

The LGBTIQ+ Community Still Oppressed in Venezuela



LGBTIQ+ activists in Caracas protest outside the National Electoral Council, in charge of the civil registry, demanding enforcement of the legal statute that authorizes a change of name for trans, intersex or non-binary people. The agency has delayed compliance with the law for years. CREDIT: Observatory of Violence

CARACAS, Mar 30 2023 (IPS) - The vulnerability and struggles of the LGBTIQ+ community in Venezuela were once again highlighted when the Supreme Court finally annulled the military code statute that punished, with one to three years in prison, members of the military who committed ”

acts against nature.”

The Constitutional Chamber of the Supreme Court ruled that the statute, in force since the last century, “is contrary to the fundamental postulate of progressivity in terms of guaranteeing human rights,” and also “lacks sufficient legal clarity and precision with regard to the conduct it was intended to punish.”

The statute, in the [Code of Military Justice](#), was the only one that still punished homosexuality with jail in Venezuela, and it was overturned on Feb. 16.

"In Venezuela LGBTIQ+ people (lesbians, gays, bisexuals, transsexuals, intersex, queers and others) must still fight for the right to identity, to equal marriage, to non-discrimination in education, health and housing.” -- Tamara Adrián

However, “in Venezuela LGBTIQ+ people (lesbians, gays, bisexuals, transsexuals, intersex, queers and others) must still fight for the right to identity, to equal marriage, to non-discrimination in education, healthcare and housing,” transgender activist Tamara Adrián told IPS.

Even the procedure followed to overturn the statute, the second paragraph of article 565 of the Military Code, was an illustration of the continued disdain towards the LGBTIQ+ minority.

Activist Richelle Briceño reminded IPS that civil society organizations had been demanding the annulment of the statute for seven years, receiving no response from the Supreme Court.

“All of a sudden, the [Ombudsman’s Office](#) (in Venezuela all branches of power are in the hands of the ruling party) asked the court to overturn that part of the article and in less than 24 hours the decision was made, on Feb. 16,” Briceño observed.

In addition, the Ombudsman’s Office argued that the statute was not used in the last 20 years, but Briceño said that around the year 2016 there were several documented cases.

Different NGOs see the legal ruling as linked with the presentation, the following day, of reports to the [United Nations Human Rights Council](#) of serious violations on this question in Venezuela, including the non-recognition of the rights of the LGBTIQ+ community.



In the Venezuelan armed forces, homosexual conduct or acts “against nature” were still punishable by prison sentences of one to three years, until the statute was finally overturned by the Supreme Court in February. CREDIT: Mippi

Many pending issues

In Venezuela, “according to current medical protocols, blood donations by people who have sexual relations with people of the same sex are not even accepted,” Natasha Saturno, with the [Acción Solidaria](#) NGO, which specializes in health assistance and supplies, told IPS.

“Forty days ago they operated on my son. I brought a dozen blood donors, they were all asked this question, and several were turned away,” she said.

If these restrictions still exist, even further away are the hopes of the LGBTIQ+ community to obtain identity documents that reflect their gender option, to same-sex unions or equal marriage, or to outlaw all forms of discrimination, Saturno said.

Adrián said that “recognizing gender identity or equal marriage with both spouses enjoying the right to exercise maternity or paternity are achievements that are advancing or expanding throughout Latin America, and Venezuela, which has moved forward in civil rights since the 19th century, is now among the laggards.”

The activist, founder in 2022 of the political party [United for Dignity](#), highlighted the progress made on this issue in Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Peru and Uruguay, “with only Guyana, Paraguay, Suriname and Venezuela lagging behind in South America.”

With regard to identity, since 2009 the Civil Registry Law states that “everyone may change their own name, only once, when they are subjected to public ridicule (...) or it does not correspond to their gender, thus affecting the free development of their personality.”

But the rule is not enforced in the case of trans, intersex and non-binary people, with countless procedural obstacles in the way, which is why, frustrated by meaningless paperwork, LGBTIQ+ groups have protested before the Supreme Court, the Ombudsman’s Office and the National Electoral Council, which the civil registry falls under.

Adrián maintained that “we are guided by the opinion of the [Inter-American Court of Human Rights](#), which in 2017 recognized the right to identity as essential for the development of personality and non-discrimination in areas such as labor, health and education.”



A demonstration by the LGBTIQ+ community outside the Supreme Court in Caracas demanded the right to same-sex marriage, which is legal in many parts of Latin America but remains a distant dream in Venezuela. CREDIT: Acvi

Victims of violence

LGBTIQ+ people in Venezuela “suffer numerous forms of discrimination and violence, from the family sphere to public spaces,” said Yendri Velásquez, of the recently created [Venezuelan Observatory of Violence](#) against this community.

It manifests itself “in psychological violence, very present in the family sphere, beatings, denial of identity, access and use of public spaces – from restaurants to parks –, extortion, bullying based on gender expression, employment discrimination and even murder,” Velásquez said.

He pointed out that in 2021 there were 21 murders of people “just for being gay or lesbian,” and that in the second half of 2022 the Observatory recorded 10 “murders or cases of very serious injuries” with a total of 11 gay, lesbian or transgender victims.

The activists are advocating for norms and policies that help eradicate hate crimes and hate speech, as well as online violence, because through social networks they receive messages as serious as “die”, “kill yourself”, “I hope they kill you” or “you shouldn’t be alive.”

The organizations share these fears and are protesting that the legislature, in the hands of the ruling party, is drafting a law that would curtail and severely restrict the independence and work of non-governmental organizations.



Marches for the rights of the LGBTIQ+ community and against discrimination are growing in size in Venezuela, and groups of European residents and diplomats have even joined in on some occasions. CREDIT: EU

Healthcare as well

For the LGBTIQ+ community, healthcare is a critical issue, in the context of a complex humanitarian emergency that, among other effects, has led to the collapse of health services, with most hospitals suffering from infrastructure and maintenance failures, lack of equipment and supplies, and the migration of health professionals.

Adrián said “there are barriers to entry into health centers, both public and private, for people who are trans or intersex, for their stay in hospitals – sometimes they are treated in the corridors – and for adherence to the treatments.”

An additional problem is that hormones have not been available in Venezuela for 10 years, and users who resort to uncontrolled imports are exposing themselves to significant health risks.

The community was greatly affected by the AIDS epidemic, although in 2001 civil society organizations managed to get the Supreme Court to make it obligatory for the government to provide antiretroviral drugs free of charge.

They were available for years, although Saturno points out that the supply became intermittent starting in 2012.

That year marked the start of the current economic and migration crisis suffered by this oil-producing country of 28 million people, with the loss of four-fifths of GDP and the migration of seven million Venezuelans.

Currently, deliveries are made regularly, according to the NGOs dedicated to monitoring the question, although usually with only one of the treatment schemes prescribed by the [Pan American Health Organization](#), “and not everyone can take the same treatment,” Saturno said.

Some 88,000 HIV/AIDS patients are registered in Venezuela’s master plan on HIV/AIDS that the government and United Nations agencies support. But according to NGO projections, there could be as many as 200,000 HIV-positive people in the country.

The activists also note that the climate marked by the denial of identity and rights for individuals and couples, discrimination, harassment, violence and work handicap, plus health issues, push LGBTIQ+ people to form part of the flow of migrants that has spread across the hemisphere.

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