

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-84/2023 English

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I/A Court H.R.
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VENEZUELA IS RESPONSIBLE FOR DEFICIENCIES IN THE JUDICIAL PROCEEDINGS ON A COMPLAINT OF ACTS OF OBSTETRIC VIOLENCE AND MEDICAL MALPRACTICE THAT TOOK PLACE IN A PRIVATE HOSPITAL

San José, Costa Rica, November 27, 2023. - In the Judgment notified today in the *Case of Rodríguez Pacheco et al. v. Venezuela*, the Inter-American Court of Human Rights declared the State of Venezuela internationally responsible for the violation of the right to judicial guarantees (a fair trial) and the right to judicial protection, in relation to the rights to personal integrity (humane treatment) and to health, as well as the violation of subsections b), f) and g) of Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, due to deficiencies in the judicial proceedings on a complaint of alleged acts of obstetric violence and medical malpractice that occurred in a private hospital.

The official summary of the Judgment can be accessed [here](#) and the full text of the Judgment can be accessed [here](#).

On August 12, 1998, Mrs. Rodríguez Pacheco, a doctor, who was 39 weeks pregnant at the time, went to a prenatal checkup at a private clinic with Dr. J.C.Z.P., who informed her that her pregnancy was considered high-risk due to two previous C-sections, and that she had a "central placenta previa." Therefore, it was decided that a C-section would be performed the next day. During the C-section, Dr. J.C.Z.P. confirmed that the placenta was strongly attached to the internal layers of the uterine wall, causing a placenta previa accreta. Dr. J.C.Z.P. performed a curettage, a manual scraping in order to separate it. During the curettage, the placenta came loose in different parts, causing a hemorrhage. Dr. J.C.Z.P. informed Mrs. Rodríguez Pacheco of her medical situation and she asked him to perform a hysterectomy (surgery to remove the uterus), decision that was reiterated by her husband, an internal medicine doctor. The doctor rejected the request. Four hours after the first surgery the victim had severe genital bleeding and a decrease in hemoglobin. In response to that diagnosis, Dr. J.C.Z.P. performed a subtotal hysterectomy. Mrs. Rodríguez Pacheco underwent several other surgeries in which she was also a victim of medical practice.

Due to the aforementioned surgeries, Mrs. Rodríguez Pacheco suffered numerous and serious sequelae (after effects). The Disability Evaluation Commission of the Venezuelan Social Security Institute issued a report in which it concluded that Mrs. Pacheco had a "permanent partial work disability of 50%."

On January 18, 1999, Mrs. Rodríguez Pacheco filed a complaint before the State of Lara Delegation of the Technical Judicial Police Corps against surgeon J.C.Z.P. and doctors G.C.C., A.M.L. and M.M.R. After multiple delays and deficiencies in the criminal proceedings, on March 20, 2012, the 22nd Court of First Instance of Caracas issued a ruling whereby it dismissed the case due to extraordinary extinguishment in favor of the accused, decision that was subsequently confirmed by the Court of Appeals of the Criminal Judicial Circuit of the Metropolitan Area of Caracas.

The Court determined that in cases where a woman claims to be a victim of obstetric violence by non-state actors (in this case a private hospital), States have the obligation to establish complaint mechanisms that are timely, adequate and effective in recognizing obstetric violence as a type of violence against women, investigating the facts in a timely manner, punishing those responsible for that violence, and providing the victim with effective compensation, reparation of the damages or other just and efficient means of compensation. The foregoing is without detriment to the State's obligation to prevent third parties from committing acts of obstetric violence and, more specifically, its duty to regulate and monitor all health services provided to individuals within its jurisdiction, independently of whether the entity provides its services publicly or privately.

The Court concluded that (i) the lack of diligence in the process opened after the complaint filed by Mrs. Rodríguez Pacheco and (ii) non-compliance with the inter-American standards of a reasonable term invalidated Mrs. Rodríguez Pacheco's access to justice in an alleged case of obstetric violence and medical malpractice committed by non-state actors, which violated Articles 8.1 and 25.1 of the American Convention, in relation to Articles 5.1, 26 and 1.1 thereof, as well as Article 7 b), f) and g) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

Based on these violations, the Court ordered several reparation measures.

The Court's composition for the issue of this Judgment was as follows: Judge Ricardo C. Pérez Manrique President (Uruguay), Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President (Mexico), Judge Humberto Antonio Sierra Porto (Colombia), Judge Nancy Hernández López (Costa Rica), Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil).

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