

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

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Argentina: The situation of homosexual men and women, including how they are treated, the legislation on homosexuality, state protection available, and the existence of support services (2006-2009)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

An article published in *Gay Times*, a London magazine for homosexuals, notes that Buenos Aires is probably "the most liberal and gay friendly city in Latin America" (n.d.). The same article indicates that "[t]here are loads of gay bars, restaurants and clubs, [and] several saunas" (*Gay Times* n.d.).

Although many sources noted progress in legislation (AFP 14 Nov. 2009; AP 19 Aug. 2008; *La Nación* 14 Nov. 2009; CNN 19 Aug. 2008), discrimination against homosexuals is still common in certain regions of Argentina (FALGBT 27 Mar. 2009; HRW May 2009, 35; Anodis 30 May 2007). In fact, the Argentina Federation for Lesbians, Gays, Bisexuals and Trans (Federación Argentina de Lesbianas, Gays, Bisexuales y Trans, FALGBT) reported two cases of [translation] "discrimination" to the National Institute Against Discrimination (Instituto Nacional contra la Discriminación): in the first case, a businessman described [translation] "homosexuality as something that is not normal" and, in the second case, a bishop stated that [translation] "homosexuality is a sickness that can be treated and cured with the help of medication, psychologists and priests" (27 Mar. 2009).

The News Agency on Sexual Diversity (Agencia de Noticias Sobre la Diversidad Sexual, Anodis) published an article in 2007 that described the situation of homosexual prisoners (Anodis 30 May 2007). According to Anodis, homosexuals are separated from other detainees [translation] "for their own safety" (ibid.). Anodis also noted that, according to the Argentina Homosexual Community (Comunidad Homosexual Argentina, CHA) [translation] "they are kept in the worst sections of the prison . . . and in unsanitary conditions" (ibid.).

Legislation

In Argentina, homosexual acts are legal (ILGA May 2009, 48), and in certain regions there are laws that prohibit discrimination based on sexual orientation (ibid., 51). In its May 2009 report, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) indicates that the constitutions of certain provinces in Argentina prohibit discrimination based on sexual orientation and that, in 1996, the city of Rosario adopted a law prohibiting such discrimination in the workplace (ibid., 50-51).

Moreover, in recent years, advances have been made in legislation, such as laws on civil unions for gay couples (AFP 14 Nov. 2009; AP 19 Aug. 2008; CNN 19 Aug. 2008) and the right for gay couples to collect the pensions of their dead partners (CNN 19 Aug. 2008; AP 19 Aug. 2008). An article published in 2009 by Agence France-Presse (AFP) reported that civil unions for gay couples were approved in Buenos Aires in 2002; as a result, they were also approved in the city of Villa Carlos Paz, in the north of the country, and in the province of Rio Negro, in the south (14 Nov. 2009; ILGA May 2009, 53). According to an article published in 2008 by the Associated Press (AP), five cities have legalized civil unions between same-sex couples (19 Aug. 2008). However, a civil union does not guarantee the same rights as those granted by marriage, such as adoption and inheritance rights (AP 29 Oct. 2009).

In a 13 November 2009 article, *La Nación* reported that a judge had ordered the Civil Registry (Registro Civil) to marry two men. The judge declared that articles 172 and 188 of the civil code are unconstitutional (*La Nación* 13 Nov. 2009). She stated that article 172 describes marriage as a union between a man and a woman and article 188 addresses the [translation] "famous declaration of being husband and wife" (ibid.). Cited in an AFP article, the judge considered that [translation] "the law must treat everyone with the same respect" (AFP 14 Nov. 2009). According to a

14 November 2009 article published by *La Nación*, the mayor of Buenos Aires supported the judgment regarding same-sex marriage. However, an article published on 1 December 2009 indicates that another judge dissolved the marriage because the court did not have the jurisdiction to declare those articles of law unconstitutional (AFP 1 Dec. 2009).

According to *Crítica de la Argentina* and El Intransigente.com, two daily newspapers in Buenos Aires, a survey on legalizing same-sex marriages, changing one's name, sex changes and other topics was conducted in 2008 (El Intransigente.com 10 Nov. 2009; *Crítica de la Argentina* 10 Nov. 2009). The survey was conducted at the government's request, and it involved 800 people from Buenos Aires, Mendoza, San Miguel de Tucumán, Córdoba and Rosario (ibid.). According to the results, a large majority of Argentineans are in favour of legalizing such marriages (66.3 percent), of allowing name changes (66.6 percent) and of sex changes (75.7 percent) (ibid.). Additional information on the government's reactions to the results of the survey and information on whether it officially approved same-sex marriages could not be found among the sources consulted by the Research Directorate.

Two media sources indicated that, in August 2008, Argentina allowed the surviving member of gay couples who had lived together for at least five years to inherit their partner's old-age pension (CNN 19 Aug. 2008; AP 19 Aug. 2008).

Moreover, an article published by the AP reported that, in August 2009, the government adopted a new rule under which members of the military can no longer "be imprisoned for engaging in homosexual acts" (2 Mar. 2009).

However, according to a report published by Human Rights Watch (HRW) in May 2009, 10 of Argentina's 23 provinces, whose names were not specified, have criminal codes in effect that contain provisions that enable punishment of, for example, "homosexual or sexually vicious individuals' engaged in solicitation," and people found guilty of "acts against decency" or "moral contravention." Those provisions "give police broad authority to fine or detain people arbitrarily and without a court hearing" (HRW May 2009, 34-35). The same report indicates that transsexuals are often targeted by those provisions (ibid.; IGLHRC 22 Nov. 2006).

Protection available and support services

In Argentina, there are many governmental (CHA n.d.b) and non-governmental organizations (NGOs) (OpusGay n.d.) that advocate for the rights of sexual minorities. Among those NGOs are the Christian Centre for the Gay, Lesbian, Transvestite, Transsexual and Bisexual Community (Centro Cristiano de la Comunidad Gay, Lésbica, Travesti, Transexual y Bisexual), the Gay and Lesbian Integration Association of Argentina (Sociedad de Integración Gay Lésbica Argentina, SIGLA), the ISIS Group (Grupo de Investigación en Sexualidad e Interacción Social, ISIS), the Organization of Transvestites and Transgenders of Argentina (Organización de Travestis y Transgéneros de Argentina, OTTRA), Gays for Civil Rights (Gays por los Derechos Civiles, GAY-DC), the Sexual Minority Defence League (Liga de Defensa de las Minorías Sexuales, LIDEMS), the Jujuy Homosexual Community (Comunidad Homosexual de Jujuy) and La Fulana (OpusGay n.d.).

Moreover, some of those NGOs provide direct help to sexual minorities (CHA n.d.a; La Fulana n.d.; Nexo n.d.). In addition to defending the rights of sexual minorities, the CHA also offers the LGTTB community other services, including free legal advice, free mental health consultations, a 24-hour hotline and a documentation centre (CHA n.d.a.). For its part, La Fulana offers psychological help and legal counselling (La Fulana n.d.).

Nexo, a civil association that fights discrimination against sexual minorities, also offers several services, such as AIDS screening tests, free medication, medical consultations regarding sexual health, psychological and psychiatric consultations, and legal aid (Nexo n.d.). It also offers various training and informational workshops (ibid.).

As for the governmental organizations, the CHA has posted on its website a list of offices in the country's 23 provinces and in Buenos Aires where people can go to file complaints of discrimination (n.d.b).

Additional information on the effectiveness of those governmental and non-governmental organizations could not be found among the sources consulted by the Research Directorate.

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 sources consulted in researching this Information Request.

References

Agence France-Presse (AFP) [Paris]. 1 December 2009. "La justice Argentina suspend le premier mariage gay d'Amérique latine." (Google News) <http://www.google.com/hostednews/afp/article/ALeqM5iKE9d98CN8mfmmG_OymkrF5vA4Kw> [Accessed 7 Dec. 2009]

_____. 14 November 2009. "Argentina Gays to Marry." (iafrica.com) <<http://news.iafrica.com/worldnews/2052971.htm>> [Accessed 16 Nov. 2009]

Agencia de Noticias Sobre la Diversidad Sexual (Anodis). 30 May 2007. Omar Díaz Gallegos. "Presentan informe sobre situación homosexual en Argentina." <<http://anodis.com/nota/9346.asp#>> [Accessed 17 Nov. 2009]

Associated Press (AP). 29 October 2009. Vanessa Hand. "Congreso argentino inicia debate sobre matrimonio homosexual." (*La Nación*) <http://www.nacion.com/In_ee/2009/octubre/29/mundo2141499.html> [Accessed 3 Nov. 2009]

_____. 2 March 2009. "Argentina Officially Ends Trials for Homosexual Acts in Military <<http://www.365gay.com/news/argentina-officially-ends-trials-for-homosexual-acts-in-military/>>." <<http://www.365gay.com/news/argentina-officially-ends-trials-for-homosexual-acts-in-military/>> [Accessed 3 Nov. 2009]

_____. 19 August 2008. "Argentina Gays Win Widow Pensions." (365 Gay) <<http://www.365gay.com/news/Argentina-gays-win-widow-pensions/>> [Accessed 16 Nov. 2009]

Cable News Network (CNN). 19 August 2008. Tom Watkins. "Argentina Grants Gay Couples Partner Pensions." <<http://www.cnn.com/2008/WORLD/americas/08/19/argentina.gay/index.html>> [Accessed 16 Nov. 2009]

Comunidad Homosexual Argentina (CHA). N.d.a. "Quienes somos." <<http://www.cha.org.ar/simple.php?menu=10&cat=49>> [Accessed 16 Nov. 2009]

_____. N.d.b. "Directorio de lugares donde realizar denuncias por discriminación." <<http://www.cha.org.ar/articulo.php?art=216&cat=21>> [Accessed 3 Nov. 2009]

Crítica de la Argentina [Buenos Aires]. 10 November 2009. Bruno Bimbi. "El 66% del país, a favor del matrimonio gay." <<http://www.criticadigital.com/impresa/index.php?secc=nota&nid=33711>> [Accessed 13 Nov. 2009]

Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (FALGBT). 27 March 2009. "La Federación Argentina LGBT denuncia a Alfredo De Angeli y al Obispo de Santo Tomé por discriminación." <<http://www.lgbt.org.ar/00-denuncia-02.php>> [Accessed 18 Nov. 2009]

La Fulana. N.d. "Actividades." <<http://www.lafulana.org.ar/home.htm>> [Accessed 19 Nov. 2009]

Gay Times. N.d. "Argentina." <<http://www.gaytimes.co.uk/Hotspots/GayGuide-action-Country-countryid-136.html>> [Accessed 20 Nov. 2009]

Human Rights Watch (HRW). May 2009. "V. Latin America and the Caribbean." *Together, Apart. Organizing Around Sexual Orientation and Gender Identity Worldwide*. <<http://www.hrw.org/en/node/83161/section/7>> [Accessed 18 Nov. 2009]

International Gay and Lesbian Human Rights Commission (IGLHRC). 22 November 2006. "Argentina: Supreme Court Recognizes Transgender Group." <<http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/300.html>> [Accessed 18 Nov. 2009]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2009. Daniel Ottosson. *State-Sponsored Homophobia. A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*. <http://www.ilga.org/statehomophobia/ILGA_State_Sponsored_Homophobia_2009.pdf> [Accessed 3 Nov. 2009]

El Intransigente.com. 10 November 2009. "Según una encuesta, el 66% de los argentinos está a favor del matrimonio gay." <<http://www.elintransigente.com/notas/2009/11/10/argentina-31084.asp>> [Accessed 24 Nov. 2009]

La Nación [Buenos Aires]. 14 November 2009. Gabriel Di Nicola. "Macri respaldó el casamiento entre gays." <http://www.lanacion.com.ar/nota.asp?nota_id=1199453> [Accessed 16 Nov. 2009]

_____. 13 November 2009. Gabriel Di Nicola. "Autorizan un casamiento entre hombres." <http://www.lanacion.com.ar/nota.asp?nota_id=1198975> [Accessed 16 Nov. 2009]

Nexo. N.d. "Quiénes somos?" <<http://www.nexo.org/institucional.php>> [Accessed 19 Nov. 2009]

OpusGay [Santiago, Chile]. N.d. Catalina Herrera. "Argentina: pionera del movimiento homosexual en América Latina." <<http://www.opusgay.cl/1264/article-27222.html>> [Accessed 13 Nov. 2009]

Additional Sources Consulted

Oral sources: Representatives from the Comunidad Homosexual de Argentina (CHA), La Fulana and the Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (FALGBT) could not provide any information within the time constraints for this Response.

Internet sites, including: Amnesty International (AI), Freedom House, United States (US) Department of State, Washington Office on Latin America (WOLA).

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