

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.

17 September 2012

MEX104173.E

Mexico: Situation of sexual minorities in Mexico City, Guadalajara (Jalisco) and Puerto Vallarta (Jalisco); whether there are support or advocacy groups acting on their behalf (2009 - August 2012)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Situation of Sexual Minorities in Mexico City

1.1 Legal Rights

The law to prevent and eliminate discrimination in the Federal District (Ley para Prevenir y Eliminar la Discriminación en el Distrito Federal) prohibits any form of discrimination against individuals, groups and communities, including discrimination based on [translation] "sexual orientation or preference" (Federal District 2011). Information on the effectiveness of this legislation could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Same-sex marriages were legalized in Mexico City in December 2009, and the law took effect in March 2010 (ILGA n.d.; BBC 4 Mar. 2010). For more information on Mexico City's same-sex marriage and adoption rights, refer to MEX103798.E (1 September 2011).

In correspondence with the Research Directorate, the General Coordinator of Strategic Partnerships of the Federal District Human Rights Commission (Comisión de Derechos Humanos del Distrito Federal, CDHDF) stated that, despite legislative advancements for sexual minorities in the Federal District, [translation] "discriminatory conduct" and violence against sexual minorities still exist (Federal District 9 Aug. 2012). The CDHDF receives and investigates complaints of human rights violations committed by government authorities from anyone residing or passing through the Federal District, and writes non-binding public recommendations to the authorities responsible, as well as conciliatory proposals for the parties implicated (*ibid.* n.d).

1.2 Treatment of Sexual Minorities by State Authorities in Mexico City

According to Inter Press Service (IPS), a representative of the CDHDF indicated that there is a "culture of homophobia within the Federal District government apparatus" (10 Apr. 2012). The CDHDF general coordinator of strategic partnerships stated that from January 2011 to July 2012, the CDHDF has received 57 complaints of human rights violations from sexual minorities, which contain references to 101 human rights violations (Federal District 9 Aug. 2012). He added that these statistics are not precise, as people who submit complaints to the CDHDF are not obliged to identify as belonging to a sexual minority group (*ibid.*). The CDHDF general coordinator of strategic partnerships provided the following statistics of complaints submitted by sexual minorities in 2011 and up to July 2012:

Rights Violated	2011	Jan. - July 2012
Right to legal equality and non-discrimination	18	8
Rights of persons deprived of their liberty	8	13
Right to health	6	6

Sexual and reproductive rights	7	4
Right to honour and dignity	6	2
Right of the victim or the offended person	3	4
Right to legal protection	2	4
Right to personal integrity	3	2
Right to personal liberty and protection	0	2
Right to due process and fair trial	1	1
Right of assembly	0	1
(ibid.)		

The CDHDF general coordinator of strategic partnerships also stated that the authorities responsible for the listed human rights violations were:

- the Ministry of the Interior (Secretaría de Gobierno), mainly the Deputy Office of the Prison System (Subsecretaría del Sistema Penitenciario) in 25 cases;
- the Ministry of Public Security (Secretaría de Seguridad Pública) in 12 cases;
- the Ministry of Health (Secretaría de Salud) in 9 cases;
- the Office of the Attorney General (Procuraduría General de Justicia) in 8 cases;
- the Ministry of Transportation and Highways (Secretaría de Transportes y Vialidad) in 4 cases;
- the High Court (Tribunal Superior de Justicia) in 3 cases;
- the Ministry of Social Development (Secretaría de Desarrollo Social) in 1 case;
- Federal District administrative divisions (Delegaciones del Distrito Federal) in 1 case;
- Council of Juridical Affairs and Legal Services (Consejería jurídica y de Servicios Legales) in 1 case (ibid.).

In a March 2012 CDHDF report outlining complaints of human rights violations received by the organization between January 2010 and December 2011, the CDHDF indicates that the type of discrimination identified in complaints include physical, psychological and sexual violence, workplace harassment, the denial of services, segregation, and death threats (Federal District Mar. 2012, 35, 36). The CDHDF adds that discrimination in employment includes not being hired, workplace harassment, teasing, intimidation and extortion (ibid., 54, 57, 58)

1.3 Societal Attitudes towards Sexual Minorities in Mexico City

According to a March 2012 CDHDF report, sexual minorities still face prejudice and social stigma which result in exclusion and discrimination (ibid., 14). A study conducted in 2010 by the National Council for the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación, CONAPRED), which surveyed 52,095 people across Mexico (Mexico 2011a, 15), indicates that in Mexico City, 43.3 percent of people surveyed state that they would not allow a homosexual to live in their homes, while 38.8 percent indicated that they would not allow a lesbian to live in their homes (Mexico 2011b, 109, 110).

Sources report on the death of two individuals in Mexico City that were part of the LGBT community (US 24 May 2012, 30; Pink News 3 July 2012). On 30 June 2012, a member of the National Lesbian and Gay Journalists Association (AP 3 July 2012; Pink News 3 July 2012), who was reportedly "openly gay" (ibid.), was found dead in the elevator of his apartment building in Mexico City's Condesa neighbourhood, and the police are investigating his death (ibid.; AP 3 July 2012). On 23 July 2011, a member of the Revolutionary Democratic Party's Coordinating Group for Sexual Diversity was stabbed to death in his Mexico City home (NotieSe 5 Aug. 2011; US 24 May 2012, 30). The US Department of State's *Country Reports on Human Rights Practices for 2011* adds that he was also an organizer of Mexico City's annual LGBT pride parade (ibid.).

1.4 Support Services Available in Mexico City

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 that works on improving the health and education of sexual minorities and vulnerable groups in the states of Jalisco and Nayarit (CODISE n.d.), indicated that [translation] "only three or four organizations" across Mexico offer support services to sexual minorities on LGBT rights and receive complaints from sexual minorities; other organizations focus on HIV or psychological services (CODISE 15 Aug. 2012).

Agenda LGBT is an organization that aims to achieve equality in the human rights of LGBT people (Agenda LGBT n.d.a) through activities such as: self-esteem workshops for LGBT people, LGBT sensitization workshops for the public, campaigns against homophobia, participation in forums to promote human rights of LGBT people, and

providing legal assistance in cases of discrimination or human rights violations (ibid. n.d.b).

The CDHDF annual report for 2009 indicates that a Federal District Human Rights Program (Programa de derechos humanos del Distrito Federal, PDHDF) was created on 25 August 2009 (Federal District Mar. 2010, 450). The program is composed of representatives from public institutions, civil society organizations, international organizations, academic institutions, diplomatic missions, and other interested parties was created (ibid.). The CDHDF states that the PDHDF plans and coordinates the addition of a human rights perspective in public institutions in the Federal District (ibid., 451), and aims to assist LGBT people by taking actions such as promoting employment opportunities, creating a protocol to address hate crimes, and addressing violence against the LGBT community (Federal District Mar. 2012, 30). A March 2012 CDHDF report states that the work of the PDHDF has not resulted in public policies that create [translation] "safe zones" for sexual minorities (Federal District Mar. 2012, 14). Further information on the program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. The State of Jalisco

2.1 Legal Rights

In August 2010, the Supreme Court ruled that same-sex marriages that took place in Mexico City must be recognized throughout Mexico (ILGA n.d.; Human Rights Watch 16 Aug. 2010). However, *El Informador*, a Guadalajara-based newspaper, reports that the law in Jalisco does not recognize same-sex marriages (*El Informador* 16 May 2012). According to Aguasdigital, the online edition of Aguascalientes newspaper entitled "Aguas" (Aguasdigital n.d.), the state of Jalisco stated that same-sex marriage is against Jalisco state legislation (ibid. 16 Feb. 2010). Media sources indicate that the state of Jalisco brought forward a legal case opposing same-sex marriage and adoption to the Supreme Court which [translation] "rejected" the case and ruled that states cannot challenge laws in different legislative entities (*Milenio* 23 Jan. 2012; *El Informador* 23 Jan. 2012).

Sources indicate that the state of Jalisco does not have a law for discrimination against sexual minorities (*El Informador* 16 May 2012; Lozano 17 May 2011). The CODISE representative indicated that in Jalisco, there is no law against firing employees based on their sexual orientation or gender identity (15 Aug. 2012).

2.2 Treatment of Sexual Minorities by State Authorities in Jalisco

According to EFE News Services, a June 2011 gay rights march that took place in Guadalajara was reportedly organized in part to demand that the Jalisco governor's administration end its "homophobia" (EFE News Service 12 June 2011). Sources also report that complaints of discrimination against sexual minorities were made against the Jalisco state government (CODISE 15 Aug. 2012; *El Informador* 16 May 2012), including 39 to the State of Jalisco Human Rights Commission (Comisión Estatal de Derechos Humanos Jalisco) based on remarks [translation] "against human dignity" made by a councillor in July 2010 (ibid.). According to *El Universal*, in 2010, the Jalisco state government sponsored a keynote address by the author of a book about how to [translation] "cure" homosexuality that took place in Guadalajara (23 Nov. 2010).

The CODISE representative indicated that the government of Jalisco [translation] "does not protect sexual minorities" (15 Aug. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 Treatment of Sexual Minorities by Society and Authorities in Guadalajara

According to the CODISE representative, [translation] "there is no discrimination" against sexual minorities in the centre of Guadalajara, and LGBT people are able to show affection to each other in the centre without being bothered by authorities (CODISE 15 Aug. 2012). However, the CODISE representative indicated that if sexual minorities express affection, such as holding hands or hugging, outside of the centre of Guadalajara, [translation] "they encounter problems" (ibid.). CODISE has received several reports of discrimination against LGBT people outside of the main centre area of Guadalajara, such as LGBT people being victims of threats and violence, as well as being told that they have to leave public places such as plazas, cinemas and restaurants (ibid.). The CODISE representative stated that a transsexual person was physically abused by a police officer in a Guadalajara bar for looking different (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the 2010 CONAPRED study, 37.1 percent of people surveyed in Guadalajara stated that they would not allow a homosexual to live in their homes, while 37.9 percent indicated that they would not allow a lesbian to live in their homes (Mexico 2011, 109, 110).

Sources indicate that an [translation] "anti-gay" march, reportedly attended by Catholics (Animal Político 15 May 2011), took place in Guadalajara in May 2011 (ibid.; Lozano 17 May 2011; *Milenio* 18 May 2011). Sources vary on the number of people who attended the march, ranging from "not a very large group" (Lozano 17 May 2011), to 5,000 people to 15,000 people (Animal Político 15 May 2011). Sources report that during another protest in Guadalajara in August 2010, Catholics and gay rights activists "clashed" and shouted at each other (*El Informador* 22

Aug. 2010; Pink News 23 Aug. 2010). Pink News indicates that the protest occurred after the Catholic Cardinal of Guadalajara made remarks against Mexico City's same-sex marriage and adoption law (ibid.).

Sources report that the Catholic Cardinal of Guadalajara accused the Federal District Governor of bribing the Supreme Court into upholding the same sex marriage law (*El Norte* 24 Aug. 2010; Pink News 23 Aug. 2010). CONAPRED reportedly labelled comments made by the Cardinal on same-sex marriage as [translation] "discriminatory acts" (*El Universal* 23 Sept. 2010).

El Informador reports that LGBT people in Guadalajara face violence and indicates that in August 2011, a transsexual sex worker was killed and the Attorney General of Guadalajara classified the murder as a "crime of passion," even though the victim's friends indicated that the way she was killed implied a hate crime (16 May 2012).

2.4 Treatment of Sexual Minorities by Society and Authorities in Puerto Vallarta

Sources indicate that Puerto Vallarta is known for LGBT tourism (*El Universal* 5 Aug. 2012; ANODIS 10 Feb. 2011). The CODISE representative stated that Puerto Vallarta is considered to be [translation] "gay-friendly" and has a large gay community (CODISE 15 Aug. 2012). He also said that a municipal law which penalized public displays of affection between same-sex people was removed in 2010 (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

However, according to sources, sexual minorities face violence in Puerto Vallarta (ANODIS 10 Feb. 2011; CODISE 15 Aug. 2012). The CODISE representative stated that discrimination against LGBT individuals targets [translation] "the Mexican population," not LGBT tourists (ibid.). In addition, the representative noted that extortion of LGBT individuals is [translation] "common," adding that there is "very little" reporting of discrimination and abuse by LGBT individuals (ibid.).

Agencia de Noticias Sobre la Diversidad Sexual (ANODIS), a Mexican internet news agency informing readers about issues related to sexual diversity (ANODIS n.d.), reports that the Puerto Vallarta municipal police physically assaulted a gay man in January 2011, including kicking him in his stomach and genitals (ibid. 10 Feb. 2011). ANODIS also indicates that the gay man was forced to make a false statement denying that he was abused in order to be released from jail (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.5 Support Services Available in Guadalajara and Puerto Vallarta

According to the CODISE representative, CODISE is the only organization offering support services to sexual minorities in Guadalajara and Puerto Vallarta (15 Aug. 2012). The CODISE representative stated that, due to [translation] "many" reports of discrimination against sexual minorities in Guadalajara in 2011, CODISE began implementing a project to give sensitization workshops to employees working outside of the main centre of Guadalajara, in places such as cinemas (15 Aug. 2012).

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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Oral sources: Attempts to contact the following sources were unsuccessful within the time constraints of this Response: Agenda LGBT; El Clóset de Sor Juana; Colega O.A.C.; 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: Al Jazeera; Amnesty International; Comisión Estatal de Derechos Humanos Jalisco; ecoi.net; Factiva; Freedom House; GayGDL.com; *The Huffington Post*; International Crisis Group; International Gay and Lesbian Human Rights Commission; International Lesbian, Gay, Bisexual, Trans and Intersex Association; La Nota México; LGBT Asylum News; Mexico – Comisión Nacional de Derechos Humanos; Red Nacional de Organismos Civiles de Derechos Humanos; United Nations – Integrated Regional Information Networks, Human Rights Committee, Refworld; University of Guadalajara; University of Toronto – Faculty of Law International Human Rights Program.

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