

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.

13 September 2012

MEX104172.E

Mexico: Reports of sexual abuse committed by police officers against sexual minorities
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Reports of Sexual Abuse

Media sources report that in July 2012, in Tlapa, state of Guerrero, the Director of the Municipal Police and five police officers detained two homosexual boys and forced them to kiss and engage in sexual acts with each other in front of detainees and police officers, and photographed them for a local media source (*Reforma* 27 July 2012; *El Universal* 28 July 2012). *El Universal*, a national newspaper, reports that the boys were detained for urinating on the street (ibid.). While *El Universal* states that the mayor of Tlapa suspended the Director of the Municipal Police and the five police officers [translation] "for a few days" (ibid.), *Reforma*, a Mexico City-based newspaper, indicates that they were temporarily suspended and an investigation is pending (*Reforma* 27 July 2012).

Media sources report on police sexual abuse of LGBT people in Durango (*La Jornada* 10 Nov. 2009; *El Universal* 18 Feb. 2011). *El Universal* indicates that, according to the leader of an organization for gays and lesbians, LGBT people in Durango City are routinely stopped by police, detained, and subjected to verbal and physical assault (ibid.). The same source reports that in January and February 2011, there were 20 reports of sexual abuse of homosexuals in Durango City while they were being transferred to the Ministry of Public Security by police officers, and that in 2010, there were 60 similar cases (ibid.). The newspaper also reports that the leader of the gay and lesbian organization stated that this type of sexual abuse also occurs in other municipalities, including in Gómez Palacio and Lerdo, in the state of Durango (ibid.). The national newspaper *La Jornada* reports that this leader indicated that when police see homosexuals on the street, they assume that they are sex workers and request sexual acts or money in exchange for not imprisoning them (10 Nov. 2009). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a telephone interview with the Research Directorate, a representative of Diversities Cohesion for Sustainability (Cohesión de Diversidades para la Sustentabilidad, CODISE), a civil association which works on improving the health and education of sexual minorities and vulnerable groups in the states of Jalisco and Nayarit (CODISE n.d.), stated that police in Tonalà, in the state of Jalisco, ordered two lesbians to remove their clothes, videotaped them, and uploaded the video on YouTube (ibid. 15 Aug. 2012). He added that these police officers were not punished, but rather were told to attend a training session that CODISE conducted for them (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A shadow report on violations of the rights of LGBT people in Mexico by Global Rights, the International Gay and Lesbian Human Rights Commission, the International Human Rights Clinic at Harvard Law School and Colectivo Binni Laanu A.C. which was submitted to the UN Human Rights Committee, indicates that transgendered, transsexual and "transvesti" sex workers are "particularly vulnerable to abuse and extortion on the part of state officials and other individuals" (Mar. 2010, 15). According to the CODISE representative, transsexuals have reported being sexually abused by police officers (15 Aug. 2012).

2. Reporting

Media sources indicate that LGBT people do not usually report sexual abuse by police out of fear (*El Universal* 18 Feb. 2011; *La Jornada* 10 Nov. 2009). The CODISE representative similarly stated that [translation] "very few"

cases of sexual abuse of LGBT people by the police are reported for many reasons, including:

- staff at human rights commissions tend to be homophobic. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response;
- families of LGBT people are often threatened;
- the police threaten to disclose the secret of the LGBT person's sexual orientation to their families;
- in some states, such as Jalisco, there are no laws that penalize discrimination and abuses against sexual minorities (15 Aug. 2012).

A report on homophobia sent to the Research Directorate by the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) of Mexico specifies that discrimination based on sexual orientation is considered to be a crime in the penal codes of Aguascalientes, Chiapas, Chihuahua, Coahuila, Colima, the Federal District, Durango, Tlaxcala, Veracruz, and Quintana Roo (Mexico 17 May 2010).

3. Other Police Abuses against LGBT People

According to a 2010 study conducted by the National Council for the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación), which surveyed 52,095 people across Mexico, including vulnerable populations such as sexual minorities, 42.8 percent of LGBT people interviewed indicated that police are [translation] "intolerant" of sexual minorities, which is the highest percentage listed from the study when compared to friends, family, health service providers, media, neighbours, federal and state governments, and the church (Mexico 2011, 15, 16, 47, 50).

Several sources report on police abuses against sexual minorities, including: extortion (Global Rights et. al. Mar. 2010, 11, 12; *Milenio* 13 Mar. 2012; *Puebla Online* 14 May 2009), arbitrary detention (Global Rights et. al. Mar. 2010, 11; *Milenio* 14 June 2012; *La Jornada* 10 Mar. 2011; *NotieSe* 27 July 2009), beatings (Global Rights et. al. Mar. 2010, 12) and "torture" (AI 8 Dec. 2010; OMCT 10 Dec. 2010).

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.

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Additional Sources Consulted

Oral sources: Attempts to contact representatives from the following organizations were unsuccessful within the time constraints of this Response: Agenda LGBT; El Clóset de Sor Juana; Colega O.A.C.; Comisión de Derechos Humanos del Distrito Federal; Comisión Estatal de Derechos Humanos Jalisco; Comisión Nacional de Diversidad Sexual del Partido de la Revolución Democrática; Consejo para Prevenir y Eliminar la Discriminación de la Ciudad de México; Instituto de Acceso a la Información Pública y Protección de Datos Personales del Distrito Federal; Letra S; Liga Mexicana por la Defensa de los Derechos Humanos; Mexico – Comisión Nacional de Derechos Humanos, Consejo para Prevenir y Eliminar la Discriminación, Secretaría de Seguridad Pública; Policía Auxiliar del Distrito Federal; Procuraduría General de Justicia del Distrito Federal; Procuraduría Social del Distrito Federal, as well as a human rights lawyer and a professor at El Colegio de México.

Internet sites, including: Agenda LGBT; Al Jazeera; Comisión Estatal de Derechos Humanos Jalisco; ecoi.net; Factiva; Freedom House; GayGDL.com; Human Rights Watch; International Crisis Group; International Gay and Lesbian Human Rights Commission; International Lesbian, Gay, Bisexual, Trans and Intersex Association; La Nota México; Mexico – Comisión Nacional de Derechos Humanos; Pink News; Red Nacional de Organismos Civiles de Derechos Humanos; United Nations – Integrated Regional Information Networks, Human Rights Committee, Refworld; United States – Department of State; University of Toronto – Faculty of Law International Human Rights Program.

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