



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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### PER103442.FE

Peru: The situation of homosexual men and women, including protection available to victims of ill treatment

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An article published on the Andean Air Mail & Peruvian Times news website indicates that in Peru, homosexuality is "perceived as inherently flawed and often as an illness" (15 May 2009). In correspondence sent to the Research Directorate in March 2010, a representative of the Runa Institute for Gender Development and Research (Instituto Runa de Desarrollo y Estudios sobre Género), a private organization that promotes the integral development of Peruvian society (Instituto Runa n.d.), explained that a person who displays [translation] "an abnormal [sexual orientation] exposes him- or herself to dangerous situations and loss of social consideration." A report drafted jointly by the Peruvian Network of Lesbians, Gays, Bisexuals and Transgenders (Red Peruana trans, lesbianas, gays y bisexuales) and the Centre for Promoting and Defending Sexual and Reproductive Rights (Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos, PROMSEX) indicates that, in 2008, acts of violence were committed by the Peruvian National Police (Policía Nacional del Perú, PNP) and by members of various communities in different regions of the country, which [translation] "demonstrates that discrimination and prejudice against [lesbian, gay, bisexual and transsexual/transgender people] LGBTs are rooted in cultural practices" (2009, 88).

Although homosexuality is legal in Peru (ILGA May 2009, 48), *Country Reports on Human Rights Practices for 2008*, published by the United States (US) Department of State, indicates that homosexuals "faced extensive discrimination and harassment" (US 25 Feb. 2009, Sec. 5). One source cited data provided by the Homosexual Movement of Lima (Movimiento Homosexual de Lima, MHOL), indicating that six people were killed in Lima because of their sexual orientation in the months of May and June 2009 (*La República* 12 July 2009). Another source, citing the same data, indicates that 40 homosexuals were killed during the months of April, May and June 2009 (*Universo Gay* 15 July 2009).

According to a publication from the International Gay and Lesbian Human Rights Commission (IGLHRC), Law 29356 was adopted on 12 May 2009, establishing a new disciplinary code for the PNP (27 May 2009). The law provides for the immediate and indefinite suspension (*Andean Air Mail & Peruvian Times* 15 May 2009) or discharge of police officers who have homosexual relations (IGLHRC 27 May 2009).

However, an article published by the Lima daily newspaper, *La República*,

noted that the Constitutional Tribunal (Tribunal Constitucional) rejected [translation] “the intolerance and homophobia that permeates the internal regulations of the police and armed forces” (10 Dec. 2009). The tribunal reiterated that being a homosexual should not prevent anyone from having a police or military career in Peru and that [translation] “sexual orientation cannot be a prerequisite or condition for determining a person’s abilities or aptitude” (*La República* 10 Dec. 2009).

### **Protection available to victims**

According to the Representative from the Runa Institute, there are no policies to protect homosexual victims of violence (Instituto Runa 15 Mar. 2010). According to *Country Reports for 2009*, there is no law prohibiting discrimination based on sexual orientation (US 11 Mar. 2010, Sec. 6).

An article published by Universo Gay, a Spanish portal for LGBT people (n.d.), indicates that the representatives of the Peruvian LGBT collective (colectivo de lesbianas, gays, transexuales y bisexuales de Perú) have denounced [translation] “the government’s indifference” toward their rights and demanded that a law be implemented to prevent, punish and eliminate discrimination and violence based on sexual orientation and gender identity (Universo Gay 15 July 2009). They also demanded that cases of violence based on sexual orientation, race or religion be recognized in the penal code (código penal) as [translation] “hate crimes” (ibid.; see also *La República* 12 July 2009). An article posted on 14 December 2009 on the website of the Peruvian Network of LGBT indicates that a bill that defines hate crimes as including crimes based on sexual orientation and gender identity and that specifies punishment, was presented to the Justice and Human Rights Commission (Comisión de Justicia y Derechos Humanos) of the Congress of the Republic (Congreso de la República) by a member of parliament from the Parliamentary Alliance (Alianza Parlamentaria). According to an article in *La República*, one of the MHOL’s objectives is to have the country’s government adopt a law on equality and non-discrimination (*Ley de Igualdad y No discriminación*) that guarantees LGBT people the same rights as all Peruvian citizens (12 July 2009). Additional information on the bill could not be found among the sources consulted by the Research Directorate.

The Representative from the Runa Institute stated that many regulations towards eliminating discrimination have been implemented in various regions of the country (Instituto Runa Mar. 2010; Raíz 2.0 Feb. 2010, 4): the by-laws of certain municipalities in the Jesús Nazareno district and the provinces of Huamanga, Sullana, Chanchamayo and El Callao prohibit discrimination based on sexual orientation (Instituto Runa Mar. 2010). In addition, the regional governments of Abancay and Loreto have reportedly approved regulations prohibiting discrimination based on sexual orientation and gender identity (ibid.).

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:** Representatives of the Raíz Diversidad Sexual, the Defensoría del Pueblo, of the Asociación Ángel Azul, the Grupo de Mujeres Diversas and the Colectivo Uniones Perú could not provide information within the time constraints for this Response.

**Internet sites, including:** Amnesty International (AI), Diario de Lima Gay, Gay.com, GayPeru.com, Movimiento Homosexual de Lima (MHOL), Peruesgay.com, SerGayenelPeru.com.

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