



[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

6 July 2007

VEN102524.FE

Venezuela: The coming into force and implementation of the March 2007 law concerning violence against women, including domestic violence

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

On 19 March 2007, the Organic Law on the Right of Women to a Life Free of Violence (*Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia*) came into force and was published in Venezuela's official gazette (Venezuela 19 Mar. 2007; *El Nacional* 21 Mar. 2007). The law was unanimously passed in a special session of Venezuela's National Assembly at the Teresa Carreño Theatre on 25 November 2006 (*El Nacional* 26 Nov. 2006; see also US 6 Mar. 2007).

This new law replaced the Law on Violence Against Women and Family (*Ley sobre la Violencia contra la Mujer y la Familia*) (*El Nacional* 21 Mar. 2007), which came into force in 1998 (ibid. 26 Nov. 2006). The passage of this new law followed the cancellation by the Supreme Court of Justice (*Tribunal Supremo de Justicia*) of the provisions on preventive measures (*medidas cautelares*) that could previously be taken against aggressors (ibid. 25 Nov. 2006; see also ibid. 26 Nov. 2006). Under the new law, the courts can, for example, order an aggressor to leave the matrimonial home (ibid. 25 Nov. 2006), and courts that deal specifically with cases of gender-specific violence will be put in place (Mujeres Hoy 30 Nov. 2006; *El Nacional* 21 Mar. 2007; ibid. 3 Nov. 2006). The law also provides for prison sentences of 6 to 20 months for various actions such as psychological abuse, harassment or threats (Venezuela 20 Mar. 2007; see also AFP 20 Mar. 2007). Under this law, a report can be filed by woman who is a victim of violence or by any person who is aware of that violence (EFE 20 Mar. 2007; Venezuela 20 Mar. 2007). An aggressor can be apprehended by any authority or person who has witnessed an act of violence against a woman (*El Nacional* 25 Nov. 2006).

Under the law, the standard penalty for certain offences is increased by one third if the offence occurs at the women's place of residence (ibid. 10 Nov. 2006) or if it is committed by her partner or a family member (ibid. 25 Nov. 2006).

The law recognizes 19 types of acts that qualify as gender-specific violence (Mujeres Hoy 30 Mar. 2007). Furthermore, according to the director of the Women's Studies Centre (Centro de Estudios de la Mujer) at the Central University of Venezuela (Universidad Central de Venezuela), Magdalena Valdivieso, the law is a major step forward because its definition of violence includes institutionalized discrimination against women, discrimination against pregnant women in the workplace and depictions of women in the media (*El Nacional* 26 Nov. 2006).

According to the daily *El Nacional* in Caracas, Magdalena Valdivieso coordinated the work of 24 women's groups that were involved in drafting the law during the eight months prior to its passage (ibid.). However, the president of the non-governmental organization Homes Without Violence (*Hogares sin Violencia*), Olivia Biasini, told *El Nacional* that this law was drafted by a group of experts who worked behind closed doors (23 Nov. 2006). Former minister for the advancement of women, Evangelina García Prince, also criticized the lack of openness of the process and stated that discussions with governmental and non-governmental stakeholders may have been [translation] "insufficient" (*El Nacional* 23 Nov. 2006). When the draft law first went to Venezuela's National Assembly for debate, the women's rights groups that had participated in the consultations did not know which version of the bill would be presented to the Assembly, according to Elida Aponte, coordinator of the Venezuelan Network of Violence Against Women (Red Venezolana sobre Violencia contra la Mujer) (*El Nacional* 4 Nov. 2006).

Information on the application of the law could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in

researching this Information Request.

References

Agence France-Presse (AFP). 20 March 2007. "Aprobada en Venezuela ley contra la violencia a las mujeres." (Factiva)

EFE. 20 March 2007. "Publican ley que pena hasta con 20 meses de prisión violencia contra la mujer." (Factiva)

Mujeres Hoy. 30 November 2006. "Venezuela : una ley con nombre propio." <http://www.mujereshoy.com/secc_n/3597.shtml> [Accessed 30 Apr. 2007]

El Nacional. 21 March 2007. "En Gaceta ley de violencia contra la mujer." (Factiva)

_____. 26 November 2006. Florantonia Singer. "Agresores de mujeres pagarán con prisión, multas y trabajo comunitario." (Factiva)

_____. 25 November 2006. Marielba Núñez. "Ley sobre violencia contra mujeres permite arrestos en flagrancia." (Factiva)

_____. 23 November 2006. Vanessa Davies. "Expertas critican proyecto de ley." (Factiva)

_____. 10 November 2006. Cecilia Caione. "Hasta 20 meses de cárcel pagará quien amenace a una mujer." (Factiva)

_____. 4 November 2006. Vanessa Davies. "Organizaciones de mujeres no conocen versión final de ley sobre violencia." (Factiva)

_____. 3 November 2006. Vanessa Davies. "AN discutirá la próxima semana ley sobre violencia contra la mujer." (Factiva)

United States (US). 6 March 2007. Department of State. "Venezuela." *Country Reports on Human Rights Practices for 2006*. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78909.htm>> [Accessed 25 Apr. 2007]

Venezuela. 20 March 2007. Instituto Nacional de la Mujer. "Oficializada ley que garantiza a la mujer una vida libre de violencia." (ABN) <http://www.inamujer.gob.ve/vigencia_Ley_Org%E1nica.htm> [Accessed 25 Apr. 2007]

_____. 19 March 2007. *Ley Orgánica sobre el Derecho de las Mujeres a una Vida Libre de Violencia*. <<http://www.asambleanacional.gov.ve/ns2/leyes.asp?id=827>> [Accessed 25 Apr. 2007]

Additional Sources Consulted

Oral sources: The Women's Studies Centre at the Central University of Venezuela did not respond to a request for information within the time constraints of this Response.

Internet sites, including: Amnesty International (AI); Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM); Cuerpo de Investigaciones Científicas, Penales y Criminalísticas de Venezuela; European Country of Origin Information Network (ecoi.net); Fédération internationale des droits de l'homme (FIDH); Human Rights Watch (HRW); Misión Permanente de la República Bolivariana de Venezuela ante las Naciones Unidas; United Nations Development Fund for Women (UNIFEM) Región andina.

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.