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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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26 October 2006

**GTM101794.E**

Guatemala: Treatment of gay, lesbian, bisexual and transgendered/transsexual individuals and availability of state protection; police attitudes towards same-sex domestic violence and state protection available to victims (2003 - September 2006)

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On 24 June 2006, approximately 200 participants marched in the gay pride parade in Guatemala City (*Weekly News Update on the Americas* 25 June 2006). During a June 2006 forum organized by the Guatemalan transgendered community, participants denounced the lack of jobs, health services, education and security for gay and transgendered individuals (*The Miami Herald* 20 June 2006). Another gay pride march took place on 25 June 2005, during which the participating organizations denounced increased violence against homosexuals and workplace discrimination (AFP 25 June 2005). According to a representative of the Citizens Coordinated for Sexual Diversity (Coordinadora Ciudadana para la Diversidad Sexual, CCDS), many homosexual people lose their jobs due to their sexual orientation (ibid.). According to the International Gay and Lesbian Human Rights Commission (IGLHRC), the 5th gay pride march held in June 2004 attracted roughly 1,000 people (14 July 2004).

According to *Gaytimes*, Guatemala is characterized by "deep-rooted homophobia" and "state harassment of the [lesbian, gay, bisexual and transgendered] LGBT community" (n.d.). Human Rights Watch (HRW) states that it has received numerous reports of "acts of violence against and intimidation of transgender women, lesbians and gay men in Guatemala" (21 Feb. 2006b; HRW 21 Feb. 2006a).

Wholistic Sexuality Support Organization Against AIDS (Organización de Apoyo a una Sexualidad Integral frente al SIDA, OASIS) a Guatemalan gay rights organization, indicated to *The Miami Herald* that at least 17 transgendered individuals were killed in Guatemala between 2001 and 2006 (20 June 2006). In an article published by Gay.com, Amnesty International states that seven transgendered sex workers were murdered in 2005 (Gay.com 22 Dec. 2005).

A 18 June 2006 Europa Press (EP) article reports the violent death of a man of Honduran origin and injuries to four other men during a 17 June 2006 attack in Guatemala City. The Honduran man reportedly worked as the treasurer for a transsexual association dedicated to ending violence against homosexual sex trade workers (EP 18 June 2006). The same article reports that Juan Pablo Méndez Cartagena, a transsexual more commonly known as Paulina, was killed six months earlier under similar circumstances, according to Jorge López, OASIS Director (ibid.; HRW 21 Feb. 2006b).

In February 2006, Human Rights Watch (HRW) sent a letter to the Guatemalan president, Oscar Berger, asking the Guatemalan authorities to respond to the violent attacks against transgendered people (21 Feb. 2006a; 21 Feb. 2006b). The letter stated that Guatemalan police "have not done enough to protect lesbian, gay, bisexual and transgender people" (HRW 21 Feb. 2006a). In a HRW article, the gay-rights group OASIS, former employer of Paulina, declared that their office was under "undue police surveillance" and that Paulina's murder investigation was not progressing (21 Feb. 2006a).

Sources report that Paulina and Sulma, also transsexual, were shot in the head in December 2005 by four assailants on motorcycles (Gay.com 22 Dec. 2005; HRW 21 Feb. 2006b). A HRW article reports that witnesses had told OASIS that members of the National Civil Police were involved in the murder (ibid.; see also EP 18 June 2006). According to an article in *The Miami Herald*, the Guatemalan Human Rights Ombudsman stated that four policemen "may have been behind the murder" of Paulina (20 June 2006). No further information on the possible involvement of security forces in these killings could be found among the sources consulted by the Research Directorate.

A 7 July 2004 article on Xinhuanet reports the violent death of a transsexual who was known to be the leader of the Homosexual Movement of Guatemala (Movimiento Homosexual de Guatemala).

In an interview with *The Miami Herald*, the public investigator in charge of Paulina's murder investigation indicated that "some of the killings of [transgendered persons] probably are hate crimes" (20 June 2006).

According to sources consulted, homosexuality is legal in Guatemala (*Gaytimes* n.d.; Sodomy Laws of the World 2 June 2006). *Gaytimes* also states that, under the 1997 Code on Childhood and Youth, discrimination on the basis of sexual orientation is banned (*Gaytimes* n.d.).

PlanetOut indicates that gay and lesbian nightlife is concentrated in Guatemala City, primarily in the city centre (n.d.). *Gaytimes* indicates that "a surprisingly large gay scene" exists in Guatemala City, including various clubs and bars and the annual gay pride marches, which began in 2000 (n.d.).

The Guatemala daily newspaper *El Periódico* published an article on gay-friendly businesses or "pink businesses" (*negocios rosa*) indicating that, as of May 2005, there were five gay-friendly dance clubs, a spa and at least eight bars (22 May 2005). The Web site GayGuatemala.com lists other gay-friendly businesses, including a cinema, a sauna, two dance clubs, a café, a tourism service, an escort service, a sex shop and an internet café (n.d.).

Citizens Coordinated for Sexual Diversity (Coordinadora Ciudadana para la Diversidad Sexual, CCDS), a coalition of 10 non-governmental organizations (NGOs), is fighting for gay rights (AFP 25 June 2005).

The Queens of the Night Collective (Transreynas de la Noche) is a collective of members of the gay community who have denounced the [translation] "social cleansing policy" of the Guatemalan government against their community (AFP 1 June 2006; see also *Weekly News Update on the Americas* 25 June 2006). According to Jorge López, a member of the Collective, more than 35 transvestites have been murdered between 1997 and 2006 (AFP 1 June 2006). Agence France-Presse (AFP) also states that the Collective is the first organization to openly defend the rights of the gay community (ibid.).

In June and July 2004, the lesbian rights organization Lesbiradas and CCDS received a number of threats thought to be related to their work against discrimination (ILGHRC 14 July 2006). An incident occurred in which a man claimed he was visiting the organizations to donate material but ended up warning the activists about their work (ibid.). Threatening phone calls were also made to the office the two organizations share in Guatemala City (ibid.). CCDS had been involved in organizing the gay pride march and other gay public awareness activities that month (ibid.).

No information on police attitudes towards same-sex domestic violence and state protection available to victims was 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 additional sources consulted in researching this Information Request.

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#### Additional Sources Consulted

**Oral sources:** Citizens Coordinated for Sexual Diversity (Coordinadora Ciudadana para la Diversidad Sexual, CCDS), the Legal Action Center (Centro de Acción Legal en Derechos Humanos, CALDH) and the Human Rights Ombudsman of Guatemala did not respond within the time constraints of this Response.

**Internet sites, including:** Amnesty International Lesbian, Gay, Bisexual and Transgender Network; Factiva; Procurador de los Derechos Humanos de Guatemala; International Lesbian and Gay Association (ILGA); Rex Wockner; Sodomy Laws of the World; 365gay.

  
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