



RESPONSES TO INFORMATION REQUESTS (RIRs)

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

15 June 2007

MEX102518.E

Mexico: Situation and treatment of homosexuals (2006 - May 2007)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

A 2007 nationwide survey of 1,000 Mexican citizens examined the attitudes towards legal rights of homosexuals in Mexico (Consulta Mistofsky 2007). The Mexico City-based polling firm Consulta Mitofsky reports that while attitudes among Mexicans over 50 years of age remains generally negative, survey respondents who are 18 to 29 years old are much more tolerant of homosexuality (ibid.). In particular, when asked whether a homosexual couple should have the same rights as a heterosexual couple, almost 53 percent of respondents aged 18 to 29 years old agreed (ibid., 13). In contrast, only 35 percent of respondents over 50 agreed (ibid., 13). On the question of whether respondents would accept a homosexual man to live with them, the results were similar: almost 51 percent of 18 to 29 year olds said "yes" while almost 66 percent of respondents over 50 years of age said "no" (ibid., 4). Comparatively, approximately 52 percent of 18 to 29 year olds would accept a lesbian living in their house, while some 67 percent of 50 year olds would not (ibid., 5).

When asked whether homosexual men should be able to adopt children, however, a majority of respondents from all age groups disagreed with this suggestion (ibid., 15). On whether lesbians should be able to adopt children, just under 47 percent of 18 to 29 year old respondents agreed, but almost 69 percent of those over 50 years of age disagreed (ibid., 16).

The results of a November 2006 national survey of 1,200 Mexican adults demonstrated that overall, 26 percent of respondents would be in favour of a law that would allow same-sex couples to legally register their partnership and thereby obtain certain benefits and rights (Parametria Nov. 2006). The poll, conducted by the Mexico City-based firm Parametria, also found that 23 percent respondents agreed that having [translation] "same-sex legal unions is an important step toward achieving a society that respects individual freedoms" (ibid.).

Various news sources reported in early 2007 on a number of milestone events that bear witness to a growing tolerance of homosexuality in Mexico, as the examples in the next four paragraphs illustrate.

In January 2007, the state of Coahuila passed a law allowing same-sex couples to enter legally-recognized civil unions; the law grants, among other things, rights related to inheritance (*Austin American-Standard* 29 Jan. 2007; *The Dallas Morning News* 15 Mar. 2007; Copley News Service 5 Mar. 2007), property (ibid; *Austin American-Standard* 29 Jan. 2007) and pensions (ibid.). While a similar Federal District same-sex union law, which was to come into effect on 16 March 2007, is valid only in the Federal District, the Coahuila law reportedly covers the entire country, meaning that the state is obliged to protect a same-sex couple's rights "no matter where they live in the country" (Copley News Service 5 Mar. 2007).

Also in February 2007, the Federal District government "agreed to allow conjugal visits for homosexual prisoners" (*The Dallas Morning News* 15 Mar. 2007). However, the Mexico City-based *El Universal* reports that only homosexual prisoners who can provide valid documentary evidence of their relationship, which would be possible for couples registered under the newly passed civil union law, would be authorized to receive visits (19 Mar. 2007).

In March 2007, Christian Chavez, the popular 23-year-old Mexican singer of the band RBD, publicly revealed his homosexuality (*The Dallas Morning News* 15 Mar. 2007; BBC 5 Mar. 2007). Although he stated that he was previously reluctant to admit he was gay, fearing rejection, criticism and the effect it would have on his family, he decided to make the announcement when photos of his 2005 gay marriage in Canada were made public (ibid.). Chavez was reportedly being blackmailed in relation to the photos (*The Dallas Morning News* 15 Mar. 2007). According to a British Broadcasting Corporation (BBC) correspondent in Mexico City, "many applauded" Chavez for his decision to stand up to Mexico's "rigid, conformist, ways" (16 Mar. 2007).

News sources of 2007 note that some of these changes in Mexican attitudes and policy on homosexuality could be attributed to, among other things, political manoeuvring in a more plural electoral landscape (*Austin American-Statesman* 29 Jan. 2007; Copley News Service 5 Mar. 2007) and the "rapid growth of Mexican cities and the fading of rural traditions" (*Arizona Republic* 3 Apr. 2007). In particular, Copley News Service suggests that with "an estimated 10 million gays in Mexico, politicians suddenly are scrambling to meet the demands of a potentially powerful voting bloc" (Copley News Service 5 Mar. 2007). For example, in an unprecedented move, the traditional

party of power, the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) has discussed the inclusion of "gay rights provisions" in its national platform (ibid.).

According to the Mexico City-based organization Citizens' Commission Against Homophobic Hate Crimes (Comision Ciudadana Contra los Crimenes de Odio por Homofobia, CCCCOH), homophobic attacks resulting in homicides still occur in Mexico (*Letraese* 2004). The CCCCOH reports that there were 332 alleged homophobic murders in Mexico between 1995 and 2004 (ibid.). However, concerns over the CCCCOH's methodology have been noted by a representative of the Mexico City-based homosexual and AIDS advocacy group Colectivo Sol, an official working for the National Human Rights Commission (Comision Nacional de Derechos Humanos, CNDH), and the 2003 report *Sexual Orientation and Human Rights in the Americas* (Colectivo Sol 1 Dec. 2006; Mexico 31 Nov. 2006; Reding Dec. 2003). Mexican newspapers are the CCCCOH's primary source for documenting alleged homophobic murders (*Letraese* 2004). Also, the CCCCOH made the statistical assumption that for every alleged murder it documented using newspaper sources, there were three more that had not been recorded (ibid.). Using the base number of 332 alleged homophobic homicides tabulated from its news source analysis, the CCCCOH estimated that 996 homophobic murders took place in Mexico from 1995 to 2004 (ibid.). This estimated figure has been presented in various articles and published, for example, by the Mexico City-based newspaper *La Jornada* (16 May 2005) and the International Gay and Lesbian Association (ILGA) (24 Mar. 2005), as fact without including a full explanation of the CCCCOH's methodology. The CCCCOH also argues that the alleged homophobic murders are "executions," and that authorities have yet to demonstrate that they are not (*Letraese* 2004).

The CCCCOH defends this methodology by stating that authorities do not allow their organization access to information on criminal investigations that demonstrate characteristics of a homophobic killing (*Letraese* 2004). Andrew Reding, Senior Fellow of the World Policy Institute, Director of the Project for Global Democracy and Human Rights, and author of *Sexual Orientation and Human Rights in the Americas* corroborates this statement, noting that "Mexican Law restricts access to police files to those who have a material interest in the case, such as family members" (Dec. 2003, 4). This constraint, subsequently, is exacerbated by the tendency of victims' relatives to limit public disclosure of the case because of what the CCCCOH calls [translation] "social and cultural homophobia" (*Letraese* 2004). In particular, Reding claims that relatives of victims would be embarrassed if the sexual orientation of the victim were revealed (Dec. 2003, 4-5).

In January 2007, the murder of a "prominent local gay activist" in Matamoros, Tamaulipas in northern Mexico was reported by national and international news sources and raised further questions about police investigations into alleged homophobic crimes (MySA.com 18 Jan. 2007; Rex Wockner International 22 Jan. 2007; *La Cronica de Hoy* 22 Jan. 2007). According to the gay advocate news source Rex Wockner International, Jose Ernesto Leal Lopez "was killed just days after staging a press conference calling for the state of Tamaulipas, which borders Texas, to pass a same-sex partnership law similar to those passed in Mexico City and in the border state of Coahuila" (22 Jan. 2007). In addition, Leal Lopez had reportedly accused Matamoros police of arbitrarily arresting homosexuals on account of their sexual orientation (*La Cronica de Hoy* 22 Jan. 2007; Rex Wockner International 22 Jan. 2007). The state prosecutor is quoted as saying that the case "doesn't appear to be a robbery" because a large sum of money and valuables were found at the scene of the crime, and police believe the murder was a "crime of passion" (MySA.com 18 Jan. 2007). The police also report that "there were no signs of forced entry" into the victim's home (Rex Wockner International 22 Jan. 2007; see also *La Cronica de Hoy* 22 Jan. 2007). The openly gay federal congressman David Sanchez Camacho from Mexico City has reportedly visited Matamoros to follow up on Leal's murder investigation and to better understand the situation of homosexuals there (Rex Wockner International 22 Jan. 2007; *La Cronica de Hoy* 22 Jan. 2007). *La Cronica de Hoy* indicates that although municipal authorities claim that homophobia does not exist in Matamoros, Sanchez Camacho disagrees, stating that local residents he talked with claimed that many homosexuals are harassed and intimidated by police on patrol in certain areas of the city (ibid.).

According to news sources, discrimination against homosexuals persists in certain regions of Mexico (Copley News Service 5 Mar. 2007; Reuters 15 Nov. 2006). For example, according to an official with the Jalisco State Human Rights Commission (Comision Estatal de Derechos Humanos Jalisco, CEDHJ), employers justify discriminatory treatment at work and unfair dismissal using Article 47 of the Federal Labour Law (*Ley Federal del Trabajo*), which states that [translation] "immoral acts" committed by a worker at his or her workplace is sufficient cause for dismissal (Jalisco 19 May 2006). The CEDHJ official indicated that homosexual, bisexual and transgendered Mexicans are confronted with discrimination from colleagues at work and by society in general (ibid.). Members of these communities are subject to verbal, physical and psychological abuse and prejudice (ibid.; see also Reuters 15 Nov. 2006).

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

Arizona Republic. 3 April 2007. Chris Hawley. "Mexico Embracing Liberal Agenda."
<<http://www.azcentral.com/arizonarepublic/news/articles/0403liberalmexico0403.html>> [Accessed 20 Apr. 2007]

Austin American-Statesman [Austin, Texas]. 29 January 2007. Jeremy Schwartz. "In Mexico, an Unlikely Vanguard for Gay Union." (Factiva)

British Broadcasting Corporation (BBC). 16 March 2007. Duncan Kennedy. "Changing Times for Mexico's Gay Couples." <<http://news.bbc.co.uk/2/hi/americas/6457929.stm>> [Accessed 23 Mar. 2007]

_____. 5 March 2007. "Mexican Singer Breaks Gay Taboo." <<http://news.bbc.co.uk/2/hi/entertainment/6419069.stm>> [Accessed 23 Mar. 2007]

Colectivo Sol. 1 December 2006. Interview with representative in charge of the Centre for Information on and the Documentation of Homosexualities in Mexico.

Consulta Mitofsky [Mexico City]. 2007. *Encuesta: Mitos y realidades sobre la Homosexualidad*. <http://www.consulta.com.mx/interiores/12_mex_por_consulta/mxc_homosexualismo.html> [Accessed 23 Mar. 2007]

Copley News Service [San Diego]. 5 March 2007. S. Lynne Walker. "New Law Propels Gay Rights in Mexico." <<http://www.signonsandiego.com/news/mexico/20070305-9999-1n5gaylaw.html>> [Accessed 23 Mar. 2007]

La Cronica de Hoy [Mexico City]. 22 January 2007. Alejandro Velazquez Cervantes. "Exigen aclarar homicidio de lider de comunidad gay en Matamoros." <http://www.cronica.com.mx/nota.php?id_notas=281922#> [Accessed 13 Mar. 2007]

The Dallas Morning News. 15 March 2007. Laurence Iliff. "Civil Union Law Celebrated in Mexico City." <<http://www.dallasnews.com/sharedcontent/dws/news/world/stories/031607dnintgayunions.17d03e24.html>> [Accessed 23 Mar. 2007]

International Lesbian and Gay Association (ILGA). 24 March 2005. "Asesinan a homosexuales y transexuales en Mexico." <http://www.ilga.org/news_results.asp?LanguageID=2&FileCategory=21&FileID=512> [Accessed 14 June 2007]

Jalisco. 19 May 2006. Comision Estatal de Derechos Humanos Jalisco (CEDHJ). Correspondence from an official.

La Jornada [Mexico City]. 16 May 2005. Carolina Gomez Mena. "En nueve años hubo cerca de 900 asesinatos por homofobia: ONG." <<http://www.jornada.unam.mx/2005/05/16/038n1soc.php>> [Accessed 24 Apr. 2007]

Letraese [Mexico City]. 2004. *Reporte anual de crímenes de odio por homofobia*. <<http://www.letraese.org.mx/contracrímenes.htm>> [Accessed 13 Nov. 2006]

Mexico. 30 November 2006. Comision Nacional de los Derechos Humanos (CNDH). Interview with the Director of the HIV/AIDS and Human Rights Program.

MySanAntonio.com (MySA.com). 18 January 2007. Jesse Bogan. "Police Say Gay Activist's Slaying was Fueled by Passion, not Hate." <http://www.mysanantonio.com/global-includes/printstory.jsp?path=/news/mexico/stories/MYSA011907.15A.suspicious_death.16b88f4.html> [Accessed 19 Apr. 2007]

Parametria [Mexico City]. November 2006. "Rechazo a la legalizacion de parejas homosexuales." <http://www.parametria.com.mx/escartaprint.php?id_carta=173> [Accessed 23 Apr. 2007]

Reding, Andrew. December 2003. *Sexual Orientation and Human Rights in the Americas*. <<http://www.worldpolicy.org/globalrights/sexorient/2003-LGBT-Americas.pdf>> [Accessed 20 Apr. 2007]

Reuters. 15 November 2006. Gunther Hamm. "Despite Legal Win, Mexico Gays Face Discrimination." (Factiva)

Rex Wockner International. 22 January 2007. Rex Wockner. "Mexican Gay Leader Murdered." (Asylumlaw.org) <http://www.asylumlaw.org/docs/sexualminorities/MexicoRex2_012207.pdf> [Accessed 23 Apr. 2007]

El Universal [Mexico City]. 19 March 2007. Alejandra Martinez. "Permitiran Visita Intima a Presos 'Gay'." <http://www.eluniversal.com.mx/ciudad/vi_83188.html> [Accessed 23 Apr. 2007]

Additional Sources Consulted

Internet sites, including: Amnesty International (AI), Freedom House, Human Rights Watch (HRW), International Gay and Lesbian Human Rights Commission (IGLHRC), International Lesbian and Gay Association (ILGA), World News Connection (WNC/Dialog).

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.

