



Immigration and
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HND43013.E

Honduras: Update to HND25191.E of 6 January 1997 on the treatment of gays and lesbians and the availability of state protection (1997-September 2004)

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In a September 2000 comprehensive report on human rights conditions in Honduras, expert consultant Douglas Payne noted that the first reported cases of HIV and AIDS in the mid-1980s resulted in a severe backlash against gay men and lesbians that made them the "targets of virulent homophobia and discrimination, even though the great majority of AIDS cases reported in the country would eventually be attributed to heterosexual transmission" (Payne Sept. 2000, 20-21). Subsequently, public security authorities with the support of the Ministry of Public Health and the Catholic Church reportedly "cracked down on the narrow social space occupied by gays, raiding bars, making mass arrests, and generally driving a stigmatized sexual minority further underground" (*ibid.*, 21). Payne also noted that the above-mentioned situation remained unchanged up until the publication his report (*ibid.*, 21).

According to human rights sources published in 2002, 2003 and 2004, Lesbian, Gay Bisexual and Transgender (LGBT) persons continue to experience discrimination, harassment and violent acts sometimes resulting in death (AI 1 Sept. 2003; *ibid.* 2004; Reding Dec. 2003, 53). In June 2002, the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions mentioned that "some 200 gay and transsexual sex-workers were killed in Honduras" from 1991 to 2001 and that only a small portion of these killings were formally recorded by the authorities, while registered cases were rarely investigated (UN 14 June 2002, para. 68). The International Gay and Lesbian Human Rights Commission's (IGLHRC's) annual report for 2003 mentioned that eight homosexuals were murdered that year in Honduras, ranking it the second country with the highest number of homophobic killings among all countries in Latin America and the Caribbean (*OpusGay* 7 Feb. 2004).

Although the country's penal code does not outlaw homosexual sex or prostitution, the police reportedly "frequently charge, or threaten to charge, gay men (and occasionally lesbians) with offending 'moral and public decency' if they are seen expressing physical affection in public" (Reding Dec. 2003, 53-54). In March 2002, as part of President Ricardo Maduro's "zero tolerance for crime and delinquency" campaign launched in January 2002, the Mayor of San Pedro Sula apparently directed police to close down that city's only gay bar (IGLHRC 13 Mar. 2002; *Agua Buena* 4 Mar. 2002). During the police raid, twelve persons, including some personnel from a local gay association, were arrested and eventually released after being held for in detention for 24 hours (IGLHRC 13 Mar. 2002). In response to the incident, Municipal Judge Alvaro Aguilar Frenzel denied any wrongdoing and further stated that no arrests had been made at any bars in the city (*ibid.*).

In May 2002, the government of Honduras implemented the Police and Social Co-Existence Law that reportedly "allows the police to restrict the movement or presence of individuals in public areas considered to be dangerous, in order to prevent organized crime and to protect public safety" (AI 14 Feb. 2004; see also *Country Reports 2003* 25 Feb. 2004, Sec. 1c). According to Washington-based gay rights group National Latina/o Lesbian, Gay, Bisexual, and Transgender Organization (LLEGO), the law grants police with the powers to seek out and arrest "individuals perceived to be gay, lesbian, bisexual, or transgender" at places that LGBT persons are known to visit, such as bars and parks (31 May 2002). *Country Reports 2003* also mentioned that local gay rights groups believed that the May 2002 law limited their right to assemble freely (25 Feb. 2004, Sec. 1c).

In November 2002, authorities in San Pedro Sula attempted to force some 100 transgender sex workers to relocate to another area of the city (IGLHRC 19 Nov. 2002). Citing that the city wanted to develop the area where the sex workers operated for tourism, a municipal judge reportedly called the transvestites "evil" and stated that they "should not be allowed to perform immoral acts" (*ibid.*). Furthermore, the judge declared that the police would arrest any transvestite caught outside the relocated area (*ibid.*).

According to Amnesty International, the July 2003 murder of Erick David Yanez, a transgender member of a gay community group in San Pedro Sula, highlights the ongoing challenges faced by LGBT persons in Honduras (AI 1 Sept. 2003). Two police officers, reportedly "looking for the services of a prostitute," apparently shot Yanez after they found out he was a transvestite (*ibid.*). While Amnesty International reported that the Attorney General's Office arrested the two policemen and charged them with the death of Yanez within days of the incident, a witness for the case, Elkin Suarez Mejia, apparently received death threats from the police officers charged with Yanez's murder (*ibid.*; *ibid.* 2004). In a July 2004 update, Amnesty International reported that the two police officers were now fugitives of justice and that witness Suarez had fled to Europe where he was granted asylum in an undisclosed

country (12 July 2004).

At the end of August 2004, in what human rights groups have called a positive step, the national government granted legal recognition to three gay, lesbian and transgender associations in an effort to reportedly allow these groups to combat AIDS and help to alleviate discrimination against LGBT persons (IGLHRC 15 Sept. 2004; AP 6 Sept. 2004). While the Deputy Justice Minister stated that this act did "not authorize gay sex or marriage," Catholic and Protestant churches criticized this development as an acceptance of homosexual behaviour (ibid.).

No further information about the situation of gays and lesbians and state protection available could be found among the sources consulted by the Research Directorate.

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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Additional Sources Consulted

Internet sites, including: Dialog, Freedom House, *Honduras This Week* [Tegucigalpa], Human Rights Watch, International Lesbian and Gay Association (ILGA).

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