



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

## RESPONSES TO INFORMATION REQUESTS (RIRs)

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

17 March 2006

**VEN101086.FE**

Venezuela: Situation and treatment of homosexuals; recourse available to those who have been harassed based on their sexual orientation (2004 - February 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### General situation

Homosexuals, "often discriminated against and derided in crude jokes" (AP 17 May 2005), are in a [translation] "precarious" position characterized by [translation] "social rejection" (UNAF 4 Mar. 2006).

The general coordinator for the non-governmental gay rights organization Unión Afirmativa de Venezuela (UNAF) indicated that this situation discourages homosexuals from reporting incidents of discrimination (ibid.). Although homosexuals are frequently assaulted, there are no statistics on the number of such complaints filed against law enforcement officials (ibid.).

According to Ricardo Hung from the Venezuela Lambda Alliance (Alianza Lambda de Venezuela), the lack of trust, the bureaucracy involved in lodging a complaint, and the fear of reprisals explain why homosexuals do not report incidents of discrimination (*Green Left Weekly* 26 Feb. 2006).

According to the Associated Press (AP), discrimination is less common in big cities, such as Caracas (AP 17 May 2005; see also *Green Left Weekly* 26 Feb. 2006). In a report published by the World Policy Institute in December 2003, Andrew Reding indicated that discrimination in Venezuela presented distinct regional variations and that "LGBT [lesbian, gay, bisexual and transgender] individuals remain very much at risk in smaller towns and cities and [in] rural areas" (Dec. 2003, 2).

However, the general coordinator of the UNAF stated that homosexual couples could move about the streets as they wished and that, in his opinion, a homosexual knowing his or her rights is like having [translation] "an antidote" to violence (4 Mar. 2006).

Since its beginnings in 1998, the Venezuela Lambda Alliance has recorded 56 cases of individuals rejected by their families because of their homosexuality (7 Mar. 2006). In many cases, these people end up on the street or living in very precarious conditions (Alianza Lambda de Venezuela 7 Mar. 2006).

Moreover, the executive director of the Venezuela Lambda Alliance stated that three transsexuals were murdered in 2005 (ibid.). One of the murders, related more to drug trafficking than sexual orientation, was committed in Maracaibo, in Zulia state, whereas the other two, committed by other transsexuals, occurred in Caracas (ibid.).

For Heisler Vaamonde of the Revolutionary Gay Movement of Venezuela (Movimiento Gay Revolucionario de Venezuela, MGRdV), the Venezuelan "state is not responsible for discrimination [against homosexuals], rather it is a cultural issue" (*Green Left Weekly* 30 Nov. 2005).

Vaamonde stated that, for the first time, the Venezuelan government was officially represented at the 2005 gay pride celebrations - by both the Ministry of Culture and the National Council of Culture were present (ibid.). He added that gay pride celebrations have been held each year since President Chávez came into power, while previous administrations had "impeded" gay pride marches (ibid.). Ricardo Hung pointed out that participation in gay pride celebrations rose from 100 people in the first year to nearly 20,000 in 2005 (*Green Left Weekly* 26 Feb. 2006). The UNAF representative indicated that the celebrations are receiving more and more support from both private and public institutions, and that gay pride events have been carried out under police protection since 2000 (4 Mar. 2006).

Caracas City Hall worked with various LGBT rights organizations to plan a demonstration against homophobia in May 2005 (ILGA 18 May 2005; see also *Green Left Weekly* 26 Feb. 2006), [translation] "an occurrence of the highest importance," according to the MGRdV (ILGA 18 May 2005). Moises Rivera Lopez, coordinator of an LGBT network, "is also employed by the mayor of metropolitan Caracas . . . to work on anti-homophobia campaigns" (*Green Left Weekly* 26 Feb. 2006).

Heisler Vaamonde of the MGRdV explained that his organization recognizes the necessity of presenting its own candidates for election because politicians are insensitive to the issues that it supports, such as a bill against discrimination (*Green Left Weekly* 30 Nov. 2005). Vaamonde therefore ran in the 4 December 2005 National Assembly election (*ibid.*). Besides his involvement with the MGRdV, Vaamonde is also the coordinator of the Bolivarian Network of Homosexuals, Lesbians, Bisexuals, Transexuals and Transgenders (*ibid.*).

On 17 May 2005, the Associated Press reported that "dozens of gays, lesbians and bisexuals who support President Hugo Chávez's 'social revolution'" gathered to show their support for homosexual candidates running in the congressional elections. The ralliers claimed that "an open discussion of gay rights is overdue in Venezuela" and that a homosexual legislator would address such issues as same-sex marriage (AP 17 May 2005; *El Universal* 17 May 2005). The election of an openly gay candidate "would be unprecedented" in Venezuela (AP 17 May 2005). No information on whether an openly gay candidate was elected to Congress in the December 2005 elections could be found among the sources consulted by the Research Directorate.

### **Discrimination from the authorities**

According to the executive director of the Venezuela Lambda Alliance, although complaints regarding the [translation] "denial of the right to health" decreased by 25 per cent in 2005, health centres continue to discriminate against homosexual patients (7 Mar. 2006).

Violence committed by security forces against people deemed to be homosexual has decreased, yet arrests by security forces [translation] "simply because they believe homosexuality is a crime" continue (Alianza Lambda de Venezuela 7 Mar. 2006).

Marcel Quintana, head of the ASES Association of Venezuela, an association that works with the gay community, indicated that, in Caracas, homosexuals are assaulted and harassed by police, who target them and confiscate their belongings (*El Universal* 17 May 2005).

The UNAF and the Venezuela Lambda Alliance reported cases in which private security company guards harassed homosexuals in shopping centres (UNAF 4 Mar. 2006; Alianza Lambda de Venezuela 7 Mar. 2006). In some cases, municipal by-laws are used to justify the arrest of homosexuals (UNAF 4 Mar. 2006). However, the Venezuelan Supreme Court (*Tribunal Supremo de Justicia*) recently declared these by-laws unconstitutional because the National Assembly - the only body authorized to enact laws limiting individual freedom - had not adopted them (*ibid.*).

### **Legality**

Homosexuality is legal in Venezuela (Baird 2001). In her *No-Nonsense Guide to Sexual Diversity*, Vanessa Baird indicated that the legal system offers "some legal protection for sexual orientation" but she did not specify the nature of this protection (*ibid.*). Baird also stated that, in Venezuela, "[l]esbians and gay men are not permitted to serve in the armed forces" (*ibid.*).

According to Heisler Vaamonde, the Venezuelan government has not implemented the public policies needed to stop discrimination against homosexuals: "gays and lesbians [in Venezuela] continue to be assaulted, mistreated and in some cases assassinated and there is no system that guarantees our defence" (*Green Left Weekly* 30 Nov. 2005).

The general coordinator of UNAF pointed out that even though labour laws prohibit dismissal based on sexual orientation, homosexuals are under threat of losing their jobs (4 Mar. 2006). And this, according to the Venezuela Lambda Alliance, is why many people hide their sexual orientation (Alianza Lambda de Venezuela 7 Mar. 2006; see also *Green Left Weekly* 26 Feb. 2006). Some employers disguise such dismissals as [translation] "staff cutbacks" (UNAF 4 Mar. 2006).

An early draft of a regulatory law on communications contained provisions against homophobic messages, especially those broadcast via television sitcoms (UNAF 4 Mar. 2006). These clauses were later removed from the text of the law (*ibid.*).

In 2005, the attorney general's office enacted the creation of an information division charged with meeting

the legal needs of LGBTs (*Green Left Weekly* 26 Feb. 2006). No additional information on the recourse available to homosexuals in cases of harassment could be found among the sources consulted by the Research Directorate.

Ricardo Hung from the Venezuela Lambda Alliance indicated that his organization is petitioning to make same-sex marriage legal and noted that same-sex civil unions are recognized in the state of Mérida (*ibid.*).

On 28 December 2005, the vice-president of Venezuela announced that "a national referendum would be held to make same-sex marriage legal" (*ibid.*). According to Moises Rivera Lopez, "this is a huge step forward for [gay] rights" (*ibid.*). Lopez predicts the referendum will be held in 2007 (*ibid.*).

### Associations and NGOs

The Venezuela Lambda Alliance is an organization that [translation] "fights discrimination based on sexual orientation and promotes gay citizenship" through educational initiatives, while also offering legal services in the protection gay rights (n.d). The organization, which is also a member of the International Lesbian and Gay Association (ILGA), is the "only gay-rights association that is legally based and has community services" (*Green Left Weekly* 26 Feb. 2006). The Alliance has just established local branches in rural areas whose "main goal is to provide education" on gay rights and safe sex (*ibid.*). The Alliance has also organized a campaign to increase the visibility of homosexuals in the Venezuelan media and to defend their rights (n.d).

Each year in June, the Venezuela Lambda Alliance plays an important role in organizing the Caracas Gay Pride event (*Orgullo Gay de Caracas*), a month-long variety of activities held throughout the capital (Alianza Lambda de Venezuela n.d; *Green Left Weekly* 26 Feb. 2006).

Amazon Women of Venezuela (Amazonas Mujeres de Venezuela) is a non-profit association for women's rights and equality (n.d.a). This association's activities in 2005 included the launch and operation of a venue providing Internet access, and the coordination of the International Lesbian Arts Festival (n.d.b).

In its mission statement, the MGRdV indicated that it adheres to Hugo Chávez's ideal of the [translation] "Bolivarian revolution" and claims to be [translation] "the only leftist LGBT organization in Venezuela" (n.d). Its goals are to promote the visibility and rights of sexual minorities in Venezuela, to eliminate discrimination against LGBTs, and to improve their quality of life (MGRdV n.d).

The UNAF indicated that a number of educational materials dealing with homosexuality are being distributed in Venezuela to increase public awareness and that this protest work is respected (4 Mar. 2006). The organization has never received any threats (UNAF 4 Mar. 2006).

### Visibility

The RepublicaGay.com Website contains various sections on activities organized for homosexuals and on businesses that cater to gay clients (n.d.).

GuiaGay.com likewise provides the addresses of businesses that cater to the gay community (including bars, cafés, travel agencies) in Caracas, Maracaibo, Maracai, San Felipe and Valencia (n.d.). However, only one business (bar or disco) is named in each of those last three cities (GuiaGay.com n.d).

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

Alianza Lambda de Venezuela. 7 March 2006. Correspondence from the executive director.

\_\_\_\_\_. N.d. "Servicios." <[http://www.lambdavenezuela.org/lambda\\_s.html](http://www.lambdavenezuela.org/lambda_s.html)> [Accessed 3 Feb. 2006]

Amazonas Mujeres de Venezuela. N.d.a. "¿Quiénes somos?." <<http://www.amazonasdevenezuela.org/asociacion/amazonas.htm>> [Accessed 3 Feb. 2006]

\_\_\_\_\_. N.d.b. "Actividades y/o programas." <<http://www.amazonasdevenezuela.org/asociacion/informe2.htm#2>> [Accessed 3 Feb. 2006]

Associated Press (AP). 17 May 2005. Fabiola Sanchez. "Venezuelan Activists Hold Rally to Support Gay Congressional Candidates." (Dialog)

Baird, Vanessa. 2001. *The No-Nonsense Guide to Sexual Diversity*. Oxford, UK: New Internationalist Publications Ltd.

*Green Left Weekly*. 26 February 2006. Rachel Evans and Maurice Farrell. "Venezuela's Sexual Revolution Within the Revolution." <<http://www.vheadline.com/readnews.asp?id=49953>> [Accessed 6 Mar. 2006]

\_\_\_\_\_. 30 November 2005. Kiraz Janicke and Federico Fuentes. "Venezuela: Struggling for Gay and Lesbian Rights." <<http://www.greenleft.org.au/back/2005/651/651p16.htm>> [Accessed 13 Feb. 2006]

GuiaGay.com. N.d. "Venezuela." <<http://www.guiagay.com/eligeciudad.asp?pais=37>> [Accessed 13 Feb. 2006]

International Lesbian and Gay Association (ILGA). 18 May 2005. "Movilización en América Latina: Recorrido Latino americano por el día contra la homofobia." <[http://www.ilga.org/news\\_results.asp?LanguageID=2&FileCategoryID=29&FileID=595&ZoneID=19](http://www.ilga.org/news_results.asp?LanguageID=2&FileCategoryID=29&FileID=595&ZoneID=19)> [Accessed 3 Feb. 2006]

Movimiento Gay Revolucionario de Venezuela (MGRdV). N.d. "Declaración de Principios: Misión, Visión y Objetivos del MGRdV." <[http://revoluciongay\\_vzla.tripod.com.ve/MGRdV/id8.html](http://revoluciongay_vzla.tripod.com.ve/MGRdV/id8.html)> [Accessed 3 Feb. 2006]

Reding, Andrew. December 2003. *Sexual Orientation and Human Rights in the Americas*. World Policy Reports. Project for Global Democracy and Human Rights, World Policy Institute. <<http://www.worldpolicy.org/globalrights/sexorient/2003-LGBT-Americas.pdf>> [Accessed 3 Feb. 2006]

RepublicaGay.com. N.d. "La Guía." <[http://www.republicagay.com/pages/laguia/laguia\\_01\\_01.htm](http://www.republicagay.com/pages/laguia/laguia_01_01.htm)> [Accessed 3 Feb. 2006]

Unión Afirmativa de Venezuela (UNAF). 4 March 2006. Correspondence from the general coordinator.

*El Universal* [Caracas]. 17 May 2005. "Gays postularán candidatos para Asamblea Nacional." <[http://buscador.eluniversal.com/2005/05/17/pol\\_ava\\_17A561123.shtml](http://buscador.eluniversal.com/2005/05/17/pol_ava_17A561123.shtml)> [Accessed 2 Mar. 2006]

#### Additional Sources Consulted

**Oral sources:** The Defensoría del Pueblo de Venezuela did not provide information within the time constraints of this Response.

The Venezuelan Program for Human Rights Action and Education (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA) could not provide information on this subject.

Amazonas Mujeres de Venezuela provided a list of contacts in Venezuela.

**Internet sites, including:** Amnesty International (AI), Amnesty International's LGBT Network, *Country Reports on Human Rights Practices for 2004*, Defensoría del Pueblo de Venezuela, GlobalGayz.com, International Gay and Lesbian Human Rights Commission (IGLHRC), Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA), Rex Wockner, World News Connection.

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.