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11 July 2008

SLV102872.E

El Salvador: Situation of homosexuals, including societal attitudes and availability of state protection and support services
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Legislation

Sexual relations between same-sex partners are legal in El Salvador (ILGA May 2008, 45; Sodomy Laws 24 Nov. 2007).

In April 2006, the Christian Democratic Party (Partido Demócrata Cristiano, PDC) led by Rodolfo Parker proposed a constitutional amendment that would outlaw marriage between same-sex couples, as well as prohibit them from adopting children (AFP 24 Apr. 2006; NOTIMEX 25 Apr. 2006). The motion was supported by Salvadorian President Elías Antonio Saca and his ruling Nationalist Republican Alliance (Alianza Republicana Nacionalista, ARENA) (AFP 24 Apr. 2006; NOTIMEX 25 Apr. 2006). El Salvador's Catholic church, led by Archbishop Fernando Sáenz Lacalle, has also publicly endorsed the measure (*El Diario de Hoy* 25 Apr. 2006) and has lent support to a nationwide petition in favour of the amendment (NOTIMEX 25 June 2006; AFP 25 June 2006; see also AI 7 Aug. 2006). While the amendment was supported by most parties present in the legislature (AFP 25 June 2006), the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional, FMLN), whose votes were necessary in order for the motion to pass, did not support the proposed constitutional amendment (*ibid.*; *ibid.* 12 June 2006). In May 2007, Agence France-Presse (AFP) reported that the amendment was approved in April 2006 but not ratified (18 May 2007). More recent information as to whether or not the motion was eventually ratified could not be found among the sources consulted by the Research Directorate.

In May 2007, media sources reported that the FMLN was the only party in the legislature to support the creation of a national day against discrimination based on sexual orientation (AFP 18 May 2007; *El Diario de Hoy* 20 May 2007).

State protection

According to Amnesty International (AI), "LGBT [lesbian, gay, bisexual and transgender] people in El Salvador regularly face attacks and intimidation" (AI 7 Aug. 2006). AI indicates that between 2001 and 2006, the offices of the Entre Amigos Association, a Salvadorian gay advocacy group, were raided seven times and that all raids were reported to authorities but none resulted in prosecution

(ibid.). Despite the presence of police protection at the Entre Amigos office, at least one member has reported being threatened at gunpoint (ibid.; *The Independent* 22 Mar. 2007; *The Guardian* 22 Mar. 2007).

According to William Hernández, head of Entre Amigos, as many as 45 gay or bisexual Salvadorian men were killed between 1998 and 2006 because of their sexual orientation (ibid.; *Gay City News* 7 Dec. 2006). Hernández, who believes that transgender persons are particularly vulnerable (ibid.), told the New York-based *Gay City News* that it is very difficult to file a report with the police since complaints by homosexuals are often ignored (ibid.; *The Independent* 22 Mar. 2007). For instance, Hernández offered details of a situation where Entre Amigos helped three transgender youth who had reportedly been assaulted by three police officers take their case to the national prosecutor's office after their initial complaints to the police were rebuffed (ibid.; *Gay City News* 7 Dec. 2006).

Gay City News quotes a gay Amnesty International activist who works with LGBT people in Central America as saying that gangs pose a threat because as part of their initiation, some prospective members target gay people since they believe that the police will not investigate such murders (ibid.). Hernández repeated these allegations (*Independent* 22 Mar. 2007), although these allegations could not be corroborated by the Research Directorate.

Societal treatment

According to *Country Reports on Human Rights Practices for 2007*, discrimination on the basis of sexual orientation contravenes Salvadorian law, but is "widespread" in practice (US 11 Mar. 2008, Sec. 5). In 2003, a report published by the World Policy Institute, an independent New York-based think tank (World Policy Institute n.d.), indicated that "societal prejudice against sexual minorities runs very strong, endangering the safety of anyone known to be homosexual" (Reding 2003, 46). *Country Reports 2007* also notes that "[t]here were reports of violence and discrimination by public and private actors ... against homosexual, lesbian, and transgender persons, including denial of legal registration for homosexual rights advocacy groups" (US 11 Mar. 2008, Sec. 5).

A May 2006 survey of 1,500 Salvadorians found that 80 percent of respondents were [translation] "against or strongly against" same-sex marriage, while 14 percent were in favour (AFP 12 June 2006; *La Prensa Gráfica* 12 June 2006).

In an article on the gay community in El Salvador, *Gay City News* quotes William Hernández, as saying that El Salvador's Catholic Archbishop "constantly refers to gay people as 'sick' and 'perverted'," a sentiment which, according to Hernández, is echoed by some other leading Salvadorian Catholic and Protestant organizations (7 Dec. 2006).

The Swiss daily *Le Matin* reports that in June 2006, a group of homosexuals took to the streets to protest anti-gay discrimination (26 June 2006). A similar march in San Salvador, involving 40 participants, was reported by *La Prensa Gráfica* on 15 May 2008; police noted that the protest occurred without incident.

Gay venues

In addition to its advocacy work, in which it publicizes abuse against

members of the LGBT community and instances of inadequate official response, Entre Amigos offers sex education classes to members of the LGBT community as well as to other members of the public (AI 7 Aug. 2006).

According to the website GayElSalvador.com, there are a number of gay venues in San Salvador, including four bars, four discotheques, two restaurants and three bathhouses (n.d.).

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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Oral source: Entre Amigos could not respond to requests for information within the time constraints of this Response.

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