

Executive Summary

LGBTI Economic, Social and Cultural Rights

This report by Venezuela Diversa Civil Association aims to provide information to the CESCR on the implementation of the International Covenant on Economic, Social and Cultural Rights, referring to the rights of Gay, Bisexual, Trans and Intersex persons (LGBTI) in Venezuela, during the 55th session to be held from June 1 to 19, 2015 in Geneva.

In Venezuela, LGBTI persons suffer different forms of discrimination and unequal treatment by the action or inaction of State actors that threaten their right to enjoy all economic, social and cultural rights without discrimination, particularly with regard to work, health, the right to form a family and to receive protection from the State and equal education possibilities. These acts are often not reflected in official statistics conducted by State institutions. Known data are inaccurate for the lack of complaints by victims, due to their fear of being re-victimized and to their distrust of the justice system.

The legislative and regulatory framework that prohibits any discrimination, direct and indirect, on rare occasions mentions sexual orientation, gender identity and expression, a situation that responds not only to ignorance on the part of State officials of LGBTI persons' needs and situations of vulnerability, but also to the resistance and pressure from dominant religious and conservative groups to any initiative to design public policies and legislation aimed at recognizing and guaranteeing their rights. Thus, LGBTI persons are deprived of the necessary guarantees to live in dignity, free of verbal and physical aggression, threats and social exclusion, either by State actors or by non-State actors.

Progress in the formulation and integration of a pluralistic approach that recognizes and affirms the interrelatedness and indivisibility of all aspects of human identity including sexual orientation, gender identity and expression into plans, policies and decision-making, remains a challenge to State decision-makers, given the recurring practices of discrimination, cruel and degrading treatment, and violations of physical and psychological integrity of LGBTI persons because of their sexual orientation, gender identity and expression.

Thus, Venezuela Diversa asks the CESCR to recommend that the Venezuelan State adopt legislative, administrative and judicial measures, as well as other measures, to strengthen the ban on the practices of stigma and discrimination based on sexual orientation, gender identity and expression, when accessing health services, in public and private schools, jobs and public spaces. We also ask the Committee to urge the Venezuelan State to guarantee access to justice and due process without discrimination based on sexual orientation, gender identity and expression, in order to punish violence and establish appropriate penalties and reparations; and to ensure through public policies that LGBTI persons can enjoy all economic, social and cultural rights without discrimination on grounds of sexual orientation, gender identity and expression.