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Venezuela: Implementation and effectiveness of the 19 March 2007 Organic Law on the Right of Women to a Life Free of Violence

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The Organic Law on the Right of Women to a Life Free of Violence (*Ley Organica sobre el Derecho de las Mujeres a una Vida Libre de Violencia*) entered into force on 19 March 2007; this law was subsequently republished in Venezuela's official gazette on 23 April 2007 and 17 September 2007 in order to correct certain "clerical errors" (*error material*) (Venezuela 23 Apr. 2007; *ibid.* 17 Sept. 2007).

In 5 March 2008 correspondence with the Research Directorate, the Director of the Venezuelan non-governmental organization (NGO) Foundation to Prevent Domestic Violence Against Women (Fundacion para la Prevencion de la Violencia Domestica hacia la Mujer, FUNDAMUJER) noted that, in general, there is a [translation] "great lack of information" about the implementation of programs and structures outlined in the Organic Law on the Right of Women to a Life Free of Violence. The Director also noted that although a budget for implementation was announced, the government had not presented a plan on how this law would be put into operation (FUNDAMUJER 5 Mar. 2008).

A 9 March 2008 news article published in the Caracas-based newspaper *El Universal* quotes representatives of women's organizations who were commenting on the implementation of the 2007 law. According to a representative of the National Institute for Women (Instituto Nacional de la Mujer, INAMUJER), the law is progressive but needs to be put into practice (*El Universal* 9 Mar. 2008). The former director of the Women's Studies Centre (Centro de Estudios de la Mujer, CEM) at the Central University of Venezuela (Universidad Central de Venezuela, UCV) stated that legislative changes have not produced sufficient concrete results (*ibid.*).

While *Country Reports on Human Rights Practices for 2007* mentions the enactment of the new law, it does not provide information about efforts to implement it (US 11 Mar. 2008).

In June 2007, Magally Huggins Castaneda, UCV professor and member of the CEM, published an analysis of the new law, noting that it poses a number of challenges, including, among other things, implementation (Mujeres Hoy 14 June 2007). For example, Castaneda notes the case of a women's NGO in Maracay which reported [translation] "on the difficulties they are finding in the implementation of this law, due to the 'incompetence and ineffectiveness of the authorities receiving complaints'" (*ibid.*, 9-10). In addition, Huggins Castaneda notes that it is [translation] "a very expensive law" because its implementation requires special courts with judges and trained judicial personnel, police, public prosecutors and health personnel (*ibid.*, 10). According to Huggins Castaneda, efforts by INAMUJER to begin training personnel have only just started (*ibid.*), and it is unclear whether INAMUJER is adequately funded to carry out this work (*ibid.*, 4, 10).

The government-run news service Radio Nacional de Venezuela, however, reported on 25 November 2007 that INAMUJER was engaged in [translation] "an intensive campaign" to raise awareness of issues addressed by the new law (Venezuela 25 Nov. 2007). An example of this publicity drive is the anti-domestic violence campaign targeting men that began in September 2007 (*El Universal* 20 Sept. 2007; IPS 27 Sept. 2007). Co-sponsored by INAMUJER, United Nations agencies, various NGOs and private sector businesses, the "unprecedented" media campaign used television, radio and written advertising spots to raise men's awareness of violence against women (*ibid.*; see also *El Universal* 20 Sept. 2007).

In a 13 December 2007 article, the Venezuelan newspaper *Tal Cual* reported that with a 19 March 2008 deadline imposed by the 2007 law, a government commission is working on setting up specialized courts to address sexual violence. The Supreme Court of Justice (Tribunal Supremo de Justicia, TSJ) announced that beginning in 2008, it would begin creating 92 courts specializing in processing sexual violence cases (*Tal Cual* 13 Dec. 2007). A February 2008 press release published by Venezuela's Ombudsman's Office (Defensoria del Pueblo) indicated,

however, that the TSJ would be setting up only 7 specialized courts in different states and stated that this was [translation] "insufficient" (Venezuela 29 Feb. 2008).

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.

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Additional Sources Consulted

Oral sources: The following organizations did not respond to a request for information within the time constraints of this Response: Consejo Nacional de la Mujer, INAMUJER, Centro de Estudios de la Mujer (CEM) at the Universidad Central de Venezuela, Defensoria Especial con Competencia a Nivel Nacional sobre los Derechos de la Mujer.

Internet sites, including: Amnesty International (AI), Comite de America Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), Freedom House, Human Rights Watch (HRW), INAMUJER, Inter-American Commission of Women (CIM), United Nations (UN) Committee on the Elimination of Discrimination Against Women.

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