

Access to justice in the Bolivarian Republic of Venezuela for the deaf and/or persons with hearing disabilities through Public Defense

In Venezuela, there are several legal protocols outlined in the Constitution of the Bolivarian Republic of Venezuela (1999) and the Law for People with Disabilities (2007) which furthers access to justice for the deaf or individuals with a hearing disability. These two legal documents are based mainly on international protocols, such as the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the 100 Brasilia Regulations Regarding Access to Justice for Vulnerable People, and others.

This article illustrates the progress and challenges of *Defensa Pública* (hereinafter referred to as Public Defense) of the Bolivarian Republic of Venezuela in ensuring access to effective justice and in guaranteeing individuals' rights to legal defense. Through a commitment to the attention and well-being of all persons -especially the deaf and persons with a hearing disability-, Public Defense officers are ensuring legal procedures are being carried out according to universal human rights standards of inclusivity.

Public Defense (an important organ of the Venezuelan judicial system) concerns itself with the following legal issues: ordinary criminal process, criminal violence against women, municipal criminal law, Indigenous People's law, agrarian and fishing law, labor law, integrated jurisdiction, civil and special landlord-tenant law, police issues, juvenile justice, and, last but not least, family law (in which this study is based.)

For this research, it is necessary to review existing conceptions concerning the topic of deafness throughout recent history to greater understand the reality of this group. This article will examine competing conceptions of the deaf: firstly, a medical perspective and secondly, a socio-anthropological perspective. This socio-anthropological perspective is the one that we will build upon in this paper, combining a bi-cultural, bilingual, and educational approach, with a special emphasis

on the use and evolution of the nomenclature surrounding the deaf community.

The reference of this study portrays itself as state of the art. As it is the first of its kind, this research should be noted for its innovative character. The study subscribes to a qualitative and phenomenological methodology which proposes to analyze the current status of access to justice for the deaf and persons with hearing disabilities through the means of Public Defense in Venezuela. To achieve this, a) the international legal framework to which Venezuela subscribes regarding deafness and hearing disabilities was identified, b) Venezuelan legislation which protects vulnerable populations was established, c) social leaders and staff were interviewed, d) definitions and concepts were written, and e) conclusions and recommendations were made.

The tools used in this research include field notes, voice recordings, *WhatsApp* video calls, synoptic tables, semi-structured questionnaires, *WhatsApp* chats and structured charts of interpretive, phenomenological analysis. The questionnaires were validated and applied to the following sample: (a) five public defense officials; (b) three deaf persons (two adults, one adolescent) and three hearing impaired persons; and (c) six Venezuelan sign language interpreters and translators.

From the research conducted in this study, many discoveries stand out: a) A vulnerable population has been identified and made visible for Venezuelan State. This population also benefitted from having a contemporary legal platform constructed for them, although access to justice still remains limited. b) Members of the justice system/ justice administrators require guidance regarding actions, activities, and steps to follow to ensure that petitioners in vulnerable conditions receive proper attention, access to justice, effective judicial protection, and a constitutional right to defense. c) The historical function of current legal tools has

been accomplished – although still not to the degree that they should be –, thus guaranteeing a greater access to justice. However, it is not so for the results of judicial and administrative actions, for which a certain methodology is required in the approach and treatment of expounded situations by population object of study. d) The reinforcement of institutional alliances proved indispensable to improving assistance for targeted populations. e) It proved essential to have Venezuelan Sign Language public interpreters included in the Ministry of People’s Power for the Interior Justice and Peace. f) It was imperative to train justice administrators about Public Defense’s most important educational support: the Escuela Nacional de la Defensa Pública (Public Defense National School.) g) The Venezuelan deaf community is avid to keep participating in pioneering developments in Latin America that work in tandem with all state agencies (which by consequence they have potential to influence the rest of the continent in public policies designed to favor its citizens.) In this way, Public Defense has become the most important agency in which the deaf and persons with hearing disabilities can count on so that they can enjoy a greater access to justice.

KEYWORDS: *Deaf persons; Hearing disability; Deafness; Public Defense; Defense rights; Access to justice; Inclusion; Education; Sign language; Interpreters; Venezuelan sign language.*