

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.

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Honduras: Treatment of sexual minorities, including legislation; state protection and support services available (2012–November 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

According to the US Department of State's *Country Reports on Human Rights Practices for 2012*, social discrimination against lesbian, gay, bisexual and transgender (LGBT) persons in Honduras is "widespread" (US 19 Apr. 2013, 19). In correspondence with the Research Directorate, the coordinator of the Honduras LGTB Rainbow Association (Asociación LGTB Arcoiris), a Tegucigalpa-based LGBT rights organization (Frontline Defenders 4 Sept. 2013), similarly noted that discrimination against LGBT persons prevails in Honduras (Asociación LGTB Arcoiris 2 Nov. 2013). GlobalGayz, a "gay-owned" website that provides information about LGBT issues, including travel, culture, religion and human rights, in different countries (GlobalGayz n.d.a), reports that homophobia in Honduras remains "high" (ibid. n.d.b).

The coordinator of the LGTB Rainbow Association indicated that LGBT persons have been the "victims of discrimination" and violence committed by investigation officers of the national police, municipal police, armed forces of Honduras, as well as by family members [of LGBT individuals], schools, clients [in the sex industry] and unknown assailants (Asociación LGTB Arcoiris 2 Nov. 2013). A 2012 report of the National Human Rights Commissioner (Comisionado Nacional de los Derechos Humanos, CONADEH) similarly notes that the main [translation] "attackers" and "violators" of LGBT rights are members of the national and municipal police, security guards, family members and unknown persons (CONADEH 2012). In an interview with *Miami Herald*, a gay activist stated that "when [LGBT persons] walk the streets, people shout insults at [them] and throw rocks" (*Miami Herald* 17 Jan. 2012). According to *Miami Herald*,

[f]or gays [in Honduras], the battle can be both public and private. Some relatives shun them when they reveal their sexual orientation, forcing them onto the streets. Many, struggling to survive, turn to prostitution to earn a living. (ibid.)

The US Department of State's *2013 Trafficking in Persons Report* indicates that, according to NGOs, there was an increase in victims of sex trafficking from the LGBT community (19 June 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Country Reports for 2012 states that, according to LGBT activists, "government agencies and private employers engaged in antigay hiring practices" (US 19 Apr. 2013, 19). The coordinator of LGTB Rainbow Association noted that [translation] "religious fundamentalism is one of the biggest problems in the country that threatens the lives of LGBT people" (Asociación LGTB Arcoiris 2 Nov. 2013). *Miami Herald* writes that violence against the LGBT community in Honduras is related to "conservative religious sentiment, machismo, rampant impunity, and social pressure on police to 'cleanse' undesirables" (17 Jan. 2012).

Social places where LGBT persons meet are [translation] "often raided [and] closed" by the national police (Asociación LGTB Arcoiris 2 Nov. 2013). *Miami Herald* also reports that, according to an LGBT activist, the police "'allege some regulation or other'" in order to try to close gay bars (*Miami Herald* 17 Jan. 2012).

According to CONADEH, most violent crimes against LGBT persons were registered in the following cities: Comayaguela, San Pedro Sula, Tegucigalpa, Choloma, La Ceiba and El Progreso (2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

An LGBT activist was quoted by *Miami Herald* as saying that "[t]he connotation of being gay, lesbian or trans here is that we are worthless. We have no rights. We should be killed" (*Miami Herald* 17 Jan. 2012). Amnesty International (AI) reports that LGBT activists and organizers have received death threats (AI 7 Feb. 2013; AI 2012). Frontline Defenders, an international foundation that works to protect human rights advocates (n.d.), reports that LGBT activists have been subject to targeted attacks and break-ins (Frontline Defenders, 4 Sept. 2013). Freedom House reports that another LGBT activist and journalist, who worked for the LGBT organization Kukulkán [also spelled Kukulcán], was found

dead in Tegucigalpa in May 2012 (Freedom House 8 May 2012). According to Freedom House, his death may have been related to his work as an LGBT activist (ibid.). BBC also reports the death of the activist noting that "the motive for his reported killing remains unclear" (BBC 8 May 2012). *Country Reports for 2012* indicates that the Special Victims Task Force charged one adult and two minors with murder, but did not establish a motive (US 19 Apr. 2013, 19).

Human Rights Watch reports that more than 70 LGBT persons were killed between September 2008 and March 2012 (Jan. 2013, 3). Similarly, Freedom House reports that "more than 70 LGBT activists have been murdered" since 2009 (2013). UNAIDS reports that, according to the Human Rights Observatory of Lesbian Cattrachas Network (Red Lésbica Cattrachas), there were more than 90 LGBT persons killed between 2009 and 2012 (UN 5 Apr. 2013). *Country Reports for 2012* indicates that, according to the government of Honduras, there were 41 violent deaths of LGBT persons in 2012 (US 19 Apr. 2013, 19).

Human Rights Watch states that "bias-motivated attacks on transgender people are a serious problem in Honduras" (Jan. 2013, 3). According to the research project Transrespect Versus Transphobia Worldwide (TvT), conducted by Transgender Europe (TGEU), an international organization that promotes the rights of transgender people in Europe (TGEU n.d.), six transgender persons were killed in Honduras in 2011 and eight transgender persons were killed in 2012 (TvT 2013, 1). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. State Response

2.1 Legislation

GlobalGayz reports that homosexuality is legal in Honduras (GlobalGayz n.d.b). The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) similarly states that male-to-male and female-to-female relationships are legal (ILGA n.d.).

According to Article 60 of the Constitution of the Republic of Honduras, "[a]ll forms of discrimination on account of sex, race, class, or any other reason prejudicial to human dignity shall be punishable" (Honduras 1982, Art. 60). Article 112 of the Constitution "prohibits" marriage or common law union between persons of the same sex and furthermore, rejects the validity of same-sex unions recognized under the laws of other countries (ibid., Art. 112). The adoption of children by homosexual couples is also "prohibited" by the Constitution (ibid., Art. 116).

According to *Country Reports for 2012*, Honduras does not have laws prohibiting discrimination based on sexual orientation (US 19 Apr. 2013, 19). In correspondence with the Research Directorate, the coordinator of the LGTB Rainbow Association also stated that there is [translation] "no special legislation" to protect LGBT persons (Asociación LGTB Arcoiris 2 Nov. 2013).

UNAIDS reports that the Congress adopted a reform of the Penal Code that "ensure[s] legal protection against discrimination based on sexual orientation and gender identity" (UN 5 Apr. 2013). According to media sources, the reform was approved in February 2013 (*La Tribuna* 22 Feb. 2013; Defensores en Línea 13 Aug. 2013). UNAIDS indicates that [t]he amended code establishes as an offence with aggravating circumstances the "discrimination with hatred or contempt on the basis of sex, gender, religion, national origin, belonging to indigenous and Afrodescendant groups, sexual orientation or gender identity". This offence may be punishable by up to 3-5 years imprisonment and a monetary fine. The penalty increases if it is a violent crime. (UN 5 Apr. 2013)

Information on the implementation and the effectiveness of the new Penal Code could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Police

Human Rights Watch reports that members of the police force were reportedly involved in some of the violent abuses against LGBT persons between 2008 and 2012 (Human Rights Watch Jan. 2013, 3). Human Rights Watch further states that "[i]mpunity for these cases has been the norm" (ibid.). The report of the 2012 UN Development Program (UNDP) entitled *Global Commission on HIV and the Law: Risks, Rights and Health* notes that police abuse of transgender persons in Honduras was reportedly documented and complaints were submitted to the National Commission of Human Rights and the Public Prosecutor's Office "without any results so far" (UN July 2012, 52).

According to *Country Reports for 2012*, police officers allegedly harassed and abused representatives of NGOs focusing on LGBT rights (US 19 Apr. 2013, 19). *Pink News* reports that in January 2013, police officers raided a gay bar in Tegucigalpa and demanded the bar be closed early; an LGBT activist was then "illegally arrested and assaulted" by the police when he witnessed the raid and took photographs to show that "detainees were subject to police beatings, homophobic verbal abuse and intimidation" (*Pink News* 19 Jan. 2013). According to the article, the activist was released after the police searched his car and "illegally confiscated several items" (ibid.). Corroborating information for this incident could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Freedom House indicates that in order to investigate crimes against LGBT individuals, a Sexual Diversity Unit was created in the police force (Freedom House 2013). *Miami Herald* also reports that a police unit to investigate crimes against LGBT people began working in November 2011 (*Miami Herald* 17 Jan. 2012). Without providing details, *Miami Herald* notes that the unit received funding from the US (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 Judiciary

Sources indicate that a special unit in the attorney general's office, formed to investigate crimes against LGBT persons, was established in 2011 (Freedom House 2013; Human Rights Watch Jan. 2013, 3) in Tegucigalpa (ibid.). A report of the UN High Commissioner for Human Rights indicates that in Honduras, special prosecutors have been appointed to investigate violence against LGBT persons and "bring cases to trial" (UN 17 Nov. 2011, para. 75). According to Human Rights Watch, a similar unit was established in San Pedro de Sula in January 2012 (Human Rights Watch Jan. 2013, 3). UNAIDS notes that each unit has a legal advisor, an analyst and three investigators (UN 5 Apr. 2013).

Human Rights Watch states that, according to the attorney general's office, as of November 2012, the special prosecution unit charged suspects in 25 cases (Human Rights Watch Jan. 2013, 3). However, Human Rights Watch also reports that no one had yet been convicted for these crimes (ibid.). A *Miami Herald* article reported that fewer than five arrests had been made in LGBT killings as of January 2012 (17 Jan. 2012). Citing a report by the Honduran Ombudsman, Freedom House reported in 2012 that no convictions have been made related to the killings of LGBT activists between 2010 and 2011 (2 May 2012).

A press release of the Organization of American States (OAS) indicates that, according to the Inter-American Commission on Human Rights (IACHR),

[t]he Commission continues to receive information on killings, torture, arbitrary arrests, and other forms of violence and exclusion against lesbians, gays, and trans, bisexual, and intersex persons. In addition, the Commission notes that very frequently, problems exist in the investigation of those crimes, which involve, in part, failures to open lines of investigation into whether the crime was committed by reason of the victim's gender identity or sexual orientation. The ineffectiveness of the state response fosters high rates of impunity, which in turn lead to the chronic repetition of such crimes, leaving the victims and their families defenseless. (OAS 28 Aug. 2012)

The 2012 report of the CONADEH also indicates that more than 92 percent of crimes committed against the LGBT community remain unsolved because of the [translation] "lack of investigation" (CONADEH 2012).

3. Support Services

Without providing details, the coordinator of the LGTB Rainbow Association stated that the government "does not have programs for protection of LGBT persons" (Asociación LGTB Arcoiris 2 Nov. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources name the following LGBT organizations in Honduras:

- LGTB Rainbow Association (Asociación LGTB Arcoiris) is a Tegucigalpa-based organization that promotes and defends rights of LGBT community (UN 5 Apr. 2013; Frontline Defenders 4 Sept. 2013; Hivos n.d.) and works on the prevention of sexually transmitted diseases (STD) and HIV/AIDS (ibid.);
- Pro-Union Organization (Organización Pro-Unión Ceibaña, OPROUCE) in La Ceiba, northern Honduras is an organization that raises awareness about human rights of the LGBT community and works on prevention of HIV (AI 7 Feb. 2013);
- Colectivo Violeta aims to protect the rights of LGBT persons (AI 2012; NAM Publications n.d.), focuses on sexual health, and is based in Tegucigalpa (ibid.);
- Lesbian Cattrachas Network (Red Lésbica Cattrachas) is a human rights organization (UN 5 Apr. 2013; Human Rights Watch 31 Jan. 2011; CAWN n.d.) that promotes human rights and prevents violence against the LGBT community through monitoring, research and advocacy (ibid.);
- APUVIMEH (Association for a Better Quality of Life for People Living with HIV/AIDS in Honduras) (GlobalGayz 4 Mar. 2010; UN 26-27 June 2011) is based in Tegucigalpa (NAM Publications n.d.b). APUVIMEH works with the LGBT community and runs a shelter for the LGBT community and people with HIV/AIDS, as well as a program on HIV/AIDS prevention and a gay youth project (UN 26-27 June 2011);
- Kukulkán (GlobalGayz 4 Mar. 2010; Hivos 23 Sept. 2013) is a Tegucigalpa-based LGBT organization that advocates for LGBT human rights (ibid.; Global Communities 2 June 2011). According to Global Communities, an international organization that provides funding to Kukulkán, the organization "mostly" focuses on men who have sex with men and on young people, as well as on the fight against HIV/AIDS (ibid.).

Further information on support services could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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 the following organizations were unsuccessful within the time constraints of this Response: Centro de Investigación y Promoción de los Derechos Humanos; Comunidad Gay Sampedrana para la Salud Integral; Comunidad Travesti Alfa y Omega; Grupo Renacer; Honduras – Policía Nacional, Procuraduría General de la República, Secretaría de Estado en el Despacho de Seguridad; Mujer sin Limite.

Internet sites, including: Centro de Investigación y Promoción de los Derechos Humanos; Clibrehonduras.com; Colectivo de Lesbianas Feministas; Cristianosgays.com; *Diario Tiempo*; ecoi.net; *El País*; Factiva; Honduras – Congreso Nacional, Ministerio Público, Policía Nacional, Procuraduría General de la República, Secretaría de Estado del Despacho Presidencial, Secretaría de Seguridad; Human Rights First; International Federation for Human Rights; International Gay and Lesbian Human Rights Commission; Interpol; Movimiento de Diversidad en Resistencia; Organización Panamericana de Salud; Sistema Regional de Indicadores Estandarizados de Convivencia y Seguridad Ciudadana; United Nations – Refworld; United States – Embassy of the United States in Tegucigalpa.

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