classist, xenophobic, and pro-capitalist ideas, among other axes of oppression in our society, also permeate the judicial system just as they are part of the social imaginary,"³¹ we must recognize that the reality faced by women and girls in their search for justice is extremely difficult, but with the commitment of an intersectional view that makes visible the complexity of the experiences crossed by other elements of identity, we must highlight the differentiated affectations faced by women and girls in their search for justice is complicated. Still, with the commitment of an intersectional view that makes visible the complexity of the experiences crossed by other elements of identity, we must highlight the differentiated affectations faced by different groups in situations of vulnerability.

Civil society organizations dedicated to the companionship of women and girls expose a profound lack of knowledge of the law, especially in historically marginalized areas such as La Guajira, in the state of Zulia, and in the states of Amazonas and Delta Amacuro, where cultural elements such as language and the specific forms of conflict resolution corresponding to the original or customary law of Indigenous peoples and communities are relevant. These [t/n: cultural nuances] generate situations where the victims are encouraged to adopt conciliation rather than claiming, which is especially problematic when cases of sexual violence are proven but end in impunity. In these situations, there are many doubts about how to proceed to achieve a solution that respects their self-determination without sacrificing the guarantee of Indigenous women and girls to a life free of violence.

In this regard, in December 2023, a decision of the CC set the competence of the courts specialized in gender violence for the trial of the crimes provided for in the OARWLFV regardless of whether the active subject is an Indigenous person or not, since the legitimate authorities of the native peoples and communities can only act in matters of gender violence as authorities receiving complaints, ordering the disapplication of the Indigenous jurisdiction for the trial of crimes of violence against women when the victims are Indigenous children and adolescents.³²

In order to ensure the protection of Indigenous women and girls in their passage through the special jurisdiction for violence against women, it shall be ensured that there is interpretation and translation of Indigenous languages. These staff shall be trained and sensitized to carry out their work in a way that guarantees the victims dignified treatment with security, confidentiality, and respect. The organizations consulted point out that the majority of the courts do not have staff for this job or with this profile.

31 Canyelles i Gamundí, Caterina. *Machismo and legal culture, an ethnography of the judicial process of gender violence*. 2023.

32 <https://accesoalajusticia.org/desaplicacion-de-la-jurisdccion-indigena-para-el-juzgamiento-delitos-de-violencia-contra-la-mujer-cuando-las-victimas-sean-ninas-ninos-y-adolescentes-indigenas/>.



In the case of Indigenous communities in the state of Merida, it was reported that they experience particular challenges in the face of gender-based violence, primarily related to the lack of knowledge about this population, the lack of accessibility to care for them, and stereotypes about their identity.

At this point, a strategy of the Judiciary to ensure availability and access for specific populations is focused on developing mobile court days, where the different jurisdictions are mobilized to the communities to provide legal services.

After consulting with experts on the subject, we learned that the participation of the CVAWs in these workshops is aimed at providing counseling, informing aggressors about the status of their cases, arranging transfers to reduce deferrals, and instructing victims about available protection and security measures. Finally, micro-workshops are conducted by the multidisciplinary team on the prevention and protection of sexual violence.

Unfortunately, although it may seem a positive strategy, it is important to recognize that the mobile courts were created to serve justice, their nature was to perform as courts and conduct presentations or trial hearings to resolve cases, thus combating procedural delays. But the current mobile courts have distorted this purpose³³ and are more oriented to render free legal proceedings or simple judicial processes, such as the declaration of sole and universal heirs, the rectification of marriage, birth or death certificates, affidavit of not owning a home, letters of bachelorhood, guardianship or divorce by mutual agreement.

Even in these cases, the organizations consulted report access barriers; this is the case of women and the indigenous Wayuu population, who attend these workshops organized by the SCJ³⁴ due to the lack of information and a large number of users makes it difficult to resolve the issues raised, forcing them to wait months after the end of the process for the required documentation, for example, the divorce decree. We must reiterate that it is paradoxical, to say the least, that the staff of the CVAW is not enough in their headquarters to pay attention to the cases. Still, they participate in external conferences and workshops that the Government appreciates because under the slogan "the SCJ in the street," they have a way of generating content that responds to their campaigns in the communicational aspect.

Another population that suffers much discrimination in the context of reporting gender-based violence is women, girls, and adolescents with disabilities. The organizations consulted affirmed that there are substantial barriers, such as a lack of knowledge of the law because they do not have adapted informative materials, despite being a population with greater vulnerability to violence, such as sexual violence:

³³ <https://supremainjusticia.org/ni-una-sentencia-han-dictado-los-tribunales-moviles-en-2024-segun-las-cifras-del-propio-tsj/>.

³⁴ Supreme Court of Justice (2024). *Mobile courts continue to be deployed in different states of the country*. <http://www.tsj.gob.ve/-/tribunales-moviles-continuan-desplegados-en-diferentes-estados-del-pais>.



On the subject of disability, we are obviously talking about practically no access; it is an uphill struggle for them. I remember we did a focus group, and a blind person said: they think you cannot see; they are passing me, people, denouncing this "cunning" that we are going to pass three people in front of her; she is not even aware of it. This very personal experience narrated by the survivor delayed her a lot in the process, and she had to be accompanied so that the person could read what was being communicated to her. (Representative of a humanitarian organization).

Women in rural areas are also affected by specific problems related to the lack of access to institutions that can render assistance due to geographical distance since, as mentioned, only three states have courts in smaller cities other than the capital. This forces women to travel for hours or days to seek justice, or if they do not have the resources, they decide to turn to the police or the National Guard as the closest option to get help in cases of violence. However, the organizations consulted point out that the National Guard denies them the required assistance even in cases of threats to their life and physical integrity.

In these rural contexts and communities in situations of serious vulnerability, another population highly exposed to violence and requiring a particular approach is illiterate women, who are not receiving information about the law and where to file a complaint in formats that make it easier for them to understand.

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 by the Venezuelan State. However, in international scenarios, representatives of Venezuela have mentioned that the specialized prosecutors' offices for violence and trafficking of women and girls can attend to trans women; the reality is that this population continues to be discriminated against.

2. On the guarantee of justiciability

It refers to victims having unrestricted access to justice systems. It implies that professionals in the judicial system shall handle cases from a gender perspective, guaranteeing the Judiciary's independence, impartiality, and integrity. In addition, it is crucial to remove obstacles to women's participation, to review the rules on the burden of proof to ensure equality between the parties, and to cooperate with civil society to develop mechanisms to support women's access to justice.



2.1. Safety and security measures

A critical element of the judicial process that makes a difference in guaranteeing women's right to a life free of violence is the security and protection measures established by law. The experts pointed out several factors consulted as barriers faced by Venezuelan women in achieving the adequate application of these measures.

From judicial interpretations that restrictively condition the number of measures that are issued, the bureaucracy of the agencies fully empowered by law to establish or ratify these measures, the lack of resources for their proper implementation and monitoring that ends up leaving the victims in a state of defenselessness. An example of the latter is the improper act, due to lack of safety, of allowing the victim to notify the aggressor of the existence of the measure against him.

Also noted is the harmful practice of the state security forces taking advantage of the opportunity to notify the measure to try to conciliate between the parties despite having full knowledge of the prohibition of conciliation established in the law. "I had a trial, I went through a whole criminal process, where I had to hide because even though I had protection and security measures, the aggressor did not respect them." (Survivor of Violence).

Among the protection measures, one that continues to be a challenge is the shelter measure. In the review of Venezuela before the CEDAW Committee, the State alleged the existence of six houses for this purpose in the country, which continues to violate the obligation provided by law to have at least one available per municipality.

In addition, one of the problems reported by the organizations consulted is that in the cases of victims with children, few houses have the possibility of receiving children over 12 years of age. Incidentally, the housing is temporary, and there are not enough conditions to ensure that the survivor can be supported with other alternatives that allow for security and better living conditions during the shelter term.

2.2. Access to the docket

Access to the docket is a critical issue that arises at two points in seeking justice. The first is before the prosecutor's office, where the delay lies in assigning a number to the docket to be created for the investigation, and during this wait, those interested in the case can't initiate or learn about the process.

The second moment is when a request to consult the docket in the CVAWs is made. At this point, there are several reasons why this request may become a weakness in the process: during the research, we were informed of corruption dynamics on the part of the clerk staff, bottlenecks in



the logistics of printing the proceedings³⁵ or that the docket is effectively being "worked" by the court staff, so it cannot be delivered for revision by the party involved.

In general, there is agreement that the process of docket consultation can be challenging. As an example of this problem, a representative of civil society who also teaches at a law school stated that as part of the students' professional practices, they were assigned the task of locating specific files and that this process could take up to 2 months so that for victims of violence who do not know how the courts work, this constraint could be a key element in discouraging their participation in the process of seeking justice.

Access to the docket is fundamental for knowing and participating in the judicial process. Constraints in this regard are detrimental to the victim, but they are also detrimental to the aggressor's right to defense:

It is very difficult to have access to the dockets. I don't understand why, but at least in the case of my mother, who is in the Prosecutor's Office, I never managed, never, never, never, never, never, to get access to her docket. They could not find my mother's docket, since supposedly, the explanation received was that they [t/n: the court staff] were making an inventory because there was a big mess with the dockets, and therefore, until they did not finish the inventory, they could not give me access to it. So, imagine, practically 6 years of following my mother's case and I never had access to her docket. (Survivor of femicide).

2.3. Expertise practice

The process of gathering the necessary expertise to achieve, in the evidentiary stage, sufficient elements of conviction for a decision that represents justice is also a complex process for the victim because several institutions are involved, which requires a minimum level of coordination and communication that, in many cases, seems impossible to carry out.

At this point, the consultations and interviews point out substantial irregularities that bottleneck the National Service of Medicine and Forensic Sciences (NSMFS), an agency attached to the Ministry of People's Power for Internal Relations, Justice, and Peace. Waiting for months for the assignment of the appointment for the psychological expertise, an average of 2 to 3 months to have the results of the forensic medical expertise, cases in which there are doubts as to whether

³⁵ Former CVAW official, expert in gender violence:

Many times, they do not have access to the file because it is not printed, because there is nothing to print, so it has a post-it that says, "Here is the sentence, pending to be printed," and you also see the secretaries who have a pile of files that have the sentences ready. Still, they have not been able to print them. So what will you give the person who asks for the file, a file with nothing in it? Many times, it was also said that it should not be delivered in those conditions because they can take pictures of it and generate complaints in the inspectorate; there is a judicial inspectorate, so that also generates problems for the court, so many times the file is not loaned to avoid complaints or denunciations in the inspectorate.



the person who attends has the required profession or specialization, the availability per day of the required professionals, among other failures. This leads the victim to have to go several times, even pointing out that if the professional assigned for the psychological examination is absent due to illness or vacation, there is no redistribution of the case with the other members of the staff, so the victim must wait for his or her return to resume the process and obtain the expertise.

The experts point out a similar dynamic consulted in the case of the Specialized Technical Unit for Comprehensive Attention to Women, Children, and Adolescents of the Public Prosecutor's Office. The lack of staff and diligent action by the Prosecutor's Office generates an excessive delay in the expert opinions.

It is also mentioned that the cases advance faster if the alleged aggressor has a measure of deprivation of freedom, even in cases of sexual abuse only if there is a person deprived of liberty the required steps are faster. However, the procedural impulse of the victim is decisive, especially in cases where the expertise is more complex, such as those where analysis of technological elements of communication is required. "It is not only that you go to denounce, but you must need go repeatedly. We have victims who say, I don't want to go anymore, I don't want to." A representative of a women's rights organization.

Regarding NSMFS, using communication tools such as WhatsApp to manage appointments is an advanced process. But, while this can be positive and decongest the process, situations that transgress the correct use of these tools and constitute an unacceptable revictimization were denounced:

We have learned, and we have seen it in the case of children, that specifically when they have gone by designation of the Public Prosecutor's Office for evaluations and the forensic expert is not present, the staff has the practice of taking the cell phone, taking a picture and sending it to the doctor via WhatsApp so that he can say whether or not he considers that there is abuse to know whether or not to give the appointment for another opportunity. This violates absolutely everything because it is a phone through a private platform; that is to say that it belongs to the official who is there, and in cases of babies who have been victims of sexual abuse with HPV, the photos circulate. (Representative of a women's rights organization).

Another critical aspect concerning the expert opinions is that they shall be ratified at the trial by the experts. Considering the variable time frames that this stage of the process can take since the high turnover of personnel due to working conditions and migration affects this phase, it is frequent that the expert who conducted the examination is no longer available to testify.



There is another effect of this requirement: when experts are available to testify, especially in the case of NSMFS officials, due to the complexity surrounding the holding of hearings and the high incidence of deferrals, they can lose a full day's work in court waiting to testify. These circumstances generate a dynamic of procedural delay that persists and seriously affects the process.

The Act addressed the problem of expert opinions by allowing the use of public health reports. Still, the organizations consulted report that public health staff powerfully resist involvement in these processes. They report fear of reprisals from those involved and are concerned about the time it may take them to go to court as experts.

It happens in practice, although since 2020, there has been a Protocol for the clinical management of sexual violence developed by the Ministry of People's Power for Health, with the support of the United Nations Population Fund (UNFPA) and the Joint United Nations Program on HIV/AIDS (UNAIDS) to guide the procedure of health staff in these cases and how to perform the required medical certificate.

The physical examination is carried out more quickly due to the nature of this test, which requires reflecting the victim's current physical state. Still, the psychological examination is more complex, presenting a longer delay. In addition, the experts consulted referred to the fact that in some states, the victims are asked for requirements for the test, such as blank sheets of paper, pencil, or pencil sharpener. These requirements may be prohibitive for some victims and generate further delays in their care, with the resulting cost in time, access to justice, and the possibility for the victim to dedicate herself to the recovery of her wellbeing.

If only the expert opinion is going to take 8 months, then we would be projecting that a trial could last years, years for them in that coming and going; in those days that we were in court, one of the officials declared that a victim was raped when she was an adolescent and still is going [t/n: to court], but she is already an adult. So we are talking about 5 or 6 years this person has gone through. Now, she goes by her own means, she no longer goes to court with her mother. Still she continues to drag the incident, the incident of sexual violence, because she has had no response. We, who have an integral vision of the attention to the survivor, know how problematic this can be for the recovery of psychological well-being; in the leading of everyday life, it is very complex because it is very difficult to let go of the incident and begin to work on recovery. (Representative of a humanitarian organization).



3. About the sound quality guarantee

It requires that all components of the system conform to international standards of competence, efficiency, and impartiality and provide appropriate and effective remedies in a timely manner that are enforceable and result in a sustainable resolution of the gender-sensitive dispute for all women.

3.1. Deprofessionalization

When faced with the process of seeking justice after experiencing gender-based violence, women, girls, and adolescents find themselves in a particularly difficult emotional moment. This requires exceptional sensitivity on the part of justice system staff to provide care that does not revictimize, and that enables the user to navigate the judicial process from the complaint to the trial, with full knowledge of the tools available from the State to support her.

But the reality is that:

Stereotypes and prejudices can interpose themselves between the facts, the assessment and qualification of these facts by legal operators, generating a conflicts of interest between the contents of the norms and the values of the person applying them. For example, the biased interpretation of the reported facts can lead to a malfunctioning of the judicial system since it renders the criminal norm inapplicable, generating a revictimization that limits women's access to justice and even leads to impunity for the crime. A lack of empathy, sensitivity, and structural knowledge of the crime on the part of judicial staff characterizes the treatment that leads to revictimization and becomes institutional violence.³⁶

The only way to solve this scenario where the machismo of our society also materializes in applying the law is to ensure training, awareness, and expertise on the matter by the people who make up these instances of care. Their decisive interactions can determine whether or not the victim continues with the complaint process and its judicial development. Therefore, this is precisely one of the first critical knots in the process indicated by the people consulted for this report.³⁷

In order to identify the roots of the problem, the testimony of women's rights organizations working in universities is valuable. They have detected that training in law courses on the OARWLFV and gender justice is not only extremely limited but is also carried out with biases on the part of the teaching staff, which has a negative impact on the perspective that students may have on this subject.

³⁶ Canyelles i Gamundí, Caterina. *Machismo and legal culture, an ethnography of the judicial process of gender violence*. 2023.

³⁷ Former CVAW official, expert in gender violence:

A first critical knot for me would be that the cultural transformation is not strong enough so that the attention is really sensitized, and that the training is not systematized because it is not a permanent program, it is not a program for everyone, it is not a program that is systematized.



The above is crucial in the process of making visible the difficulties presented by the special jurisdiction because some of those people who occupy today the classrooms of law schools are those who will obtain the positions of the CVAW tomorrow, so the reproduction of these biases should be a concern to be worked not only from the perspective of professional training in the special jurisdiction but also should influence the transformation of education on this matter in universities.

An important element that emerged during the consultations is that staff dedicated to gender justice in Venezuela have been affected by the situation in the country.

Low salaries, reduced resource allocation, and migration have meant that the investment in training that could have been made since the approval of the OARWLFV and the creation of the courts has been lost with the staff who have left the justice system, ceasing to make use of this knowledge within the system and perform their function as multipliers for new beginners. This phenomenon was referred to by those consulted as "deprofessionalization" in the area of violence against women.

There are even periods in which civil society was a key component due to the openness of the institutions to collaborate in specialized training. Likewise, the presence of young officials also turned training into a vital incentive for professional advancement in the judicial career, leading to a combination of diverse aspects that favored the specialization of personnel in the area of violence against women.

At this time, the phenomenon of deprofessionalization is evident, according to the experts consulted, in factors such as the implementation of part-time schedules, because the staff work in different places at the same time; the presence of more people without a professional degree related to law or the areas of work required by the gender justice system; the presence of members of government assistance programs, such as the missions of the Executive Branch, in work that requires professional training; as well as the passage of these specialized staff from being civil servants to working in private litigation in the defense of the victims' families; the presence of members of government assistance programs, such as the missions of the Executive Branch, in jobs that require professional training; as well as the shift of these specialized staff from being civil servants to private litigation in defense of alleged aggressors, as a way to ensure a better income for their knowledge of the system.

One of the most gross examples of deprofessionalization was pointed out in the research regarding the members of the court's multidisciplinary teams, which are not always made up of suitable professionals. Serious situations, such as early testing by social workers or educators, emerged from the consultations. It was also pointed out that there are institutions more impacted by this problem, such as the Public Defender's Office, which is increasingly losing staff,



and the remaining professionals have a significant work overload that does not contribute to long-term permanence in the institution.

It is important to note that those consulted agree from their different perspectives (victims, former officials, trial lawyers, representatives of civil society, or humanitarian organizations) that the justice system in cases of violence against women merits specialization. It would allow the coincidence of two key elements identified: training and sensitization on issues related to gender violence.

It was also noted in the consulting conversations that it is common to find people with training in the matter in positions of higher accountability but who require greater sensitivity. In contrast, in positions more dedicated to serving the public, some people are sensitive but lack the necessary technical expertise; it is evident in the training that they do not know the entire judicial process and only handle what is related to the area they are assigned. Both cases can generate a revictimizing experience for women who come to the justice system, so the training effort shall be focused on balancing both aspects so that officials can provide adequate attention.

In this regard, a review of the social networks and the website of the National School of the Magistracy shows that the training currently available is not only difficult for civil servants to undertake due to the socioeconomic conditions of the country. It should also be made visible that the offer is insufficient, since only short training courses with a duration of between 1 and 12 hours or a diploma course of 120 academic hours are promoted.

All civil servants are people, and these people have been socialized in the patriarchal system. To think that just one workshop once a year will fix everything is too utopian, too much; it is a lie. (Representative of a women's rights organization)

The lack of training is also evident in the contrary interpretations of the LODMVLLV with sexist criteria reflected in the judgments, as well as in the fact that judges often refuse to hear cases that fall within the competence of the law, which delays the processes for years; they do not apply the principle of transversality, because they see the cases from a limited perspective; or they make purely formalistic decisions that do not protect the victims from their aggressor.³⁸

Training must also be assumed as a responsibility of the State. Thus, the law reform should be accompanied by the necessary measures of dissemination and budget to guarantee its knowledge, especially among the personnel in charge of its application.

³⁸ These cases can be consulted in our publication *Myths and realities of violence against women in venezuela: history of another failure of the judiciary* (2018- 2022): https://accesoaljusticia.org/wp-content/uploads/securepdfs/2023/11/Informe_Myths-and-realities-of-violence-against-women-in-Venezuela-story-of-another-failure-of-the-Judiciary.pdf.



A key aspect of the latest reform refers to the approaches for applying the law established in Section 4, which contemplates gender, feminism, human rights, intercultural, integral, generational, and intersectional approaches. However, these are only enshrined in the legal instrument, so requiring reading and interpretation that facilitates their correct application depends on the pedagogical effort that should go with enacting the law reform.

“I find it surprising that our officials do not understand the law, specialized officials who are in specific units of attention to violence and are taking notes in our workshops on the existing protection measures. I was surprised to find out that they did not know them. Moreover, they have to write them in notebooks. In short, they do not have access to the law. We understand that it is complex to print and reproduce, but I think it is very important to manage the legal tool, as the officials do not have access to it. (Representative of a humanitarian organization)

3.2. Loss of institutional capacities

An important phenomenon pointed out by the experts consulted is a notable loss of capacity³⁹ in the justice system, for reasons that we have already developed, but that have intensified after the pandemic. They argue that the lack of specialization of officials and the existence of greater political polarization and conservatism is evident in discussions with public institutions on such basic aspects as what does or does not constitute violence against women and that, added to the political situation, seems to hinder the articulation with organized civil society.

The deprofessionalization and political control of the justice system generate negative dynamics that condition actions and limit the generation of protocols that standardize the procedures of the prosecutor's offices and courts because uncertainty facilitates control. Training and sensitization efforts are diluted by the constant loss of personnel due to migration or political reasons, giving the impression that these failures will always be present.

Although this document refers to the justice system, this phenomenon of loss of capacities is also evident in the Ministry of Popular Power for Women and the National Women's Institute,⁴⁰ which leads to the fact that the public policies that these agencies could develop to strengthen the response to the needs of Venezuelan women and the guarantee of their rights are also affected, leaving women and girls in a serious situation of helplessness.

³⁹ "We have a serious setback in all human rights in general and specifically in women's human rights at this moment, of course we do." Representative of a women's rights organization.

⁴⁰ "In Inamujer they didn't even have anything to connect with, we borrow the Zoom platform, they don't have a headquarters, so they attend to women wherever they can, and unfortunately the price of this is being paid by women." Director of women's rights organization.



In addition, the training of specialized professionals for the gender justice system has suffered significant losses, not only due to the migration of officials who were prepared, as already noted, for their move towards the private defense of the aggressors,⁴¹ using questionable tactics to wear down the victims and that materialize in judicial processes that are considerably lengthened and that, even in the case of a favorable decision for the victims, present a high incidence of structured practices to achieve the nullity and reinstatement of the case, with such negative effects that these decisions can have on the victim, even in the case of a favorable decision for the victims, present a high incidence of structured practices to achieve the nullity and reinstatement of the case, with the very negative effects that these decisions can have on the victim, who feels mocked in her search for justice.

In addition, coordination and articulation spaces between institutions and civil society have been lost due to the closing of the civic space in the country, which, from the State, promotes distrustful relations with non-governmental organizations despite the possibilities of working together in favor of Venezuelan women.

An example of this was reported by one organization consulted, which for years supported the justice system with psychological expertise of the highest quality and stopped receiving these requests for no reason. In contrast, another organization reported that due to the lack of response from the country's institutions, it received constant requests for expertise from foreign courts in cases related to its field of work. All these signs of the loss of capacity of the justice system end up affecting Venezuelan women and the guarantee of their rights.

I feel that I am [again] in 2012 when there was so much to do regarding raising awareness, visibility, and training. I feel that we are back to that time. In 2018 and 2019, I can tell you that there was intense work; it was thought that the organizations were doing something. However, that was lost, it was lost. (Representative of a women's rights organization).

3.3. Lack of specialized staff

Another structural aspect related to the shortcomings of the special jurisdiction on violence against women is the lack of staff.

Some of the organizations consulted stated that in the victim assistance unit in Caracas, between 70 and 90 complaints can be received daily. Still, there are only seven officers, so an impossible

⁴¹ Representative of a women's rights organization:

At one time the Venezuelan State invested a large amount, because I must say it this way, since the beginning of the law, in training judges and prosecutors, many of whom today are retired and have gone over to the side of the defense of the aggressors. So, they know the law, they know the norm, and they know the trap.



workload is part of the working day, making it impossible to devote enough time to each complainant to ensure proper care.⁴²

They also highlighted aspects such as the vicarious trauma that people dedicated to receiving these complaints may experience because such a high number of cases handled daily is contrary to the recommendations and standards for preserving their mental health and well-being. According to the experts consulted, this situation is repeated in other states of the country.

On the other hand, the high turnover and the difficulties in filling vacancies with staff duly specialized in terms of their professional credentials are related to low salaries and the loss of labor benefits, including adequate infrastructure conditions, long working hours,⁴³ security risks,⁴⁴ forms of control and pressure on civil servants,⁴⁵ and lack of tenureship in the judicial career.

The truth is that it is a job that is very poorly paid, very, very poorly paid. In fact, it is disrespectful that a person who works in the Judicial Branch earns that, earns the amount he earns. I mainly could afford the privilege of working there because I lived with my parents, I did not pay rent, and I did not pay for food; so many things that allowed me to be there, but I wondered how other people who had to support their families, who had to pay rent, did it, the truth is that it was absurd and the answer to that I also think is worse and is that many people who work in the Judicial Branch are supported by corruption, by bribe practices.

In the Judiciary, they charge for a photocopy, from taking a copy to putting a sentence on a pen drive, even for making a decision, for everything, so I imagine that, and to say, is not to make specific remarks. Still, I imagine that many people who work in the Judiciary do so precisely because it also gives you power, and from that power comes corruption. (Former official of the CVAW, expert in gender violence)

42 Former CVAW official, expert in gender violence:

If you are burdened with 24 cases a day, the truth is that this also means that care cannot be specialized in that sense. So, to what extent is it not the fault of the system, the structure, and the lack of conditions so that care can be as it should be if you are overloading a person and they do not even have time to eat?

43 Former VCAW officer:

I have always liked the Judicial Branch. One of the things that happened to me at the beginning, I don't know if it is because I joined in as a rookie, but at 4:30 p.m. I could not do my work; I was leaving [t/n: going home] at eight at night the first year.

44 Former VCAW officer:

It is also a concern of security; for example, some defendants have impressive misogyny, so you have to be strong in that context; in these matters, when you go out, you are exposed because you do not know who those people are, once there was a case, a strong case and they asked the MED for protection. They said, "Look, I do not have the means to send you a protection unit on your way home," if the Judiciary itself does not protect you, you are exposed [t/n: to risk.]

45 Former VCAW officer:

Before managing Saturday and Sunday shifts, you had to be there at 7 a.m. and until 7 p.m. They asked you for photos and everything, pictures of the officers, photos together; it was a criticism I made; why do I have to send you a photo to certify that I am at my place of work if when you went out, you mark? You punch in your arrival, and you punch out your departure.



At this point, the CVAWs, in addition to their important workload, seem to have an active presence in social networks as a task that demonstrates their management. In addition, in the case of multidisciplinary teams, they must give talks and workshops for other agencies or communities, taking into account that these teams have a diversity of tasks and their management is key in the attention to victims within the court, it is striking that they devote themselves to these extra activities,^{46, 47} that compete with the time merited by the judicial management itself.

The lack of staff deeply marks the system, and this generates, in my opinion, a dehumanization of the employees because in their exhaustion, in the *burnout* that they are experiencing, the survivor can spend hours waiting. (Representative of a humanitarian organization)

In the words of Canyelles i Gamundí (2023):

The justice system alone cannot combat the problem of gender violence, and it is clear that greater criminalization does not represent more excellent protection, nor does it imply the cultural change necessary to eradicate machismo. For the law to be correctly applied to allow access to justice, it is essential to address the structural and cultural nature of the phenomenon vigorously. To this end, all professionals working with the law on gender-based violence must receive adequate training, not only technical but also allowing them to understand the phenomenon of gender-based violence in all its magnitude to avoid biases in the interpretation of the facts that may revictimize women and limit their access to justice.⁴⁸

On the other hand, the Scientific, Criminal, and Criminalistic Investigations Corps (SCCIC) performance is worth mentioning. This technical judicial police force, considered by the legislation as an auxiliary body of the Prosecutor's Office in the investigation stage and a receiving body for complaints according to the OARWLFV, has historically had non-sensible participation in the process of attention to the victims of gender violence.

During the consultation, experienced legal operators acknowledged that for the SCCIC, being part of the special division created for these issues was considered a "punishment."⁴⁹ It was also pointed out that although the SCCIC may have staff with knowledge of the law and even with

46 https://www.instagram.com/p/DAGuVL0SjnL/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==.

47 https://www.instagram.com/p/C9SRWGDgPpq/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==.

48 Canyelles i Gamundí, Caterina. *Machismo and legal culture, an ethnography of the judicial process of gender violence*. 2023.

49 Survivor of violence:

In order to care for survivors, it is necessary to place officials who want to be there. Not by obligation. They tell them, "You are punished, so I am going to send you for the cases." In police terms, they say, "I am going to send you for the cases of the chaotic." What are the *chayotas*? The ones that don't give anything and don't taste anything. That is what they call them; the cases of the "chayotas" are those of the Office of Attention to Victims of Violence.



goodwill, due to the nature of the work and the institution, its officials are strongly permeated by machismo. It is difficult to get them to have the sensitivity required for this work since gender stereotypes and biases are very present in this civil service with a patriarchal mentality. Violence against women is perpetuated as usual to guarantee their subordination.

3.4. Other rights-violating practices

Many other aspects of the judicial process constitute violations of the rights of the victims and even of the aggressors, which were pointed out in the consultations and interviews as examples of the obstacles that must be faced.

A practice that unfortunately is still present in the Venezuelan justice system, and where the special jurisdiction for violence against women is no exception, is the so-called "peloteo"⁵⁰ [t/n: bouncing] whereby the victims are referred from one receiving agency to another in order to file their complaint, being this moment also when they face another phenomenon that discourages their search, for example, they are singled out for wearing specific clothing,⁵¹ such as torn pants or skirts that they consider to be short, or in the case of foreign women, their immigration status and documentation are questioned before the content of their complaint.

Other irregular situations that the experts consulted reported arise in the search for justice in the special jurisdiction for violence against women: the unjustified refusal to allow victims to have private representation; disrespect for the advance evidence by forcing them to repeat their testimony; constant deferrals due to failures in the transfer of the aggressors, who are subjected to corruption dynamics with payments in dollars to ensure their presence at the hearings; the conditioning of security and protection measures, as well as that of the means of evidence, with the implications that this can have on the duration of the process such as its suspension or archiving; the exposure of the victim in the media as part of smear campaigns organized by the defense; the fixing of the hearings without determining the times, which can mean a wait of up to 8 hours in very difficult conditions for the victims, which can end in deferral, with the difficulties that these absences can bring to the victim in her employment or studies; or legal processes in which the aggressor is judged in freedom in spite of fulfilling the extremes for the arrest *in flagrante delicto*.

More irregular situations are the delaying strategies in cases involving very young boys and girls, to prevent them from being able to take early evidence and record their testimony; the lack of regulation of the law after two reforms, facilitating an application by officials influenced by their patriarchal perceptions; or the impossibility of enforcing protection and security measures in

⁵⁰ <https://dle.rae.es/pelotear>.

⁵¹ Representative of a humanitarian organization:

Yes, due to the clothing issue, we have had to provide direct legal assistance so that the person on the first floor can enter the Public Prosecutor's Office, for example. So, it is complex for them because they are being judged again.



areas of peace or with the presence of irregular groups, where even the leaders of these criminal groups are involved in the resolution of these conflicts.

Bad practices were also highlighted, such as bodies receiving complaints that pretend that these happen only during office hours; that promote conciliation even with the mediation of Churches, despite being expressly prohibited by law; the revictimization of women by generalizing without basis the narrative of the phenomenon of false complaints;⁵² the difficulties of the gender justice system to process other types of violence, such as economic and patrimonial violence, despite being among the most common affectations among the victims: the recurrence to the ordinary criminal procedure;; the participation of private legal professionals in unethical and corrupt dynamics;⁵³ or the disconnection of the system of protection in cases of gender violence that promotes family coexistence without taking into account the judicial process for violence.

Finally, it is fundamental to highlight that the justice system does not comply with its commitment to publish data on its management, the processes of its advances in this special jurisdiction, and the sentences as a result. As mentioned above, this is part of the Venezuelan State's opacity policy to prevent us from knowing in detail about the justice system's actions.

In the ninth periodic report that the Bolivarian Republic of Venezuela submitted in 2021 before the CEDAW Committee, the Government maintains that meetings and coordination bodies have been operating since 2019 to follow up on the judicial policy on violence against women and among the agreements and mechanisms established is the creation, starting that year, of the single statistical system on crimes of violence against women. To date, no information is available on this system or its progress.

However, from the consultations raised, especially in interviews with people who served at some point as officials in the CVAW, where we had the opportunity to speak with former judges and former judicial secretaries, their testimony is that the statistics on the work developed by the CVAW existed,⁵⁴ were periodically submitted to the MED and even constituted an important part of the Court's workload. In international scenarios, such as the case of the review before the CEDAW Committee, the SCJ did not present figures on the judicial proceedings underway

52 At this point, it is important to note that, from the private practice of the practice of law in the defense of alleged aggressors, it is noted that there are women who use the special jurisdiction of violence against women in ways that are presumed inappropriate to the detriment of men. In making a reflection with the proper gender perspective, it is essential to indicate that these actions should not be generalized and that those responsible for the deviations of the justice system are the guarantors of its proper functioning: corruption exists because the system is corruptible, so that in this aspect the prevailing condition for unduly benefiting from the justice system is power and economic capacity, not being a woman.

53 Representative of a women's rights organization:

In the matter of the deferral of hearings they play this way, it is a team of lawyers, so today I do not come and on the next date of the hearing the judge does not come, on the next date the public defender does not come, and they put together a strategy to delay the process as much as possible.

54 Former CVAW officer:

Yes, yes, the statistics were provided. I remember that, well, the secretary was in charge of that; I remember that for a while, there was a program that generated the statistics directly, it was a very good program, I don't know, later the license was lost and we didn't have it anymore. Still, it was a very good program that generated statistics on the cases, the cases that had occurred, and those that had not. Those statistics had to be sent to the MED; they asked for them yearly.

55 Former CVAW officer:

The problem is that the internet was deplorable, so uploading all the rulings one made was very difficult. Sometimes, the most representative ones were uploaded, those that could be uploaded because the system was working correctly. Among all the work, it was challenging to upload all those sentences, and sometimes, one remained; they were in physical form, on paper.



the CVAWs, their progress and the convictions⁵⁵ achieved from the accusations made, although Judge Lourdes Suárez Anderson, in her capacity as coordinator of the National Commission of Gender Justice of the Judiciary, was part of the State delegation to respond on these issues before the experts of the Committee.

It is not that there is no data; it is that there is no open data because the data is requested. And it is a big job, a tremendous job that they put so few people to get data from thousands and thousands of files. And we did that; there were days when we stayed up until 10 p.m. because we had to get the data and statistics. And it was like statistics week came, and it was the worst. But we did it; we generated it and rendered it.” (Former CVAW official, expert in gender violence).

4. On independence and impartiality

Independence 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 in accordance with what is established by law and jurisprudence without being influenced by personal, organizational, or political preferences or biases.

4.1. Provisional Appointment of Judges

There has been no public competition in Venezuela for appointing judges and prosecutors for over a decade. The appointments of judges in Venezuela are not being made per the Constitution, which establishes in Section 255 only one way to join the position of judge, that is, through public competitions. Despite this constitutional mandate, most of the judges in the country are not tenured. In this context, it is evident that a judge who can be removed without any justification or procedure can hardly be independent and impartial.⁵⁶

In this regard, the United Nations High Commissioner for Human Rights (OHCHR) noted in its 2020 report that “the insecurity of tenure of judges and prosecutors, lack of transparency in the appointment process, poor working conditions and political interference significantly undermine the judicial system's independence.”⁵⁷

The pressure comes directly from the way of appointing the judge; that is one of the criticisms I had because once I joined in 2014, there was a moment where the judges were no longer career judges, then this appointment of a provisional

⁵⁶ <https://accesoalajusticia.org/consideraciones-sobre-las-normas-de-evaluacion-y-concurso-de-oposicion-para-el-ingreso-y-ascenso-a-la-funcion-judicial/>.

⁵⁷ <https://documents.un.org/doc/undoc/gen/g20/242/34/pdf/g2024234.pdf>.



judge, in my opinion, does not exist in the law, that was something that was invented to be able to remove judges. If they did not like the judges, they would come to your office and say, "Well, you are removed," without any reason, different from career officials where there must be a cause. Then already there, for example, you are limited because of a decision that someone does not like politically; for example, someone who has political influence can tell the people in Caracas that they did not like you, they sent you the official letter and they did not tell you why.

A judge cannot be provisional; how can a judge be provisional? They appoint you provisionally to that position, and 10 years go by, and they remove you because you were provisional, so 10 years provisionally. The system is wrong; it started to develop badly from the beginning, then the pressures, in the sense of calls from Caracas to ask about the cases, but they were not all; they were always specific cases of someone, as they said, sponsored. With a piece of paper, they appoint you, and with a piece of paper, they dismiss you, and there is no possibility for a judge, a secretary who is not a career judge either, there is no possibility for one to go to the court to fight for the reason why was dismissed, for example. They don't even give you a reason; you can't defend yourself, they dismissed you, and that's it, you are rejected, and that's it. The courts will tell you that your position is of free appointment and removal as if you were a director or a minister, and this conditioning is reinforced with this way of lecturing the collective, with these dismissals or these removals without reason. (Former CVAW employee).

On the provisional nature of judges as an impediment to an independent justice system, since 2019, Special Rapporteurship on the Independence of Judges and Lawyers has pronounced the following:

In the current period of instability, the lack of career prosecutors and magistrates and the fact that most judges have temporary and short-term appointments severely undermines the judicial system's independence.⁵⁸

The OHCHR has ratified this call.⁵⁹ as well as the United Nations (UN) Independent International Fact-Finding Mission on Venezuela (MIIDHV), stating that the Venezuelan justice system "needs urgent reform, to rid it of undue political influence and ensure that it protects the rights of all Venezuelans, in accordance with domestic law and international human rights obligations."⁶⁰

58 <https://www.ohchr.org/es/2019/02/venezuela-must-ensure-judicial-independence-governmental-pressure-judges-grows-says-un>.

59 <https://documents.un.org/doc/undoc/gen/g20/242/34/pdf/g2024234.pdf>.

60 <https://news.un.org/es/story/2021/09/1496852>.



4.2. Media pressure on the justice system

Making cases public to pressure the justice system can be considered a coping strategy in the face of the diagnosis set out in this document. In a context so prone to incidences that can divert them from the path of justice, it is understandable that victims feel the need to generate pressure, especially when actors of the justice system prove to respond to these tactics, as has happened in the case of the Attorney General of the Republic or the Director of the SCCIC.

In the consultation carried out, the testimonies show that publicizing the cases is a strategy that can have important effects on the process, to the point that the organizations report that, if the victims try to make an impact through social networks, the aggressors' defense threatens to use the Law against Hate.⁶¹ For this reason, many are afraid to make their cases public directly. Therefore, they are accompanied by feminist organizations that use strategies such as the so-called "tuitazos," which consist of communication campaigns with pre-established messages gathered under a common label that is published in a concerted manner by several organizations and allies to position it in the list of trending topics in the country.

It is very complex because what it tells you is that, well, there is a lack of attention. After all, if you have to resort to these networks so that you are taken into account, so that your case is visible, so that it becomes a *trending topic*, and so that there is attention, then what can other victims who do not have access to these networks think? Some women do not have access to a telephone or a social network, and they do not know organizations that can give them this support, so what happens to them? What happens to those cases that are not public through the networks? (Activist against gender-based violence against women)

Not only do defense attorneys oppose these strategies and threaten against their use, but they have also begun to ask for measures to prevent exposure of the case, arguing that it is requested for the protection of the victims, especially when they are minors. Prosecutors, for their part, are also opposing these practices.

In the cases of the victims interviewed, those who achieved convictions of the aggressors used this publicity strategy and even recommended it to other families in the same situation because one of the effects they achieved was more significant pressure on the PPO, among other things, because the prosecutors assigned to the cases received consultation and follow-up calls from the Attorney General of the Republic.

61 Constitutional Law against Hate, for Peaceful Coexistence and Tolerance (2017).



It is necessary to point out that this publicity strategy has an important emotional cost for the victim or her survivors since the exposure, depending on the case, may also lead to re-victimization and finger-pointing:

Now we are at a time when the X [formerly known as Tweeter] network is not available, which is the one we use the most, so one wonders if the few tools we have to inform and ask for help are not going to be available now, how are we going to do as people who want to demand justice in this country? (Activist for defense of the rights of women, girls and adolescents)

4.3. Corruption

Each stage of the process is susceptible to improper or corrupt practices. The people interviewed, from their different perspectives, point out the fragility of the system in the face of this scourge but also recognize its normalization in the daily judicial process.

In the archiving area of the courts, from the notifications⁶² to the docket revision, they demand to offer a "help" to ease its review, especially if the docket is not available in that moment. It is also usual to allow the presence of "entrepreneurs," that is, officials assigned to the archive area who do not ask for money for their work, but suggest the purchase of some product they trade, which can range from cakes to jewelry or perfumes, a strategy that generates a kind of purchase under duress, still at the same time allows these exchanges to appear legitimate and not a form of corruption.

Transfers of alleged aggressors to be present at hearings are another focus of corruption that includes the prison service. Even the criminals who lead the internal dynamics of the detention centers, known as "PRANES," can demand payments to authorize the departure of detainees, and in the case of bailiffs the costs depend on the distance of the transfer: they can range from \$40 to \$500.

At the reporting stage, corruption practices have been identified in law enforcement agencies and even in the Prosecutor's Office that involves several possibilities, from the loss of the report made by the victim and negotiation with the aggressor to avoid processing it⁶³ and forwarding it

62 Representative of a humanitarian organization:

The notifications can generate an important parallel income for the people inside the court, so how to eliminate it? In my opinion, and I say this very responsibly, this corruption is sustained because it is convenient for those in office. Sometimes, we see that public positions are very poorly paid. Still, they give access to another parallel system that allows me to be outside the law working by it because we do not say that they are not practicing notifications are being practiced the system continues to advance. Still, there is an invisible cost, and some advances, such as the use of technologies, harm a sector that is not interested in putting this on the table and is not interested in everything advancing.

63 Representative of a humanitarian organization:

The officials themselves report that the aggressors arrive, and they make guidelines for agreements or conciliation, inviting them not to commit these violent actions again, giving them a series of tips, so they feel that the process should not be opened. Still, we do not know to what extent this may be a strategy to facilitate corruption.



to the prosecutor's office, to warning the aggressor that he has been reported to hide and avoid his arrest *in flagrante delicto*, delaying the forensic evaluation of the victim to avoid the medical review of his state of health in the expert opinion and the loss of the docket.

Depending on the profile of the aggressor, the people consulted for this study reported amounts requested ranging from US\$300 to US\$1,000. Corruption also protects the powerful for political or economic reasons without necessarily an exchange of money, but rather for the access or revenue generated by the management of these situations in favor of the aggressor who must return the favor.

An important aspect of corruption has been analyzed in other countries. It is related to judgments that contain argumentative justifications that reinforce gender stereotypes and that are unreasonable or contrary to the criteria upheld by the courts.

This was illustrated in a famous case of a former magistrate of the Supreme Court of Justice of Peru, of whom audios were leaked where he allegedly negotiated the sentence of a rapist of a girl, being able to detect the favorable sentences negotiated in this corrupt practice. Due to this case, the author maintains her "impression that the judicial corruption-unreasonableness binomial is more frequent than we think." (Villanueva, 2021)⁶⁴

Acceso a la Justicia has developed in its research *Myths and realities of violence against women in venezuela: history of another failure of the judiciary (2018- 2022)*⁶⁵ an analysis of sentences that present these criteria, and the intervention of the judge is perceived as contrary to the interests of women, or prejudices, roles or stereotypes against women as protected subjects are evidenced.

In at least three rulings, these elements are configured without taking into account the gender-related factors involved. The reading of these judicial decisions under the premise proposed in the Peruvian case is particularly interesting and is a view that we should keep in mind. We highlight the key idea of the aforementioned author, who states that:

in contexts of severe judicial corruption, where the currency of exchange can be so diverse, the use of stereotyped arguments and the unanimity of the decisions must lead us to suspicion, even more so in the case of the highest instance of the Judiciary. (Villanueva, 2021)⁶⁶

64 <https://revistas.pucp.edu.pe/index.php/derechopucp/article/view/23740>.

65 https://accesoalajusticia.org/wp-content/uploads/securepdfs/2023/11/Informe_Mitos-y-realidades-de-la-violencia-contra-la-mujer-en-Venezuela.pdf.

66 <https://revistas.pucp.edu.pe/index.php/derechopucp/article/view/23740>.



Improper practices that are presumed to be related to corruption dynamics are so common that they have generated prevention strategies in the organizations consulted. One of them is that the victim should always ask for proof of having been attended to and by whom, and even that they should put their complaint in writing and in duplicate so as to have proof of having received it.⁶⁷ This is essential, since it is common practice to take advantage of the victims' lack of knowledge to avoid reporting.

The women commented that, for a group of them, although they were not rejected at the beginning, the complaint was never registered; they delayed it in time or gave many excuses. "There is no paper," "The printer is not working," or "Come another day." Those rejected received a "Here we are not receiving these cases," "Why don't you give it another chance," or "That was days ago, so we can't take it." Even a small group that could lodge a complaint was never even informed of the number assigned to the complaint or where or how to follow up. (Álvarez, 2021)

On the other hand, in the specific case of the Public Defender's Office, situations of corruption were pointed out in the consultation⁶⁸ that show structural problems in the staff that cannot be excused by low salaries and should generate important policies of monitoring and evaluation of the work of this institution.

Another situation that is important to highlight in the framework of malpractices is relational functioning, which refers to the actions of the justice system with greater diligence in favor of known persons. This is a very normalized situation in Venezuela, but it constitutes a dynamic that ends up unnecessarily conditioning the attention of victims⁶⁹ and marginalizing those who do not have the same contacts.⁷⁰

67 "The total success of patriarchy is when she returns from the ORD (Órgano Receptor de Denuncias) empty-handed or with an appointment for bail that is not even in the law." (Álvarez, 2021) *Revista venezolana de estudios de la mujer*. Vol. 26, No. 56, January-July 2021.

68 Former CVAW officer:

We had a corruption case; it was the only case we could denounce because the person came forward. I remember a lady, a victim, who said they were asking her for money. What do you mean they were asking her for money? "Yes, the public defender is asking me for money," she said, showing me her phone and telling him that in a conversation. In that case, we denounced him directly to the public defender, and they suspended him from his position. We rebuked the defender and everything because there was evidence: he had the cell phone, he was telling her that she had to deposit money, so of course, he was dismissed from the defense.

69 Representative of a women's rights organization:

When they go to file a complaint, they do not receive it for whatever reason. Then there is an official who is there, who knows about the organization and refers them to us. This is one of the very contradictory points because it is a question I always ask myself, and I say, "Where is the point that this person goes to file the complaint and they don't receive it?" But they send them to us so that we can go through the whole process and give them the support they need.

70 A family member of a victim of femicide:

Some cases have been routed because one has made contacts within the prosecutors' offices, such as if one goes to someone with a complaint. They bounce the complaint back to you, one calls that prosecutor and tells him, and then the prosecutor calls the unit and sees if they accept the complaint.



4.4. Retaliation against civil society organizations

In the consultations carried out, a particularly worrying aspect was detected regarding the repercussions suffered by civil society organizations for their activist work in favor of women's rights, especially in emblematic cases in which accompanying the victims and publicizing the cases seems to be the only way to pressure the justice system to respond.

In these cases, some organizations reported diverse effects, including losing meetings and spaces for articulation with governmental agencies. For example, meetings with state offices that used to occur without problems are now conditioned to the approval of figures such as governors for political reasons and promoting a narrative of distrust of civil society organizations that reproduces the official discourse.

Similarly, there is a differentiated affectation for the legal professionals who carry out the companionship by the organizations to the victims in court, who may see their private practice cases affected as a reprisal for their participation in media or politically relevant cases (for example, those with politicians as aggressors), the cancellation of passports, among other practices of harassment or harassment that seek to promote self-censorship, fear and that the people dedicated to rendering companionship to the victims in their search for justice abandon these spaces of demand.

In this regard, it is important to note that this year, the Office of the Special Rapporteur on the Independence of Judges and Attorneys urged the authorities to take measures to ensure that lawyers are not subject to attacks and reprisals for their work and to protect those who have already been targeted solely for their legal work.⁷¹

71 <https://www.ohchr.org/es/press-releases/2024/09/venezuela-un-expert-concerned-reported-retaliation-against-lawyer-perkins>.



V. RECOMMENDATIONS

Section 26 of the Venezuelan Constitution enshrines that

Every person has the right of access to the organs of administration of justice to assert his rights and interests, including collective or diffuse ones, to the adequate protection thereof and to obtain the corresponding decision promptly. The State shall guarantee free, accessible, impartial, suitable, transparent, autonomous, independent, responsible, equitable, and expeditious justice, without formalities or useless reinstatements.

Every person has the right of access to the organs of administration of justice to assert his rights and interests, including collective or diffuse ones, to the adequate protection thereof and to obtain the corresponding decision promptly. The State shall guarantee free, accessible, impartial, suitable, transparent, autonomous, independent, responsible, equitable, and expeditious justice, without formalities or useless reinstatements.

The diagnosis made in this document shows that these legal precepts are not being complied with and that the price of this omission by the State is paid by the Venezuelan women victims of gender violence who receive no response to their reasonable aspiration to obtain justice.

Against this backdrop, identifying, systematizing, and making visible the critical issues they face in their search for justice is a commitment undertaken by Acceso a la Justicia and humanitarian organizations, women's rights organizations, experts, legal professionals, among others who lent their time and knowledge to unveil the functioning of gender justice in the country and, above all, to contribute with a critical and proactive view to generate a path that can lead to the transformation of this justice system for the benefit of the full guarantee of justice for women and girls.

The report *Some actions for the reform of the Venezuelan criminal justice system in the framework of a "two-track" scenario*,⁷² 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,⁷³ and we adhere to them recognizing that the transformation of the Venezuelan justice system cannot be done in fragments; a comprehensive review of all its components is necessary.

⁷² <https://accesoalajusticia.org/algunas-acciones-reforma-sistema-justicia-penal-venezolano-marco-escenario-doble-via/>.



However, given the increase in somber expressions of gender violence in the country and the various irregularities reported in the consultation and interview process on the diagnosis of the jurisdiction of violence against women, we consider it urgent to compose proposals that constitute significant opportunities for improvement and change of the current reality in favor of dignified attention for the victims.

The recommendations for the special jurisdiction for violence against women are framed in the process that Venezuela is currently undergoing. International organizations such as the Office of the Prosecutor of the International Criminal Court (ICC)⁷⁴ and the United Nations (UN)⁷⁵ have offered technical assistance to the Supreme Court of Justice (SCJ) as a way to strengthen the guarantee of rights in formal and material aspects.

73 **TRANSPARENCY, ACCOUNTABILITY, AND FIGHT AGAINST CORRUPTION:** 10. Guarantee access to all court files; no court file should be restricted. Access to the docket, particularly in criminal trials, should be made in due time to allow the proper exercise of the right to defense. 11. Guarantee photocopies of dockets to the parties and the public, where law permits. 12. Require that all courts, including the SCJ, have their daily books up to date, open and available for consultation by any user. 13. Require that the summons to trial hearings be published with a rational advance notice in the electronic media of the Judiciary. 14. Publish the number of complaints received and processed and recommendations for sanctions to judges from the Inspector General's Office of Courts. 15. Establish rules and suitable measures so that all courts in the country, including the SCJ, dispatch every day and, when for truly justified reasons they cannot do so, announce it through social networks or other readily accessible means. 16. Establish reliable and easily accessible mechanisms for citizens to receive complaints of unlawful acts by officials of the criminal investigation bodies and to be accountable for their results. 17. Sanction through effective and adequate disciplinary procedures judges, prosecutors, public defenders, and other officials of the justice system involved in irregularities in the performance of their duties and proceed to their removal when appropriate and with due process. 18. The fight against and punishment of acts of corruption should be carried out in compliance with the right to due process. 19. The Code of Ethics of the Judge must be in force for all judges, including provisional judges and magistrates of the Supreme Court of Justice. 20. Allow the functioning of the disciplinary courts and appoint the respective judges as stated in the Constitution and the Code of Ethics of the Judge and the Judge. 21. Regarding the Public Prosecutor's Office, the Inspection and Discipline Directorate should publish forms and establish mechanisms accessible to the public to receive complaints of prosecutors allegedly involved in acts of corruption.

NORMATIVE FRAMEWORK CONNECTED WITH THE PROTECTION OF HUMAN RIGHTS: 22. Adequately implement the laws related to the justice system that have been reformed and, to date, remain unfulfilled. In particular, the legal norms dictated in favor of LGBTIQ+ persons and indigenous peoples should be applied. 23. Cease the policy of approving laws that are then not enforced. (...) 26. Adapt the protocols of action of law enforcement bodies to make them compatible with the differentiated realities of gender and vulnerable populations, such as women, children, LGBTIQ+ persons, and indigenous peoples. 27. Widely disseminate its international human rights obligations in a manner that is accessible and understandable to the general public. 28. Reintegrate Venezuela into the Inter-American Human Rights System. (...)

CRIMINAL INVESTIGATIVE BODIES: 31. Train, with the help of international cooperation, the officials of the criminal investigation bodies to conduct adequate investigations with forensic and technical standards on serious human rights violations, taking into account internationally recognized standards in instruments such as the Istanbul Protocol, the Minnesota Protocol, the Murad Code, and the Méndez Principles. 32. Immediately cease any act of intimidation, threats, and reprisals by members of the State security forces, especially those who have the function of criminal investigation bodies against victims and their relatives seeking justice, as well as against human rights organizations. 33. Sanction through effective and adequate disciplinary procedures the officials of the criminal investigation bodies involved in irregularities in the performance of their duties and proceed to their removal when appropriate and after due process. 34. Guarantee effective and gender-sensitive attention by law enforcement services to victims and their families who denounce human rights violations. (...)

38. Develop highly specialized continuing education programs in criminal investigation and criminalistics, forensic sciences, criminal and procedural law, human rights, and international criminal law. 40. Establish mechanisms that allow provisional prosecutors to have guarantees of stability. (...) 42. Prepare detailed annual reports containing valid and evaluable statistics with objective criteria on criminal proceedings, broken down by charges, sex, and age of the victims, as well as location, affiliation, and rank of the accused person. The reports should include all proceedings in cases of human rights violations and provide annually updated information on the resolution of cases or progress made. (...) 45. That officials of the prosecutor's office attend to victims and inform them periodically about the scope of investigations and their activities, in writing if possible. (...)

48. Act diligently in managing the interests and rights of the defendants in the process, abandoning the practice of coercing the defendants to admit the facts as an incentive to obtain a reduction in the sentence. 49. Establish mechanisms that allow provisional public defenders to have guarantees of stability. 50. Implement training plans for public defense officials on human rights and a gender-differentiated approach. (...)

53. Cease the practice, without any legal basis whatsoever, of annulling the appointments of judges. 54. Establish mechanisms that allow provisional judges to have guarantees of stability. 55. Develop training programs for judges and judicial officials through the National School of the Judiciary in the subjects and competencies necessary for the performance of the judiciary, including legal, psychological, grammatical, and managerial aspects, among others. 56. Training programs on human rights should be created and implemented.

58. Concerning the sphere of autonomy of judges and prohibit and sanction undue interference by the presidents of the criminal judicial circuits and other instances of the Supreme Court of Justice (SCJ). 59. To create a repository of sentences with a gender perspective in matters of violence against women in order to constitute precedents for the guarantee of women to a life free of violence, as a valuable pedagogical effort, facilitating the access to this information and the construction of referents in the way of reasoning in the decisions of the courts of instance. Concerning the procedural deadlines established by law, avoiding unjustified delays in criminal proceedings. In particular, the 48-hour period for a detainee to be brought before a judge should be respected, and if this does not occur, the officials responsible should be sanctioned. (...) 65. Eliminate the current obstacles to the right to defense, in particular, that the right to the presumption of innocence is guaranteed, that defense counsel is provided with sufficient time with essential judicial documents, is promptly informed of the hearings, and is allowed sufficient access to the procedural records to be able to carry out an adequate representation. 66. Guarantee the principle of publicity of criminal proceedings. Criminal court hearings are public according to the law, so access should be allowed to all interested persons, with no restrictions other than those derived from the capacity of the spaces set aside for them or grounds established in the Law. This was indicated above in the section on transparency. 67. Allow the exercise of the right of victims to seek remedies and reparations with a gender-sensitive approach, as well as their protection against intimidation and retaliation.

74 <https://efe.com/mundo/2024-04-23/la-fiscalia-de-la-cpi-abre-oficialmente-su-oficina-de-asistencia-tecnica-en-venezuela/>.

75 <https://www.swissinfo.ch/spa/supremo-venezolano-y-onu-trabajar%C3%A1n-conjuntamente-por-derechos-de-las-mujeres/48044496>.



In this sense, we consider that the opportunity should be seized to offer civil society a proposed roadmap on the priorities that shall be addressed in restructuring and advancing the goals of the special jurisdiction for violence against women. In any case, it is necessary to reiterate, as Acceso a la Justicia stated in its report on the Venezuelan Criminal Justice System,⁷⁶ that:

However, before this happens, it is possible to introduce gradual changes that, based on the incentives provided by cooperation with the ICC, can lead to a relative improvement in the criminal justice serving for the benefit of victims in particular and citizens in general. In that order of ideas, this initiative responds to the effort to think above all about changes that can be implemented in the short and medium term, that do not require a broad political agreement, and that do not require making available substantial financial resources, given the disastrous situation of the Venezuelan economy.

It must be taken into account that the special jurisdiction for violence against women is crucial for the implementation of actions to transform gender relations. Still, rulings without a gender perspective, revictimizing attention, and undue delay in the processes send the message to civil society that there is not enough commitment to the eradication of gender violence, and this impacts the function of sanctions to serve as a social lesson that discourages crime. Only a genuine commitment to a respectful and dignified justice system for victims will allow the vindication of the fight against violence as a fundamental goal of the Venezuelan State.

To ensure availability and accessibility

1. The courts for violence against women (CVAW) shall be present throughout Venezuela,⁷⁷ not only in the state capitals but also in the main population centers, and information about the courts, address, schedule, and identification of the judge in charge should be public and accessible on the SCJ's website.
2. The special jurisdiction for violence against women shall have physical headquarters in good condition and working order, with a design of its spaces that responds to the victims' needs for dignified treatment that provides them with protection, security, confidentiality, and respect. These offices must also respond to the need to be inclusive, and their spaces must be suitable for people with disabilities.

⁷⁶ *Some actions for the reform of the Venezuelan criminal justice system in the framework of a "two-track" scenario* (January 2024).

⁷⁷ This mandate is part of the reparations ordered in the judgment of the Inter-American Court of Human Rights in the case of López Soto et al. v. Venezuela, issued on September 26, 2018. "(xiii) adequately operationalize the Courts of Violence against Women in each state capital." https://www.corteidh.or.cr/docs/casos/articulos/seriec_362_esp.pdf.



3. Infrastructure conditions shall be standardized in all CVAWs, where quality physical conditions are ensured in all states and not only in the capital of the country.
4. Institutional physical conditions must be improved across the board, from the headquarters to the provision of adequate materials and equipment to carry out their work.
5. Simple and accessible information should be provided for victims (including in formats suitable for people with disabilities and translation into Indigenous languages) so that they can learn the regulations on the subject, where and to whom they can report, and the judicial process and its possible consequences.

This information should be available in different formats at the headquarters of the CVAWs, the Public Prosecutor's Office (PPO), and other bodies receiving complaints, explaining these State institutions' obligations to the victim and the means to report any non-compliance quickly. In addition, it would be ideal to have some instance that can perform more pedagogical work with the complainants to relieve the courts and prosecutors, but without sacrificing the right of Venezuelan women to know and be empowered by the legal process.

Although at present all the agencies involved in the judicial process do not meet the conditions to perform this task, we believe that after a process of strengthening the Public Defense Service could perform this fundamental task to ensure adequate conditions for victims to decide to file a complaint.

6. Investment in the special jurisdiction for violence against women is urgent; the costs of maintaining and operating the courts cannot be passed on to the users. In the socioeconomic context of a complex humanitarian emergency and with insufficient salaries to sustain life, requesting printouts, white sheets, and folders, among others, can be prohibitive for victims and alienate them from seeking justice with the emotional cost that this may represent.
7. More support is needed for women's rights and humanitarian assistance projects, including legal accompaniment for victims in the complaint process. Few organizations provide this service due to uncertainty about the duration of judicial processes and the time limitation of funding, but the need for legal support is important and can be covered by these organizations to benefit victims' access to justice.

The psychological care services that civil society provides to victims should also be strengthened, as they are inseparable from legal assistance in the judicial process. However, these recovery processes require long-term accompaniment.

It is essential to demand from the Venezuelan state public health policies that integrate and recognize mental health as a key element in the well-being of the citizenry, especially in the cases of women and girls who have experienced gender-based violence.



8. The aggressors assigned to community work, as outlined in Section 87 of the OARWLFV, shall not be enforced to deliver goods for the sustainment of the Court; these practices distort the legislative intention of this figure in the context of gender violence. In this context, we must point out that it is urgent to develop public policies and adequate services for the attention of this population, which contemplate the promotion of healthy models of masculinity and allow a process of reflection in the aggressors that helps the proper eradication of the violent and sexist practices that led them to the criminal conviction.
9. The justice system must recognize its historical debt with specific populations in vulnerable situations and develop strategies to close the gap that promotes the lack of conditions for their access to justice. Indigenous, disabled, trans, and rural women have differentiated impediments to access justice that must be addressed and remedied. In our current context, we must also highlight the situation of women deprived of liberty who are not treated correctly in the reporting of cases of gender violence in prisons, which is also insufficient in the country and facilitates the widespread violation of their rights.

On the guarantee of justiciability

10. There must be a comprehensive vision of the needs and protection that the victim deserves. The justice system should design comprehensive and cross-cutting responses to gender-based violence and not subject the victim to judicial processes where the phenomenon of violence is made invisible in the face of risk factors such as the desire to dissolve the relationship with the aggressor (divorce) and the protection of the children (custody) where the woman may be submitted to vicarious violence.⁷⁸
11. Ensuring protection and security measures in cases of gender violence is a key element in ensuring that victims have safe conditions to denounce and complete the judicial process. Everything that has affected these measures must be corrected: the lack of conditions and equipment on the part of the State security forces to enforce them, the problems in agreeing on them, and the judicial criteria that continue to be applied to limit the number of measures, among others.
12. The special jurisdiction for violence against women should prioritize the technological updating of tools that allow the correct implementation of protection and security measures. Devices for monitoring the aggressor's proximity, panic buttons for victims, and risk assessment *software* can be valuable tools to guarantee the purpose of these measures.

⁷⁸ Representative of an organization dedicated to the defense of the rights of a vulnerable population:

In cases of gender and domestic violence (involving minors), the handling of cases involving both subsystems (protection of children and violence against women) should be considered a critical issue since judges and prosecutors are unaware of the fact that, although the best interests of the child shall be taken into account, judges are wrong to insist that only custody is discussed in their courts and gender violence is not discussed.



13. As part of these guarantees of the security conditions necessary to participate in the judicial process in cases of violence against women, the gender justice system must advocate with the national government to comply with its obligation to guarantee shelters for victims.
14. Access to dockets must be guaranteed without excuses or undue delay. More expeditious progress should be made in the implementation of the electronic court file as outlined in the 2018 SCJ resolution.⁷⁹
15. Victims must be guaranteed the possibility of obtaining simple and certified copies of their dockets under the conditions outlined in Section 46 OARWLFV.
16. Both the National Service of Medicine and Forensic Sciences (NSMFS), an agency attached to the Ministry of People's Power for Internal Relations, Justice and Peace, and the Specialized Technical Unit for Integral Attention to Women, Children and Adolescents of the Public Prosecutor's Office, must receive the necessary budgetary support to increase their capacity to respond to victims since expert opinions cannot be procedures that revictimize and lengthen the judicial process to the detriment of the victim's aspiration for justice.

About quality assurance

17. The staff that make up the special jurisdiction for violence against women shall be trained and sensitized with structured training programs aimed at their specialization, with constant updating. In addition, the staff shall be subject to recruitment and follow-up processes that make it possible to verify that they have the social skills required to attend to a public in a particularly vulnerable situation, such as the experience of gender-based violence.
18. The special jurisdiction for violence against women must publish statistics on its performance that allow for social oversight of its work. These data shall comply with the commitments established in domestic legislation and international treaties to allow a correct understanding of the conditions of access to justice for victims of gender violence in Venezuela.
19. The right to defense of the victims shall be guaranteed without conditions, whether they decide to have private representation in the process or to rely on organized civil society organizations, especially considering the failures in the companionship of the Public Prosecutor's Office.

⁷⁹ <https://invedet.org/wp-content/uploads/2020/06/Venezuela-Resoluci%C3%B3n-TSJ-Expediente-Judicial-Electr%C3%B3nico-en-materia-de-delitos-de-Violencia-contra-la-Mujer-y-Responsabilidad-del-Adolescente-2018.pdf#:~:text=%2D%20Se%20crea%20el%20Expediente%20Judicial%20Electr%C3%B3nico%2C,Adolescente%2C%20de%20la%20Rep%C3%ABlica%20Bolivariana%20de%20Venezuela.>



On independence and impartiality⁸⁰

20. Adequate conditions must be guaranteed for the staff of the special jurisdiction for violence against women: competitive entrance examinations, a stable judicial career, decent salaries, opportunities for constant training, promotion, tenures, and, in general, respect for their independence and impartiality in public service. All actions necessary for the professionalization of the officials of this judicial instance shall be implemented as a priority.
21. The generation and monitoring of protocols that standardize the procedures of the prosecutors' offices, courts, and other bodies receiving complaints is essential to guarantee adequate attention and the procedural guarantees required to serve justice.
22. The necessary capacities and resources must be invested in coordination with the penitentiary system to solve the problem of the aggressor's transfers, undue charges, and their incidence in the deferrals that revictimize women and delay the obtaining of a response.
23. The special jurisdiction for violence against women shall guarantee its independence from any form of intervention in its autonomy and independence. Media pressure and the exposure of cases in social networks cannot be the only way to ensure a quick response to the victims' need for justice, as it conditions the resolution of the process in accordance with the procedural guarantees existing in our legislation.
24. All pockets of corruption that have been normalized as part of the process's daily routine must be eradicated from the justice system, and efficient and secure channels must be created for reporting any type of irregularity, questionable practice, or act of corruption that occurs in the process of seeking justice.
25. The justice system in cases of violence against women must carry out the necessary advocacy with the State to ensure compliance with the judgment of the Inter-American Court of Human Rights (IACHR) in the case of Linda Loaiza López, especially concerning reparations,⁸¹ not only those corresponding to the victim, but also to implement actions leading to the non-repetition of

80 INDEPENDENCE AND IMPARTIALITY

1. Create truthful mechanisms through a technical process of international accompaniment, guided by instances such as the United Nations High Commissioner for Human Rights (UNHCHR) and the International Criminal Court (ICC) office in Caracas, to urgently reduce the provisional nature of judges, prosecutors, and public defenders.
2. Establish mechanisms to evaluate judges, prosecutors, and public defenders' performance and publicize their results.
3. Train judges, prosecutors, public defenders, and other judicial officials in human rights, including protocols for action in cases of torture, forced disappearances, and arbitrary detentions, among others, as well as sensitization on gender and violence against women.
4. In the medium term, procedures for challenging the professional and moral conditions of applicants to the judiciary, with the participation of civil society organizations, should be included in the various regulations applicable to access to positions in the justice system.
5. Allow human rights organizations to represent victims in court without imposing requirements that are not in any legal norm.

81 Inter-American Model Law to Prevent, Punish and Eradicate the Violent Death of Women (Femicide/Feminicide), 2018. Santamarina and Albornoz, 2021. Venezuelan journal of women's studies. Vol. 26, no. 56, January-July 202:

Reparation of harm to collateral victims must be comprehensive, that is, transformative, adequate, effective, prompt, and proportional to the damage suffered, in such a way as to guarantee the restitution of rights, property, and freedoms, as well as satisfaction through acts for the benefit of the victims, guarantees of non-repetition and compensatory damages for moral, material and non-material harm and, whenever possible, physical, psychological and social rehabilitation.



these events, with measures such as issuing the regulation of the OARWLFV, implementing protocols for the investigation and care of victims of gender violence, professional training, creating a program applicable to the entire educational system focused on the prevention of gender violence, and managing a data collection system on cases of violence against women throughout the national territory. All these actions will have a direct impact on the State's attention to gender violence and the victims' access to justice.



VI. CONCLUSIONS

The special jurisdiction in the field of violence against women exists in a country with a culture impregnated with machismo and where the socio-political context and the violation of the human rights of the population have seriously impacted the serving of justice. It is necessary to recognize this scenario to have an honest starting point about the magnitude of the effort required for a judicial transformation. Still, we consider that, precisely because of these conditions, it is pertinent and urgent to guide as an organized civil society the efforts of reinstitutionalization of the justice system, taking advantage of a moment where there are, as we have mentioned, significant possibilities of technical assistance from recognized international organizations.

Concerning the special jurisdiction for violence against women, we must begin by recognizing that, given the purpose of these courts, beyond all the critical issues identified in this document, the genuine guarantee of dignified processes for victims depends on a cultural transformation as a society with respect to the gender inequality that governs our relationships. However, this does not exempt the State from responsibility, which is precisely the key actor obliged to generate the necessary actions to ensure that goal, which also constitutes Sustainable Development Goal Number 5: gender equality, and on which there are specific guidelines and recommendations to adapt our context and achieve significant progress, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the recommendations of the Committee of Experts of the CEDAW, among others.

The different failures of the justice system in cases of violence against women are based on the need to change the paradigm of women's full citizenship and the guarantee of their rights without conditions.

The participants presented a very illustrative comparison of the cultural component of this phenomenon in the consultation when they pointed out that the system for the protection of children and adolescents seems, in the midst of its own difficulties, to have the will and commitment of the justice operators who are part of it because it is socially unquestionable that this population requires protection.⁸² In the case of women:

Among the ideas most reproduced in our society, the myth of false denunciations and the instrumentalization of justice, and the irrationality, provocation, or evil attributed to women who go through legal proceedings stand out.⁸³

⁸² Representative of an organization dedicated to the defense of the rights of a vulnerable population:

The best functioning of the system for protecting children and adolescents has to do with the consensus on the idea of the best interest of the child, to the point that this was the basis of a sentence that recognizes the homo-parental family, not to recognize or guarantee the rights of the couple but because there is a minor whose rights were to be protected.

⁸³ Canyelles i Gamundí, Caterina. *Machismo and legal culture, an ethnography of the judicial process of gender violence*. 2023.



Women, therefore, do not have the same certainty of support from the system. Their relationship with the justice system is surrounded by an aura of doubt about their testimony, motivation, or responsibility for the violence received.

Because people who work with judicial processes of gender violence have also been socialized in a world in which the devaluation of women and of aspects considered feminine is very much alive, these ideas can interfere with the praxis that is carried out.⁸⁴

Given this reality, revictimization is not a surprise or an isolated event, and it inhibits victims from taking on legal proceedings that expose them. All these factors facilitate impunity for crimes of gender-based violence, also entailing a very high emotional cost at a time of particular vulnerability.

The questioning of victims' testimony and their deserving of protection, justice, and reparation generates in them a sense of helplessness and contempt. The prejudices of the justice operators influence the judicial process, impact the credibility attributed to the victims, and undermine their rights to protection measures and a fair sentence.

To the prevailing machismo as a structural problem, we must add the lack of political will to assume the social transformation in the country on these issues, taking into account that international organizations have repeatedly expressed to the Venezuelan State the shortcomings of the system and the ways of improvement, without adopted or considered effectively, showing that the full guarantee of women's rights and access to justice are not among the interests and priorities of the national government.

To demonstrate that this is a historical debt passed from hand to hand by different governments and political tendencies without the necessary and urgent response, we only have to rescue the case of Linda Loaiza López. Her experience with gender violence, but above all her subsequent experience of institutional violence in the search for justice, shows us that there is a persistent affectation in time that must be urgently addressed before it takes the lives and well-being of more Venezuelan women.

Linda Loaiza suffered an unprecedented event of gender violence in the collective memory of the country in 2001; she undertook a process of seeking justice that was revictimizing, discriminatory, and violent against her and the rest of her family, which was also unsuccessful. She led her in 2007 to submit her case before the Inter-American Human Rights System, where she obtained a condemnatory sentence in 2018 that, to this day, remains unhonored by the Venezuelan State.

84 Canyelles i Gamundí, Caterina. *Machismo and legal culture, an ethnography of the judicial process of gender violence*. 2023.



In this judgment, reference is made to the barriers faced by women in cases of gender-based violence for access to justice,⁸⁵ which continue to be the same problems detected in this study.

We hope that this diagnosis and recommendations on the functioning of the special jurisdiction for violence against women can serve as a starting point to promote, among the actors with decision-making capacity, the necessary actions to transform gender justice in Venezuela and that these institutions become safe and effective spaces to serve justice to Venezuelan women.

⁸⁵ Judgment of the IACHR Court in the case of López Soto et al. v. Venezuela, issued on September 26, 2018. https://www.corteidh.or.cr/docs/casos/articulos/seriec_362_esp.pdf

The Court warned that, in matters of violence against women, there are certain obstacles and restrictions that women must face when appealing to state authorities, which impede the effective exercise of their right of access to justice. In this sense, the lack of training and knowledge on gender issues on the part of state operators of the institutions involved in the investigation and serving of justice and the prevalence of stereotypes that undermine the credibility of the statements of women victims are fundamental factors that, together with the high rates of impunity in cases of this nature lead women to decide not to report acts of violence or not to continue with the cases initiated. To these factors must be added the lack of access to quality legal counsel and services capable of providing social assistance and shelter to victims, as well as the lack of immediate protective measures taken by state officials involved in this type of incident.

